

Mid-term Review of the UNDP Integrated Mine Action Programme (IMAP) Final Report

Geneva International Centre for Humanitarian Demining (GICHD) for the
Swedish International Development Agency (Sida), in cooperation with the
Canadian International Development Agency (CIDA)

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Preface

The Evaluation Team wishes to thank the many people who shared their time and views with us, helping to make the mission to Bosnia a success and leading directly to many of the findings contained in this report. Appendix 1 contains a list of the people we met during the mission, as space does not allow a full acknowledgement of each one's contributions. We do need, however, to note the roles played by Lisa Mossberg of Sida, Stockholm who commissioned the evaluation, and by Nedim Bukavić of Sida in Sarajevo, who prepared the ground for the mission itself. The Evaluation also benefited from the cooperation of Dušan Gavran, Director of BHMACH, and by Darvin Lisica and Ahdin Orahović, the BHMACH Deputy Directors, which provided the Team with good access to the information and people in BHMACH and more widely within the mine action community. Roman Tursić from the International Trust Fund office in Sarajevo and his colleagues in ITF headquarters were kind enough to compile ITF demining records, allowing the Team to undertake analyses that would otherwise have been impossible.

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Finally, we must stress that the findings, conclusions, and recommendations contained in this report represent the views of the Evaluation Team. Sida, CIDA, and the Government of Bosnia and Herzegovina are not responsible for the content of this report or bound by its recommendations.

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Acronyms Used

BHMAC	Bosnia and Herzegovina Mine Action Centre
BiH	Bosnia and Herzegovina
CIDA	Canadian International Development Agency
CIMAP	Community Integrated Mine Action Plan
EDD	Explosive Detection Dog
EOD	Explosive Ordnance Disposal
ERW	Explosive Remnants of War
EUFOR	European Force
GFAP	General Framework Agreement for Peace
IC	International Community
IFOR	Implementation Force
IMAP	Integrated Mine Action Programme
IMF	International Monetary Fund
IMAS	International Mine Action Standards
IMSMA	Information Management System for Mine Action
MoCAC	Ministry of Civil Affairs and Communication
MRE	Mine Risk Education
MTDS	Mid-Term Development Strategy
NATO	North Atlantic Treaty Organisation
NMAS	National Mine Action Standards
NPA	Norwegian Peoples Aid
OHR	Office of the High Representative
PIC	Peace Implementation Council
PRSP	Poverty Reduction Strategy Paper
RS	Republika Srpska
SAA	Stabilisation and Association Agreement
SFOR	Stabilisation Force
SHA	Suspected Hazard Area
Sida	Swedish International Development Agency
SWEDEC	Swedish EOD and Demining Centre
TAP	Task Assessment and Planning
TIA	Task Impact Assessment
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNMAC	United Nations Mine Action Centre
UXO	Unexploded Ordnance

Executive Summary

The break-up of Yugoslavia led to the 1992-1995 Bosnian war, which resulted in more than 200,000 deaths, massive displacement, and widespread landmine contamination. There was no clear victor in the conflict, and the General Framework Agreement for Peace (GFAP) established a loose confederal structure, with a weak central government (the State), two Entities (the Federation of Bosnia-Herzegovina and the Republika Srpska or RS) and, within the Federation, ten cantons (each with its own constitution). Because of the danger of renewed conflict, NATO fielded an Implementation Force (IFOR)¹ to enforce the military provisions of the GFAP, while the broader international community established the Peace Implementation Council (PIC) and appointed a High Representative who had the authority impose legal decrees, annul legislation that was inconsistent with GFAP or other international obligations, and exclude individuals from public office.

Renewed conflict has been avoided, but the GFAP arrangements have not yet led to a properly functioning state. Part of the difficulty has been the inadequacy of measures for coordinating the many international agencies but, more fundamentally, the country's constitutional arrangements are dysfunctional. The State jurisdiction is minimal and Entity governments retain the bulk of governmental authority. Modest progress has been achieved in creating a single economic space and in bolstering the fiscal resources flowing to the State. As well, implementation of an agreement to unify the three 'entity' armed forces² began in January 2006. However, a potential deal on more fundamental constitutional reform failed to pass an April vote in the legislature. Another constitutional initiative will have to await the elections later in 2006.

