
Clearing the way forward: mine action and post-conflict land issues

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Recently the Geneva Centre for International Humanitarian Demining (GICHD) [explored new ground](#) in linking land rights to 'mine action'. Mine action is essentially all the activities related to demining efforts—certainly taking mines out of the ground but also the related activities of survey, record keeping, education, advocacy, turning cleared land over to government, dealing with local communities, etc. The Centre commissioned seven studies on the relationship between landmines and land rights (Afghanistan, Yemen, Angola, Sri Lanka, Cambodia, South Sudan, and Bosnia) and then held a [workshop in Cambodia](#) on the topic designed to chart a way forward for policymakers.

Coming at the topic from a land tenure perspective I found it all quite intriguing. The studies revealed a lot more connections than I had realized. The spatial aspect of both land tenure and landmines certainly bring the two together in a variety of ways, but so does sequencing of areas to be cleared, strategies of mine laying and clearing, different approaches to dealing with local communities, government demining and legal capacity, and the different ways of operating for domestic and international private, humanitarian and government organizations that engage in a variety of types of demining.

Two of the more problematic linkages are land grabbing that occurs on the heels of demining, and lack of awareness on the part of demining organizations. The first occurs in a variety of ways and to such a degree that some communities do not want their land to be demined because they fear it will be seized, while others purposefully plant mines to deter seizure, demarcate, or otherwise provide for fairly strange forms of tenure security in wartime settings. The second is related to the first in that most demining organizations are very unaware of the land problems they can leave in their wake. With very little capacity to deal with land issues, or even enough awareness to avoid land conflicts that they contribute to or cause, most demining organizations seek safety in their stated and much valued notions of 'neutrality'.

However 'neutral' they absolutely are not. Their *de facto* involvement in the domain of land rights is so robust that the stated position of neutrality emerges as a fairly incongruous. While a good part of this is simple unawareness, there are additional aspects. Coupled with neutrality are positions of, 'its up to the government to deal with land issues,' or for the local community, as well as 'its their land they know best how to solve their land problems'. Moreover, mine action organizations operate at the pleasure of the host government, and to get involved in land issues, is, as we well know, political, and in conflict affected contexts it is highly political. To stay operating in the country then means steering very clear of such political involvement.

One very valuable aspect of mine action for land rights is known as 'land release'. This involves first a determination that an area slated to be demined is in reality highly likely not to be contaminated with mines, and has been mistakenly included in the national 'landmine impact survey'. Interestingly enough these are often quite large and numerous areas, and to clear them with all the machinery and certainty needed is quite costly and time

consuming. Thus such land can be 'released' after a set of procedures that involve intensive interaction with local communities claiming, living next to, or occupying the land in question regarding history, land use, etc.

The procedure also involves providing demarcation, surveys, maps and other documentation which are given to the local communities and local government. Such procedures of course are ripe for use by such communities as informal or semi-formal means of evidence of claims to the land concerned, and there is significant potential for upgrading (UN Habitat) or otherwise pre-empting land seizures by using such material. Unfortunately a number of the demining organizations have an express policy against their documentation or activities being used in the land rights domain.

In any case GICHD is moving to change such problematic aspects of the interaction between land rights and landmines and should be lauded for their efforts. My only reservation about the 'studies and workshop' experience was that for such a large, important, and complex topic, it seems fairly ambitious to wrap it all up for policymakers with seven studies and a workshop, when it seems like we just scratched the surface and should be instead conducting multi-year research on the topic—but perhaps that's just another instance of [academia versus the policy world](#).

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