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Land-release Policies and Human-security Complexities

by Kjell Björk [University of York]

This article reviews the need for transparency and community participation in the land-release process. Participation is a fundamental part of post-war reconstruction, and the author argues that combining reconstruction with transparent participation will contribute to the quality, accountability and national ownership of the land-release process.

Mine action, and especially mine clearance, has become increasingly effective and efficient since its emergence as a humanitarian discipline in the late 1980s. The most significant improvements have been due not to substantial developments in technology but to the methodology applied to operations. Mine-action implementers have learned to assess the expected outcomes of clearance, victim-assistance and mine-risk-education activities while reaching goals effectively and efficiently. The technical improvements of metal detectors and mechanical-clearance and ground-preparation equipment, as well as increased knowledge of mine-detection-dog capacities and training, must be recognized. Still, the way we deploy assets effectively and prioritize tasks has been the most significant contribution in ensuring that mine-action operations have a relevant impact on affected communities.

Land release is a continuation of mine action on the same principles, but in the context of better identification of suspected hazardous areas. Land release must be central to these plans. There is a need for a land-release concept that allows national mine-action authorities to conduct a well-informed and efficient reduction of SHAs while improving cost efficiency in operations. This article proposes an approach to land release that emphasizes a high level of community participation and transparency to ensure access to viable information about SHAs. It also examines at the land-release process congruent with communities’ perception of acceptable risk and Ottawa Convention requirements.

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Land release is a continuation of mine action on the same principles, but in the context of better identification of areas needing clearance and of the implementation of the Ottawa Convention. General and Technical Survey have been available for decades but have now become essential elements of land release for rectifying faulty identification of suspected hazardous areas. National authorities must oversee land-release activities; however, a paucity of strong international guidelines increases the likelihood of unsound practices and miscommunication between stakeholders.

If mine-affected countries are to develop realistic plans for implementing the Ottawa Convention, land release must be central to these plans. There is a need for a land-release concept that allows national mine-action authorities to conduct a well-informed and efficient reduction of SHAs while improving cost efficiency in operations. This article proposes an approach to land release that emphasizes a high level of community participation and transparency to ensure access to viable information about SHAs. It also examines at the land-release process congruent with communities’ perception of acceptable risk and Ottawa Convention requirements.

Transparency and Participation in Land Release

Responsible land release is an issue of effective information-gathering and risk management. These concepts are dependent on transparency and participation by all relevant stakeholders.1,2 A transparent process fulfills two requirements for successful land release as defined in the Geneva International Centre for Humanitarian Demining publication A Guide to Land Release:

1. The possibility of a high degree of community participation;
2. The liability for decisions made in the land-release process3

The possibility for communities and authorities not involved in mine action to participate in the process is essential both in terms of ensuring relevant information is gathered and analyses on threats posed by SHAs are well-informed. Transparent processes—those in which subjective decision making is minimized, and actions and conclusions are documented and related to a legislative process—fulfill three main purposes:

1. A quality-control system to prevent mistakes rather than later having to rectify them;
2. Accountability and liability for actions undertaken in the land-release process

First of all, requiring a documented process in which all stakeholders contribute to a system that prevents nonconformities rather than correcting past mistakes ensures all steps to gathering and analyzing information are followed. In other words, the documentation of the process should be designed to ensure that all steps in information gathering and analysis are completed and of adequate quality to prevent land from being released on faulty assumptions. Preventing nonconformities from reaching and affecting the end user is an essential part of a quality-control system (such as ISO 9000)4 and can, in the case of land release, have mortal implications.5

Second, transparency fulfills two essential purposes in terms of liability. As an employee of Norwegian People’s Aid once said, “In this business, it is a question of if an accident will happen, it is a question of when.” Mine action has come a long way since the 1980s in terms of quality and safety. Still, accidents happen, and at some stage, some released land will contain landmines. If land has been mistakenly released because of negligence or a faulty process, it is important that the process is well-documented. This way, information can be corrected or, in the worst case, people will be held accountable for their actions. It is equally important for land-release staff to document their actions to prove their diligence in the event that mine contamination is discovered.

Third, in its conclusions, A Guide to Land Release defines seven broad principles for land release:

1. A formal, well-documented and recorded process of investigation into the mine/explosive remnants of war problem
2. Well-defined and objective criteria for the reclassification of land
3. A high degree of community involvement and acceptance of the decision-making process
4. A formal process regarding the handover of land prior to its release of land
5. An ongoing monitoring mechanism after the handover has taken place
6. A formal national policy addressing liability issues
7. A common set of terminology to be used when describing the process6

All of the above principles benefit from transparency both in terms of gaining confidence in the process among end users and providing accountability for its implementation. To promote national ownership, the land-release process must take terrain, land use, cultural communication and the national legislative system into consideration, as well as accuracy in the assessment of SHAs. To a large extent, creating an effective national land-release

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throughout the conflict can verify that landmines.

teams often found small clusters or individual mines

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While clearing areas that had been used for years as pas-

esequently, the land owner or local authority,

field can be created. By involving af-

versus the surveying author-

for road construction and future traffic. This level

in the process as a partner, both

the post-war reconstruction and develop-

An area originally considered suspect along Jordan's northern border. The need for clear-

The intended end users, which

while under construction, perform agricultural work

A Model Solution

A functional land-release process must not only

process depends on national authorities' capacity to
govern the process to meet human-security needs, as
dwell as developmental and economic requirements for

Community participation is an undeniably essential
part of basic governance. 5 If a mine-action authority

In a country such as Jordan, which has organized
minefields, it might be feasible to demine areas safe
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in countries such as BIH, warfare was

Areas without Obvious Risk vs. Areas

Norwegian People's Aid's Mine Action Team in

For example, in countries in which warfare was

mines in Cambodia and Yemen are not

Yemen refer to information from

end user and affected communities.

end users and affected communities. To allow meaningful participation

In a country such as Jordan, which has organized
minefields, it might be feasible to demine areas safe
cause of information indicating an absence of land-

While clearing areas that had been used for years as pas-
ture grounds or low-intensity farming, the demining

data are actually related to the area initially suspected. A

importance when determining verification require-
ments based on how land will be used. For example

the use of terminology to be used to differentiate areas
initially suspect to be mined from those selected
based on survey data for an actual clearance task.

cess. In

many cases, a local authority, or the land owner,

the end user of the land and the landowner needs a sys-
tem can be created. By involving af-
fected communities in the process, civilians develop confidence and

hazardous areas within the affected area. In many cases, a local authority,

in the case of a new infrastructure project, the

A Guide to Land Release

Community participation will naturally bring additional work and require more
time than a simple survey. In conflict

The Community Action Team, titled "Governance Indicators and Key

see Endnotes, page 62

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