In addition to its political problems, post-conflict reconstruction and development have been hampered by extensive contamination by landmines and other explosive remnants of war (ERW). Bosnia is probably the most mine contaminated country in Europe, and certainly one of the most contaminated in the world.³ The mine action⁴ effort has received extensive international support since early 1996. However, rivalries among donors hindered coordination in the initial years, and donor confidence was rocked by corruption allegations in 1999-2000. Since then however, Bosnian authorities have enacted legislation (2002), established a unified planning and coordination structure for the programme, completed a Landmine Impact Survey (LIS), and formulated a coherent strategy.⁵ This consolidation of the programme's institutional make-up has allowed national officials responsible for mine action to rebuild donor confidence and improve

¹ After one year, IFOR was replaced by the Stabilisation Force (SFOR), which was superseded by the European Union's EUFOR in December 2004.

² There was one army in the Serb-dominated Republika Srpska, and two (one Bosniak; the other Croat) in the Federation.

³ Initial estimates of 4,000+ km² of suspected minefields have been reduced about in half, but this still represents a remarkable 4% of the country's landmass.

⁴ Mine action deals with both landmines and other ERW and entails (i) demining, (ii) mine risk education (MRE), (iii) stockpile destruction (now completed in Bosnia), (iv) advocacy against the use of manufacture of landmines, and (v) victim assistance.

⁵ The initial strategy was adopted in 2003, and has since been replaced with one covering 2005-08.

programme performance. Indeed, national mine action officials have introduced a number of innovations, at least one of which warrants replication in other mine-affected countries.⁶

The United Nations Development Program (UNDP) has actively supported Bosnia's mine action efforts since 1996. Originally, it managed the mine action centre (MAC) responsible for compiling and maintaining the database of minefield records and for coordinating the national programme. These responsibilities were transferred to national authorities – both State and Entity – in 1998, at which point UNDP initiated its multi-donor financed Integrated Mine Action Programme (IMAP), now in its third phase as a nationally executed project.

In spite of some rocky periods, IMAP has been successful in supporting the emergence of national capacities for planning and coordinating the mine action programme. The numbers of technical advisors have fallen from over 40 in 1998 to one part time 'strategic advisor' today. Financial contributions from Bosnia's governments⁷ have increased steadily, and an agreement is in place for the State government to cover all operating costs of the MAC by 2008. While not the principal conduit for financing demining operations, IMAP has provided a useful channel for some donors to contribute to demining. In addition, IMAP has provided modest but useful support to the demining capacities of the armed forces.

In the opinion of the Evaluation Team, IMAP has been an effective instrument for supporting the development of national capacities, in part because of the staffing continuity in the UNDP mine action unit and the experience of the remaining technical advisor. The steep decline in the number of technical advisors means it is also an efficient instrument. Given the country's extensive contamination, continued donor support to mine action remains relevant to Bosnia's needs, and national mine action officials appear to have done a good job in modifying the programme to keep it aligned with the country's broader priorities as these shift from post-conflict reconstruction and resettlement toward sustainable development.

Based on its findings, the Evaluation Team concludes that Bosnian officials responsible for mine action are capable of planning and managing the country's mine action programme. Bosnia's fiscal predicaments – due in large part to its constitutional malaise – mean that continued donor financing to support national structures is warranted. However, this should be modest and should decline as per the existing agreement between UNDP and the State Government and contingent on the establishment of a senior position – responsible for strategic management and staffed by a capable public servant – within the Ministry of Civil Affairs and Communication (MoCAC) as soon as possible following the elections later this year.

⁶ Task Assessment & Planning – TAP – leading to Community Integrated Mine Action Plans – CIMAP.

⁷ Financial contributions to the BHMIC come from the State, while Entity governments have covered the salaries of civil protection and army personnel engaged in mine action (the latter becoming a State responsibility with the unification of the armed forces in January 2006). In addition, state-owner corporations (chiefly the electrical utilities) and municipalities have financed some demining and marking.

