

Action Sheet 6

Mines and Explosive Remnants of War



Key message

In many of today's conflicts landmines kill and mangle more civilians than any other weapon. They affect far more civilians than military personnel and continue to do so long after the conflict has ended. Landmines and explosive remnants of war pose a serious threat to civilians, including internally displaced persons, whether during flight, during displacement or when trying to return home or pursuing other solutions. It is imperative that mine action is fully integrated in the overall humanitarian response.

1. What are landmines and explosive remnants of war?

A **landmine** is an explosive device that is placed under, on or near the ground or other surface, and that is designed to explode by the presence, proximity or contact of a person or a vehicle.¹ Landmines can also be triggered by tripwires, command detonation and other methods, or can self-detonate with the passage of time. They are sometimes booby-trapped by anti-handling devices to make their removal more difficult.

Landmines are usually camouflaged and can be difficult to detect and avoid. They are often laid in patterns to create security barriers along roads and around strategic military areas or installations. In many cases, however, they are laid without clear design or record in areas that are mainly civilian.

Explosive remnants of war (ERW) are all explosive ordnance that have been used or fired but have failed to explode as intended (unexploded ordnance or UXO) or that have been abandoned (abandoned unexploded ordnance or AXO).² They can be hard to detect, have no consistent shape, are often unstable, and can detonate if touched or disturbed, or simply as a result of the passage of time. This includes, for example, cluster munitions (that disperse or release multiple sub-munitions in mid-air, scattering them over a wide area), which if unexploded create effective "minefields".

2. The protection implications of landmines and ERW

Landmines are relatively inexpensive and simple to use; but their effects on civilians, and in many cases humanitarian workers, are devastating. Landmines are inherently indiscriminate in the sense that they cannot be aimed: they do not distinguish between the footstep of a child and that of a soldier. In fact, most of the victims of landmines and ERW are civilians, many of them living in countries that have long been at peace.

Landmines and ERW not only kill: they also cause severe injury and long-term disability, often with grave consequences. A landmine blast can cause severe burns, blindness, loss of limbs, and shrapnel wounds. Those who survive the initial blast often require amputations, long hospitalization, extensive rehabilitation and socio-economic assistance to enable their reintegration into society. Survivors and their families often suffer from lack of medical care,

¹ More than 600 different types of landmines exist. They are grouped into two broad categories: anti-personnel (AP) mines and anti-vehicle (AV) mines also referred to as anti-tank mines.

² Unexploded Ordnance (UXO) include munitions (bombs, shells, mortars, grenades and the like) that have been used but which have failed to detonate as intended. Failure rate can be as low as 1% or as high as 40% depending on a range of factors, such as age of the weapon, storage condition, method of use and environmental conditions. UXOs affect more than 80 countries are often more common than landmines.

limited access to education and public services, unemployment, discrimination and stigma owing to disability or disfiguration as a result of mines or ERW.

The presence of land mines and ERW, or the mere threat of their presence, may also restrict freedom of movement and block access to fields, roads, water supplies, schools, health centres and other public services. Landmines can thus impede social and economic development and have a paralyzing effect on civilian life and humanitarian operations. Where the threat is *overestimated*, relief efforts may be slower and more tentative than need be: where it is *underestimated*, significant casualties and delays can occur. It is thus critical that mine action is mainstreamed within any humanitarian or peacekeeping effort to ensure efficient, effective and timely response.

3. Mine action

Mine action is an umbrella term that is used to refer to various activities aimed at addressing the risks and the consequences of mines and ERW. The primary goal is to create an environment in which people can live safely, in which economic and social development is unhindered, and in which the medical and socio-economic needs of victims and survivors are addressed.

The International Mine Action Standards (IMAS), which are managed by the United Nations Mine Action Service (UNMAS), guide the planning, implementation and management of mine action programmes. The Standards are available at www.mineactionstandards.org.

Mine action has five main components:

- **Landmine and ERW clearance** includes technical surveying, mapping, marking, clearance, post-clearance documentation, community mine-action liaison and the handover of cleared land.
- **Mine-risk education (MRE)** includes public information campaigns, education and training, as well as community mine-action liaison, aimed at informing individuals and communities of the dangers of landmines. It is essential in all mine-contaminated areas. MRE provides information about the risks associated with landmines and teaches individuals and communities to minimize the risk, for instance when tending fields, fetching food, water or firewood, or accessing education, health care and other public services.
- **Victim assistance** covers care and rehabilitation activities that aim to meet the immediate and long-term needs of landmine survivors, their families and affected communities.
- **Stockpile destruction** is aimed at assisting States in destroying their stockpiles of anti-personnel landmines, by providing support to safe and sustainable stockpile-destruction and mobilization of resources.
- **Advocacy** aimed at promoting the development of and compliance with international legal standards on landmines and ERW, ratification of instruments such as the Anti-Personnel Mine Ban Convention (APMBC), encouraging “good humanitarian donorship” in mine action, and respect for the human rights of mine-affected individuals and communities.

