Clearing the Falkland-Malvinas Islands

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suicide bombings to cause both mass casualties and widespread panic. Again, the point is that criminals and insurgents are turning a tool necessary for national defense on those who are unsuspecting and unarmed. Sadly, legacy lands—some of which have been in the ground for decades—do not discriminate between war-riors and innocents, making them an addition-al poison, yet deadly disruptor of prosperity.

The issue of ending war well. Finally, I be-lieve that recent on Just War Theory completed by Jean Drumard, Michael Walzer, and myself, pres-ents a similar question: “What does an ethical end to war look like? Certainly in the past decade, we have seen strides toward more just and dura-ble peace agreements than ever before, such as demobilization, disarmament and reconstruc-tion efforts, South Africa’s Truth and Reconcili-ation Commission, prosecutorial attempts at bringing war criminals like Slobodan Milosevic, reconciliation processes and the like. An im-portant component of DDR is those processes by which the national authorities control over the military hardware it dispensed during the conflict. Government authorities should first accept these items, professionalize the forces handling the weapons, safely and se-curely store them, and destroy the excess and obsolete items from their stocks, then they become tools for renewed conflict.

When it comes to landmines and associ-ated ERW, establishing long-term conditions of peace means stewardship of land resour-ces, including reclamation of transport links, water points and farmland from contamin-a tion. This process is “ending well”, moving beyond the conditions from which conflict commenced. Furthermore, it is more often the case that such issues are seen as regional and international priorities to peace, as interna-tional partnerships with foreign governments or nongovernmental organizations provide necessary assistance to ameliorate the legacies of conflict. This is no post bellum.

Pragmatic International Security

This article has demonstrated that some of the ways we think about the destructive la-cies of war, such as ERW and the proliferation of illicit SA/LW, have roots in venerable Just War theory; however, the Just War tradition should not be thought of as merely an academ-ic exercise. It marries real-world pragmatism with our hopes for security and justice.

Elsewhere I have argued that just post bellum—post-conflict law, or ending war well—begins with political order and some-times moves beyond mere order to justice. In a handful of instances, reconciliation can be the result.6 But the goal many of us hope for when the hot war ends; however, with-out a durable sociopolitical order—from ba-sic safety to confidence that the land can be tilled and water can be drawn safely to as-sure that the weapons of war have been safely stored—such security is but a fantasy. Conse-quently, the efforts of major governments and nongovernmental actors in this regard are critical. For example, the U.S. State Depart-ment funds efforts to secure and/or destroy excess and obsolete SA/LW, and has provid-ed over US$1.3 billion to humanitarian mine action in the past two decades. Government such as Japan, Canada and members of the European Union likewise contribute in order to promote the conditions for such security to take root.

The reason Just War theory has endured through the vicissitudes of Western history is because it bridges our moral ideals with the realities of a world characterized by self-interested—and often violent—power politics. What many do not realize is that Just War theory underlines many of our assumptions in the West, such as those governing proportionality and noncombatant immunity. Perhaps of equal importance is that it provides a rationale for what we can do to promote security around the world. 

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Clearing the Falkland-Malvinas Islands

Under pressure from nations around the world and in compliance with Article 5, the U.K. has committed to demining the Falkland-Malvinas Islands, despite the potential cost of demining in a relatively mine-free area.

by Robert Keeley | RK Consulting Ltd.

While the news of the United Kingdom’s decision, under global pressure, to begin demining the Falkland-Malvinas Islands does show a commitment to holding countries to the agreements set up by Article 5 of the Ottawa Convention,7 the ex-change and sharing of the landmines in its discussion raise the question: Is demanding that the Falkland-Malvinas Islands be cleared a triumph in international diplomacy or a break with common sense? There are five distinct points that need to be made about this decision.

Cost of Demining

The Falkland-Malvinas Islands clearance process will be very expensive. First of all, the existing mines are laid mainly on the beaches and in soft ground. The result is that the mines may move in the post and may be affected by the tides, complicating the process. Although a completed feasibility study shows that clearance may be possible, there are clear implications for cost. The recent U.K.-Argentina feasibility study, of which the main element was a field study conducted by Cranfield University, concludes that mine clearance in the Falkland-Malvinas Islands is possible but will present significant technical challenges and risks, which include risks related to possible environmental impact.8 While the feasibility study suggests that it is possible to grade the problem into degrees of complexity, the report does not identi-fy costs (nor are there significant benefits against which these costs should be compared). The problem caused by this absolute position is that we cannot now say that the British government can clear the easiest of these four categories and leave the hardest. To be Article 5-compliant, the British government has to clear them all, thus negating much of the benefit of this useful study.

No Casualties in Over 20 Years

These mines pose a minimal threat to the Falkland-Malvinas Islands. There have been no civilian casualties since 1982, and there is little demand for the contaminated land. The Islanders themselves have been very vocal in asking the British government to spend money else-where. Mike Summers, a member of the legislative council of the Falkland-Malvinas Islands government, echoes this sentiment, saying, “There are a lot of mines in the Falklands, but they are not that intrusive. Clearly, there is an issue about clearance, but unless they are cleared 110 percent, we are not going to take the fences down anyway. If that can be done, then fine. If the British government was to invest money in clearing mines, then we would be more than happy for them to invest in other countries. Our needs are not as pressing as other people’s.”9 He goes on to say, “That doesn’t mean that in the fullness of time we don’t want it done. But we would feel somewhat embarrassed if the British government spent money clearing mines in the Falklands if there was an opportunity to spend it in some other territory where there are children and adults at risk.”10
Environmental Harm

The clearance methods are likely to be in-va-geous and harmful to the environment. The feasibility study revealed a number of prob-lems, including burning, mowing and bulk excavation. Some of those methods may endanger what have become excellent bird sanctuaries for penguins, as the groundheaving pressure of these birds is too small to set off anti-personnel mines. The feasi-bility study identifies a number of remedia-tion techniques that will then be used to solve the environmental damage caused by the de-mining process, which will, of course, contrib-ute to the cost.