Introduction

Mine Action began shortly after the Bosnian war ended in late 1995 when the General Framework Agreement for Peace (GFAP) negotiated in Dayton came into force. The United Nations Development Program (UNDP) soon established a Mine Action Centre (MAC) to compile and maintain minefield records and to begin the process of supporting the development of Bosnian capacities for managing the country's extensive landmine contamination. Responsibility for the MAC was transferred to Bosnian authorities in 1998, with authority split among the State and the two Entity governments. The UNDP subsequently established its Mine Action Programme (MAP, now in its third phase as the Integrated MAP or IMAP) to provide continued support to the development of national capacities for planning and coordinating mine action.

Initially, mine action coordination was hampered by competition – sometimes heated – among mine action donors, and by the country's dysfunctional constitutional arrangements. Subsequently, allegations of corruption within the programme led to the early termination of the World Bank's Emergency Landmine Clearance project and, more generally, to a loss of donor confidence. The International Trust Fund (ITF) of Slovenia was then established to serve as the major conduit for donor support for demining,⁸ while the UNDP continued with IMAP to support local capacities for planning and coordinating the overall programme. The enactment of the Demining Law in 2002 created a unified MAC and, shortly thereafter, Bosnia adopted its first national Mine Action Strategy.

Performance has improved markedly since the enactment of the Demining Law and the formulation of the Strategy, leading to UNDP and State Government agreement on national execution of IMAP Phase 3 (covering 2004-2008) – one of the few instances where UNDP has employed this modality in post-war Bosnia. IMAP has served as a vehicle for a number of donors – including the development agencies of both Sweden and Canada (Sida and CIDA, respectively) – to channel support to the country's key mine action organs.

In 2004, Sida entered into its current agreement with UNDP to support IMAP through September 2006. In advance of a decision on whether to extend its support to IMAP, Sida commissioned the Geneva International Centre for Humanitarian Demining (GICHD) to conduct an evaluation of IMAP. Subsequently – and in line with good donor practice – CIDA (another important donor to IMAP) suggested that it participate in a joint evaluation. The Terms of Reference (attached as Appendix 2) had already been agreed among Sida, the UNDP and BHMIC, and Sida and GICHD had already concluded a contract. Consequently, it was agreed that CIDA's contribution would be in the form of one of its Officers joining the Evaluation Team; an arrangement which worked very well.

⁸ In UN policy, the term 'demining' embraces survey, marking, and clearance of minefields and other explosive remnants of war (ERW). In Bosnia however, the term normally refers only to technical survey and clearance, which results in the removal of explosive contamination from a suspected hazardous area (SHA). In this report, 'demining' refers only to technical survey and clearance operations.

The methodology used to undertake this evaluation entailed (i) a review of background documents, (ii) the formulation of an evaluation matrix (see Appendix 3) to clarify the evaluation issues and the criteria to be used in the assessment of those issues, together with the identification of information requirements, (iii) an eight-day mission to Bosnia to conduct interviews and visit both mine-affected communities and active demining sites, and (iv) an analysis of data obtained from BHMAL, the ITF, and other sources.

The remainder of this report is as follows:

Chapter I provides a brief synopsis of the context within which IMAP has evolved and now operates, including background on the conflict and the country's political development, the nature and extent of landmine and other ERW contamination, and the socio-economic impact of the landmines and other ERW.

Chapter II provides a brief history of the national mine action programme, and outlines its current status.

Chapter III focuses on the IMAP programme itself.

Chapter IV provides conclusions and recommendations.

Appendices provide the list of persons met during the mission to Bosnia, the Terms of Reference, the Evaluation Matrix prepared in advance of the mission, and details on a variety of issues that are summarised in the main body of the report. A list of the principal references used in the evaluation concludes the document.

I Background

Conflict and Politics

The Bosnian war was the major conflict arising from the break-up of Yugoslavia. The course of the war was complex, with rapid shifts in the intensity of fighting, alliances, and conflict locations, plus widespread activity by local militias to effect ethnic cleansing. The Dayton peace plan (officially, the General Framework Agreement for Peace – GFAP) ended the war in December 2005. However, none of the warring parties had achieved their political aims, so the motives underlying the conflict remained potent and many of those responsible for the war retained power.