4. The responsibility of the State

The State has the responsibility to ensure the safety of the civilian population and respect for their lives and physical integrity. This includes ensuring full respect for international law and standards on landmines and ERW by its armed forces. The State must play a central role in taking every possible measure to protect civilians from the effects of such weapons, and providing necessary assistance, including medical care and rehabilitation services, to the victims/survivors and their families.

The State should also ensure full implementation of the International Mine Action Standards (IMAS). This includes facilitating access, supporting and contributing to the effective management of de-mining projects, whether carried out by local or international actors. Such activities are often overseen by a specific national mine action authority (NMAA).

5. The role of human rights and humanitarian actors

Mine action requires expertise and should be coordinated by specialized actors. Within the UN system, the United Nations Mine Action Service (UNMAS) carries the responsibility for coordinating all aspects of mine action and for providing mine action assistance in humanitarian emergencies.³ Human rights and humanitarian partners also have an important role to play.



In our work we can ...

Assessment and analysis

(see Part III.1)



- Ensure that protection assessments identify the risks relating to mines and ERW. This requires consultation with security experts, national or international mine-action organizations, local NGOs, displaced and host communities, and where possible armed forces or actors.
- Where there is a risk of mines, notify UNMAS and other specialized agencies to ensure a thorough risk-assessment and the implementation of a mine action programme.

Coordination

- Work with relevant de-mining actors, in particular UNMAS, to ensure that mine action, education and awareness is adequately addressed and coordinated.
- Where appropriate, specialized mine action agencies, such as UNMAS, mine action coordination centres, or national mine action agencies, can be invited to participate in the protection working group. Alternative mechanisms can also be established for cooperation and information sharing.

Shelter

(see Part V.12)



- Ensure that public areas, communal buildings, camps, settlements, and other areas where displaced persons have sought shelter or are provided with assistance or services are assessed and if necessary cleared of mines and ERW prior to being taken into use. The assessment and required mine-clearance should also include access roads, paths, surrounding fields, water points, playgrounds and other places used by civilians, including children.

Protection monitoring

(see Part IV.1)



- In mine-affected areas, work with specialized agencies in order to coordinate monitoring and related activities in connection to mines and ERW. This may, for instance, include supporting monitoring of population movement to allow for advanced mine-action planning or monitoring to ensure that warning signs, posters, and fences are placed in prominent places and left intact.

Health

(see Part V.15)



- Advocate to ensure that victims/survivors and their families have access to medical assistance, medication, psycho-social support, and rehabilitation and reintegration assistance, if needed.

Livelihoods

(see Part V.16)



- Ensure that victims/survivors and their families have access to livelihood opportunities and/or support on equal basis with others. This can include material or financial assistance, for instance in the form of food, NFIs, micro-financing, and so forth.



³ A special framework, the Framework for Mine Action Planning and Rapid Response, which forms part of the UN's Mine Action Strategy, facilitates rapid deployment of mine action capabilities in emergencies. The framework is available from http://mineaction.org/doc.asp?d_336.

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| <p>Advocacy (see Part IV.3)</p>  | <ul style="list-style-type: none"> • Advocate for ratification of and/or compliance with the Anti-Personnel Mine Ban Convention and other relevant instruments, such as Protocols II and V to the Conventional Weapons Convention, where these have not been ratified and/or implemented. • Advocate with relevant authorities to ensure that victims/survivors of mines and ERW and their families are given access to needed health care, rehabilitation, reintegration and socio-economic support. |
| <p>Education</p> | <ul style="list-style-type: none"> • Ensure that mine-risk education and awareness is included in school curricula and other education and training activities in mine-affected areas, in particular those aimed at children. |
| <p>Information (see Part IV.6)</p>  | <ul style="list-style-type: none"> • Provide support for public information campaigns, education and training activities that inform both displaced and host communities about the risks of mines and ways to address or avoid such risks. Mine education and awareness can also be included in other information campaigns and training activities. This can include information related to recognition of mines and ERW and safety precautions. Such activities can, for instance, take place through dissemination of simple leaflets, notice boards, wrapping, water bottles, etc. • Key messages should be illustrated in order to enable children, persons with low literacy skills, and those speaking other languages, to understand. |
| <p>Durable solutions (see Part VI)</p>  | <ul style="list-style-type: none"> • Get information on the conditions in return or relocation areas to ensure that IDPs can make an informed decision whether or not to return/relocate. • Before an organized return or relocation operation, ensure enough time for an assessment of possible mines and ERW in the areas of destination. • In situations of return or relocation of displaced populations to an area affected by mines, intervene with concerned authorities to ensure clearance before movement takes place. • If IDPs start to return spontaneously, make sure that mine-action agencies are notified to allow for a rapid response, including mine-risk education for returnees. |
| <p>Technical cooperation and assistance (see Part IV.4)</p>  | <ul style="list-style-type: none"> • Provide support to and facilitate the work of specialized de-mining actors, both national and international. This may include sharing of information, provision of technical support, office support, provision of vehicles and other equipment, and in some cases, financial support. |
| <p>Safety of staff</p> | <ul style="list-style-type: none"> • Ensure that all staff and partners, including local staff and partners, receive safety training on mines and ERW, when working in mine-affected areas. The Landmine and Explosive Remnants of War Safety Handbook and Training Programme (on a CD), which is available from UNMAS free of charge upon request, is useful in this respect (see www.mineaction.org). |

