

Mine Action Working Group – ICBL
presentation to the

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**RECOMMENDATIONS FOR THE DEVELOPMENT OF A CONDUCTIVE ENVIRONMENT FOR
MINE ACTION**

The supporting arguments and rationales related to this subject are familiar to most through previous documents and discussions.

We can define a conducive environment as one that allows Mine Action to take place efficiently in terms of time, cost and impact. However, the MAWG also sees a conducive environment as one in which the essential humanitarian nature of Mine Action is recognised and respected.

Developing a conducive environment begins with support for the Ottawa Accords as the essential instrument for legitimising humanitarian mine action.

The MAWG recognises that the Ottawa Accords do not include a system of sanctions and controls in the case of non-compliance: But we also note cases of the denial of Mine Action assistance to countries in non-compliance. The MAWG encourages the development of an approach to the problem of non-compliance that does not encourage the denial or reduction of Mine Action assistance as a de facto sanction, recognising the essential humanitarian nature of the Ottawa Accords and the need to continue to provide assistance to communities in danger.

Practically and operationally speaking, a conducive environment can only be achieved through the full coordination of all technical and managerial aspects of Mine Action at the local level. Mine Clearance is particularly sensitive to this.

The two essential actors in developing this are the national Mine Action institution and the UN.

The MAWG recommends that both of these entities work together – beginning as early as the UN Assessment Mission – to assure that each national institution and service in the affected country understands its role in facilitating Mine Action and has the mandate and the means to fill that role.

The starting point for this are the International Mine Action Standards (IMAS), where each suggestion, recommendation or requirement may imply a role for a local institution or service over which the national Mine Action institution may have little direct authority.

Examples:

Need	National Authority or service
Long term and/or multi-entry visas for technical personnel	Immigration authority, Customs services
Human resources management	Ministry of Social Welfare, Social tax authority, income tax authority
Goods import and transfer	Customs authority, tax authority, licensing authority
Transport	Ministry of Plan, Ministry of Transport, Police, Licence, registration and tax authorities
Radio frequencies	Ministry of Plan, Communications authorities
Specialized equipment	Customs Services, Ministry of Defence
Drugs and Medications;	Ministry of Health, Public Health Service, Customs Service, Police
Explosives	Ministry of Defence, Police, Customs

All of the above needs are frequent components of mine action projects and programmes, and most of them appear or are implied in the IMAS.

The MAWG therefore recommends that the Mine Action community review the IMAS with regard to each area where IMAS recommendations and requirements may imply the need for local rules and regulations to be adopted or adapted to the facilitate Mine Action. These areas would then be reviewed on a case-by-case basis at the beginning of a Mine Action programme – by the national MA institution and the UN coordination – to assure a national legal and control the greatest degree.

The MAWG recognises the sovereignty of each nation in regard to its internal regulation. This recommendation is aimed only at early identification and coordination of all potential local actors in order to develop a clear and coordinated regulatory environment for Mine Action within the local legal framework.

The MAWG also regards as the question of consistent and longer term funding as vital to the development of a more conducive environment.

One aspect of this is the ability of the operators to provide a realistic picture of the local mine problem and its solution to the donors. The MAWG therefore recommends that the current pace and number of General Surveys be continued or increased.

The General (Level One) Surveys already in progress have shown their value as a realistic planning guide. Donor and operators can only improve the impact of their actions if this reference base is expanded. It will also allow longer term planning of inputs and financing to the benefit of beneficiaries, operators, and donors alike.

To reiterate the recommendations of the MAWG in regard to developing a more conducive environment of Mine Action:

1. Support for the development of a more measured approach to the problem of non-compliance with the Ottawa Accords. Reduction or denial of Mine Action support should not become a de facto sanction for non-compliance.
2. Analysis of IMAS in regard to their implications for national regulations and the development of a guideline for adaptation of national regulatory frameworks and institutional mandates to facilitate Mine Action
3. Increase pace and support for General Survey as a principle means to develop a realistic basis for the planning of Mine Action
4. Longer term funding instruments and agreements for mine action in function of overall operational objectives linked to a realistic assessment of the problem.

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