Annex 4 to the GFAP contained the new Constitution of the Republic of Bosnia and Herzegovina (BiH) that confirmed the country as a single confederation with a very weak central government (the “State”⁹) headed by a three-person presidency (Bosniak, Croat, and Serb) and a Council of Ministers responsible for “common institutions”. Two “Entity” governments were recognised: the Federation of Bosnia-Herzegovina (hereinafter, the Federation) with a Bosniak majority and a significant Croat minority, and the Republika Srpska (RS) with a Serb majority. Each entity has its own constitution, but these are asymmetric. That of the RS provides for a strong government at the entity level, with municipalities responsible for the provision of local services. By contrast, the Federation constitution provides significant authority to cantons and municipalities.¹⁰

The set of constitutions is notable in three ways. First, the authority of the central BiH government is remarkably circumscribed. A minimal range of powers is assigned to the centre, with greater authority specified for the entity governments, which also hold any residual powers not mentioned explicitly in the Constitution. Second, the central government had almost no distinct fiscal authority that would allow it to discharge even its minimal powers without contributions from the entities, which entails protracted negotiations. Third, the Federation’s constitution is also extremely decentralised, with significant authorities reserved for or shared with the 10 cantons.

The constitutional arrangements constrain virtually all activities in BiH, including mine action. The weak governance mechanisms put in place by the GFAP might have been barely adequate in a situation in which the political leaders of the ethnic groups had broadly similar objectives and mutual goodwill. In fact, their objectives are in many areas diametrically opposed¹¹ and cooperation between the two entities – and between the

⁹ In BiH the term “nation” is frequently used to refer to the three national ethnic groups (Bosniak; Serb; Croat) so “State” is used to refer to BiH as a whole and the national level of government.

¹⁰ This was to provide the Croats an assured degree of self-government authority in areas in which they were the majority.

¹¹ The minimalist authority of the central government *vis-à-vis* the entities allowed the coexistence of two vastly different interpretations of the intent of the Dayton Agreement. One view saw it as a precursor to the division of Bosnia into three ethnic territories, two of which would eventually join their “mother” countries

Bosniaks and Croats within the Federation – has been poor, hindering the adoption of coherent policies and programmes for reconstruction, reintegration, economic development and, most fundamentally, constitutional reform.

Given the ambiguous nature of the Dayton Agreement and the fact that many politicians in power had leading roles in the conflict, there was widespread concern the war would resume unless the international community remained actively engaged in the country. The GFAP provided for a multilateral military force – the Implementation Force (IFOR) – primarily with a military mandate (secondary responsibilities included monitoring landmine clearance by entity armies).

The GFAP also established the position of the High Representative,¹² representing the international community (IC), to “*coordinate the activities of the organisations and agencies involved in the civilian aspects of the peace settlement.*” However, the High Representative did not have authority over the IFOR or the IC’s civilian organisations; rather, “*The High Representative shall respect their autonomy within their spheres of operation while as necessary giving general guidance to them about the impact of their activities on the implementation of the peace settlement.*”¹³ Thus, resulting structure for the peace operations was extremely decentralised.

Table 1 – Major organisations and their responsibilities in Bosnia and Herzegovina

PARENT ORGANISATION	ORGANISATION IN BIH	RESPONSIBILITIES
NATO	IFOR (later, SFOR)	Ground, air, & naval operations
		Civil Military Cooperation (CIMIC)
Peace Implementation Council (PIC)/PIC Steering Board	Office of the High Representative (OHR)	Joint Civilian Commission (JCC)
		JCC Working Groups
		Interagency Task Forces
OSCE	OSCE Mission	Elections
		Human Rights
		Arms Control
United Nations	UNMIBH	International Police Task Force (IPTF)
		Civil Affairs
	UNHCR	Mine Action Centre (MAC)
		Refugee Returns
World Bank & IMF	Missions and Embassies	Priority Reconstruction and Recovery Programme
EC & Bilateral Donors		
EBRD & EIB		

Frustrated with slow implementation of the peace provisions, the PIC meetings in Bonn (1997) and Madrid (1998) granted additional authority to the High Representative to accelerate progress; in effect turning BiH into a quasi-protectorate of the international community. Because Bosnian reconciliation and, hence, the basis for lasting security

(Serbia and Croatia). The second viewed Dayton as the best agreement possible under the circumstances and an intermediate step to a reintegrated, multi-ethnic state with its pre-war borders preserved.