Do you have suggestions about activities or field practices? Share them with us at hqidphb@unhcr.org



6. Key Actors

Mine action should be undertaken and coordinated by specialized agencies, such as UNMAS, with the support of other human rights and humanitarian actors as needed. Key actors include:

- At the **national level**, ministries of defence, the interior, health, education and social welfare; the national mine action authority (NMAA), local NGOs, civil society and religious charities.
- At the **international level**, the key actors are UNMAS and UNICEF (for education and awareness). Other important actors include UNHCR, UNDP, ICRC, WFP, WHO, the Geneva International Centre for Humanitarian Demining (GICHD), NGOs such as Halo Trust, Handicap International, the Swiss Foundation for Mine Action, Mines Advisory Group, DanChurchAid, Norwegian People's Aid, Danish Demining Group, RONCO, Landmine Action UK, and commercial firms engaged in mine action.

7. Legal principles

In general, customary **international humanitarian law** prohibits any means and methods of warfare that are indiscriminate in nature, are directed against civilians or civilian property, and/or cause unnecessary suffering or superfluous injury.

These customary rules do not prohibit the use of landmines and ERW in all instances, but rather place restrictions on their use by parties to a conflict. Several treaties, however, specifically address landmines and ERW, either regulating or prohibiting their use:

Guiding Principle 10: 2. Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances. Internally displaced persons shall be protected, in particular against: (e) the use of anti personnel landmines (Annex 1).

- The **Convention on Conventional Weapons**⁴ and its Protocols reaffirm the customary rules mentioned above. **Amended Protocol II** on landmines, booby-traps and other devices also commits parties to a conflict to maintain records about the use of such devices, to remove them following the end of active hostilities, and to take all feasible precautions to protect civilians and humanitarian missions and organizations from their effects. **Protocol V** on Explosive Remnants of War similarly commits parties to an armed conflict to maintain records on the use of ERW during hostilities, to mark and clear all ERW in areas under their control, and provide assistance to facilitate removal of ERW in areas not under their control, after the end of hostilities. Parties also commit to taking all feasible precautions to protect civilians and humanitarian efforts from the effects of ERW.
- The **Mine Ban Treaty**⁵ aims to put an end to the suffering and casualties caused by antipersonnel landmines. The treaty, which has been ratified by over 150 States, bans the use, production, and trade of antipersonnel mines, and commits States to destroy their stockpiles, to clear mined areas, provide mine risk education, and ensure adequate assistance, including care, rehabilitation, and social and economic reintegration, to landmine survivors.

International (and regional) human rights law contains a number of provisions that are of relevance for those at risk of becoming victims of mines, as well as for survivors and their families. This includes, in particular, the rights to (and corresponding obligations of the State to

⁴ Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, 1980.

⁵ Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (also referred to as the "Ottawa Treaty"), 1997.

ensure respect for) life, personal and physical integrity, freedom of movement, an adequate standard of living, the highest attainable standard of health and health care, and to education.

The **Convention on the Rights of Persons with Disabilities** reaffirms these and other rights and gives useful guidance on ways to ensure that persons with disabilities, including victims/survivors of mines and ERW, can exercise their rights on full and equal basis with others.



References

- *A Guide to Mine Action and Explosive Remnants of War*, Geneva International Centre for Humanitarian De-mining (GICHD), 2007.
www.gichd.org/gichd-publications/guide-to-mine-action-and-explosive-remnants-of-war
- *A Guide to the International Mine Action Standards*, Geneva International Centre for Humanitarian De-mining (GICHD), April 2006 www.gichd.org/gichd-publications/guide-to-imas
- *Gender Guidelines for Mine Action Programmes*, UNMAS, 2005 (in five languages).
www.mineaction.org/doc.asp?d=370
- *Framework for Mine Action Planning and Rapid Response*, UNMAS, 2004.
www.mineaction.org/section.asp?s=strategy_and_guidance
- *Landmine and Explosive Remnants of War Safety Handbook and Training Programme: A Manual for People Working in Environments Contaminated by Landmines and other Explosive Remnants of War*, UNMAS, 2005. www.mineaction.org



Useful websites

- Electronic Mine Information Network: www.mineaction.org
- International and National Mine Action Standards: www.mineactionstandards.org
- Geneva International Centre for Humanitarian De-mining: www.gichd.org
- International Campaign to Ban Landmines (ICBL): www.icbl.org
- Landmine Monitor: www.icbl.org/lm
- Landmine Survivors Network: www.landminesurvivors.org
- International Committee of the Red Cross (ICRC): www.icrc.org