Total Contributions

There is also a risk that the British govern-ment will treat this clearance as a contribu-tion to its global mine-clearance effort. If this is allowed, then there may be a commerestrate reduction in the total assistance where it does make a difference. A parliamentery question to the British government asking for confirmation that the funding to demine the Falkland–Malvinas Islands will be treated as additional money would be a useful way of re-solving this problem.

Past Deminer Casualties

Finally, and perhaps most importantly, the main reason the British Army stopped clear-ance in the 1980s was the number of demin-er casualties that occurred during the process. The feasibility study again is useful in spelling out a number of risk-management strategies that could be employed. The work the interna-tional community has done in the development of the International Mine Action Standards should also be recognized as potentially being instrumental in helping reduce deminer casu-alities. However, a reduced risk in casualties is still higher than the zero risk in deminer cas-ualities. http://conventionalweaponsdestruction.iit.org/3579/3326/12a.html

A Possible Way Ahead

This perspective may seem very negative in terms of the current formulation of the Ottawa Convenion and in particular toward Article 5. However, I believe that the Ottawa Process has been so successful in the stagnation of this approach that it is robust enough to sustain some amendments. One can see a prime example of a piece of legislation that has survived several significant amendments in the U.S. Constitution. Lessons can also be taken from the carbon-trading concept employed in the Kyoto Protocol. Given that landmines are forms of environmental pollution, countries that have a non-impact landmine problem could be allowed to offset them with an equivalent donation under Article 6.5 to a country that is actually suffering impact from its contamination. An idea like this one was already suggested in the context of the Falkland–Malvinas Islands, and perhaps it is time to see it come to fruition.

Intent of Ottawa Convention

One possible objection to this approach to-ward the Falkland–Malvinas Islands is that it would be a fundamental blow to the integrity of the Ottawa Convention, which was drafted specifically to prevent loopholes and other spe-cial pleading weakening its effectiveness. This observation is valid; however, I would take a weaker view. The whole point of the campaign is to reduce the humanitarian suffering caused by AP mines in the sense that those weapons are indiscriminate and excessively destructive. Given circumstances of scarce resources, a condition shared by humanitarian mine-ac-tion programs, it seems that to enforce part of the Convention in circumstances where there is no humanitarian impact is missing the origi-nal purpose of the ban.

International Support to Mine Action in Colombia: Mitigating Impact and Protecting Rights

Reducing the decades-long violence in Colombia is the only way to eliminate all landmines from the country. Until that time, there is a need to mitigate their impact, minimize the number of new victims and assure better assistance to survivors.

by Charles Downs (Downs Consulting)

O nging internal armed conflict is the determining factor in the landmine problem in Colombia. It is not simply one more cause to consider in our calculations; it completely alters the panorama. Mines are a product of that conflict. As long as they are ac-tive instruments in the dispute between forces, with each mine having an interest, mines will be a continuing source of risk for the population. As a result, people are confined, displaced and denied access to the necessities of daily life. The impact of mines never goes away for the victims, for their families and for their communities.

Resolving the conflict is the only way to eliminate all mines from the national territory. This is the only way to sustain full Colombians to live without the trauma, loss of life, and social and economic blockages pro-duced by landmines.

All Colombians have the right to live without the risk of finding a mine in their path. They have the right to cultivate their fertile lands, many of which have been abandoned due to fear. Until the conflict is re-solved, however, the impact of mines must be reduced, better assistance must be provided to all survivors and the number of new victims must be minimized.

Colombia is one of the few countries in the Americas where anti-personnal landmines are in active use. Landmine victims have been recorded every year in Colombia but the number of victims sharply begins in 2001. Reasons for the increase may include the heightened use of landmines by guerrilla groups, improvement of reporting measure-ment mechanisms and the increased movement of the population. Today the problem affects people living in 31 of the 32 Colombian de-partments and 60 percent of municipalities, with particular presence in rural communities.

Colombia is among the countries with the greatest number of new victims. According to the 2007 Landmine Monitor Report, Colombia had 1,196 mine victims in 2006, which is greater than three victims per day. That same year, two-thirds of the victims were from the Army and police, who replace the guerrilla adversary in the world. The civilian victims alone (314, nearly one each day) were enough to place Colombia among the three countries with the most new mine victims. Though there was a decrease in victims the following year, Colombia continued to have more new victims than any other country. In 2007, there were 895 victims: 193 were killed and 702 who were injured.

The presence of landmines in the different regions of the country changes according to the evolution of the armed conflict, as demon-strated by the number of new victims over the period 1996–2006 when those recorded in 2007. During this period, the four de-partments with the greatest number of civilian victims were Antioquia, Meta, Bolivar and Casanare. Antioquia had more victims than the other three combined. In 2007, the four departments with the highest num-ber of casualties were Narino, Antioquia, Guaviare and Arauca. Narino had more than the other three combined, reflecting the intensification of armed conflict there.

What Can Be Done?

Considering the experiences of similarly contaminated countries, there are three lines of action that can be taken by victims’ groups, govern-ment and civil society with the support of international organiza-tions, even during a period of armed conflict. These measures include:

1. Reduce risk
2. Provide comprehensive support to victims
3. Develop the capacity to coordinate and manage a multifaceted response to the landmine problem

Reduce risk. People have a need and a right to know how to pro-tect themselves from danger, and the public sector has an obligation to inform them. There are many mine-risk education programs that have been developed around the world through mass media, schools,