¹² In the past year, the High Representative has also served as the Special Representative of the EU.

¹³ Following the GFAP, a Peace Implementation Conference was held in London (December 1995), which resulted in the establishment of the Peace Implementation Council (PIC) comprising 55 countries and agencies. A smaller Steering Board, chaired by the High Representative, serves as the PIC executive arm.

have not yet been achieved, the PIC extended the international military force, first the NATO authorised Stabilisation Force (SFOR) from December 1996, superseded in December 2004 by the European Union Force in BiH (EUFOR).

Progress has been made on a number of fronts but much more is needed.

Table 2 – Progress on Key Reforms & Economic Development

Progress & Reforms	Comments
Real GDP quadrupled from 1996 to 2004	Growth has been fuelled by \$5.1 billion in foreign aid, which averaged 13% of GDP over the period
Exports have increased tenfold from 1996	Exports remain less than half the value of imports
Government expenditures as a percentage of GDP fell sharply from 70% of GDP in 1999 to 50% of GDP in 2004	Public investment has declined rather than recurrent expenditures, which remain too high, particularly for defence & public safety (combined expenditures of 8.5% of GDP in 2002) and veterans benefits (3.5% to 4% of GDP)
	The quality of many essential public services remains poor due to the fragmented public administration.
State-level Indirect Tax Authority established to administer Customs & new VAT	Vertical & horizontal fiscal imbalances (i.e. mismatches between expenditure responsibilities and revenue authorities) remain unresolved.
Entity armed forces down-sized & commitment to accede to Nato PFP with a unified Bosnian armed forces.	Unification process just begun & most troops still within the old units of the Entity armed forces. Reform of police services proceeding even more slowly.
PRSP (in BiH, the Mid-Term Development Strategy = MTDS) completed in 2004	The reform agenda outlined in the MTDS exceeds the implementation capacity in light of the extremely fragmented government structure and the large horizontal & vertical fiscal imbalances. ¹⁴

Rapid and sustained progress on the reform process has been hampered by a lack of consensus on fundamental policy issues among politicians representing the three communities. As such, constitutional reform to transfer authority from the Entities to the State is required to move forward. In April 2006 however, the first major effort at constitutional reform failed to pass in the House of Representatives, and further efforts will need to await the formation of a new government after elections in October 2006.

Nature and Extent of Landmines & ERW

The war resulted in 200,000 fatalities, 1.2 million refugees, and massive internal displacement. By mid-1995, the population had fallen by 40 per cent to an estimated 2.7 million, more than half of whom were no longer resident in their former homes. The country sustained severe damage to infrastructure, housing stocks (56 per cent of the housing in the Federation was destroyed or damaged, as was 29 per cent of that in the RS), and farming assets (70 per cent of farm equipment and 60 per cent of livestock were lost). The World Bank estimated that simply the replacement of destroyed assets could amount to \$20 to \$25 billion.

¹⁴ See IMF & World Bank, *Joint IDA-IMF Staff Assessment*, May 2004.

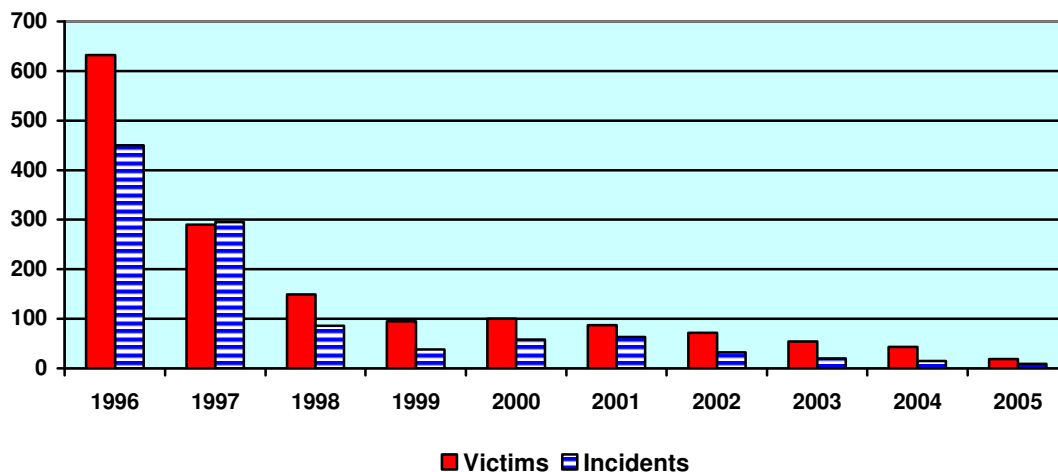
The task of reconstruction was also complicated by extensive mine contamination, particularly in bands of contamination along former confrontation lines and around housing, public buildings, and key infrastructure. Under the GFAP, entity armies were required to “lift” their mines, to mark other minefields, and to provide minefield maps and records. Mine lifting did not meet international clearance standards and resulted in a reduced, but still unacceptable residual hazard. Also, minefield maps and records often were unreliable, while other fields had never been mapped. As a result, BiH was left with extensive but often low density minefields in urban, suburban and rural areas, as well as considerable quantities of unexploded ordnance (UXO).

Initial estimates suggested there were 16,000+ minefields and 4,000 km² of suspected hazardous areas (SHA). By 2002, the systematic survey¹⁵ exercise initiated in the Federation and District Brcko suggested that this estimate should be reduced almost in half, leaving about 2,145 km²., about 4.14% of Bosnia’s landmass.

Impact of Landmines & ERW

There were large numbers of landmine victims during and immediately after the war but the victim numbers fell rapidly with the delivery of Mine Risk Education (MRE) and as people became familiar with the dangerous areas. The Landmine Impact Survey (LIS) conducted in 2002-03 estimated a total of 2,300 victims in Bosnia, and found that most of the recent victims were adult males engaged in farming, herding, or hunting.

Figure 1 – Landmine victims & incidents over time

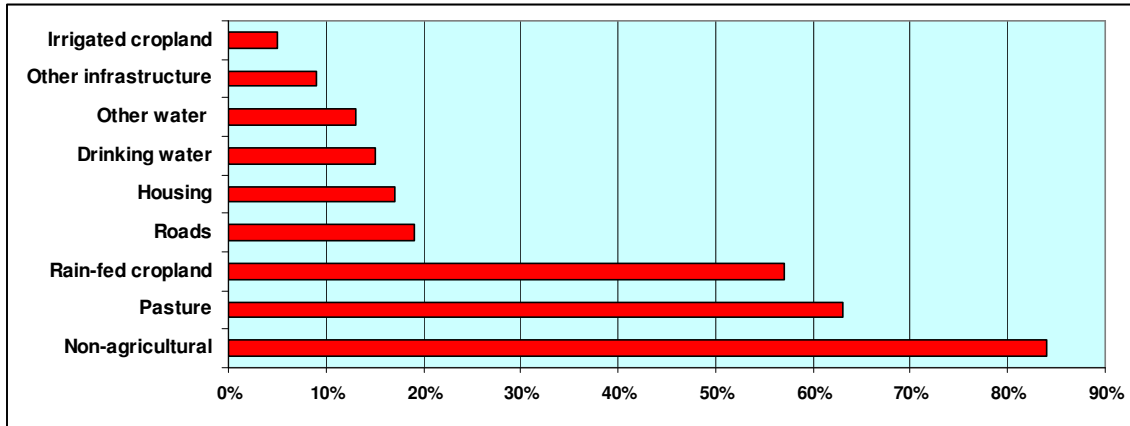


The LIS identified a total of 1,366 communities – home to an estimated 1.375 million people – that are affected by landmines and other explosive remnants of war (ERW).¹⁶ About 88% of these communities were villages, but 13 municipalities were also affected to some degree. Over 580 of the affected communities reported landmine incidents, while the rest suffered blockages of land or infrastructure.

¹⁵ See Appendix 7 for a discussion of the different types of surveys in Bosnia.

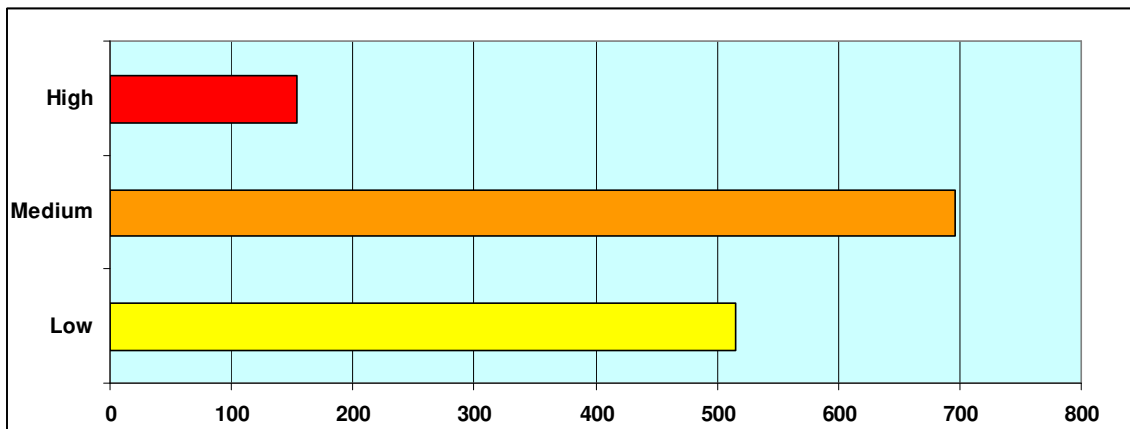
¹⁶ The LIS identified about 2,100 SHA. However, some of these were large and ill-defined. The BHMIC Annual Report for 2005 states there are over 12,000 SHA ‘micro locations’.

Figure 2 – Percentage of impacted communities reporting blocked access to...



About 11% of the affected communities were scored as heavily impacted, and more than half as medium impacted.

Figure 3 – Number of communities by level of impact



II The National Mine Action Programme

History

Mine action in Bosnia has gone through four principal phases:

1. The initial rush to respond after the Dayton agreement, when a number of donors established programmes to address humanitarian and priority reconstruction requirements, and to build basic capacities;
2. The first efforts by the donor community and local authorities to create Bosnian structures to oversee and coordinate a more integrated mine action programme, which ended in crisis;

3. A second, more successful effort to establish an adequate legal framework and programme management structure, both to restore donor confidence and to provide a foundation for devising and executing a national mine action strategy;
4. Consolidation and performance improvement, which continues to this day.

The post-Dayton phase

Mine action began immediately following the Dayton Agreement with a number of distinct initiatives. The three entity armies commenced some mine lifting under the supervision of IFOR. In May 1996, the UN created the United Nations Mine Action Centre (UNMAC) to coordinate mine action, supervise the establishment of national bodies, and develop local capacities, initially by equipping and directly managing both survey and clearance teams. The US State Department engaged the company RONCO to support the UNMAC installation, establish three regional centres, train deminers, and introduce explosives detecting dogs (EDDs). Norwegian People's Aid (NPA) also established a large demining programme and provided its own training.

In 1997, the European Commission (EC) provided equipment and training for deminers and explosive ordnance disposal (EOD) teams while the US military delivered training in humanitarian demining to personnel from the Entity Armed Forces. The various efforts led to a rapid increase in the numbers of trained humanitarian deminers. Those holding basic qualifications rose from near zero at the start of 1996 to well over 1,200 by the end of 1998, by which time most of the basic training was being offered by the entity armies.

A number of the principal international donors and agencies opted for a strategy of establishing a market for demining. In 1996, the World Bank instituted an Emergency Landmines Clearance Project to support commercial demining. The US also had RONCO assist the establishment of three local firms in late 1996.

The slide to crisis

The donor community recognised that continued piecemeal responses would not be adequate to deal with the scale of contamination in Bosnia. In late 1996 the PIC stressed the requirement of BiH authorities to: (1) establish a national authority to channel donor resources to the entity MACs; (2) maintain a central database and mapping facility; and (3) set standards for clearance operations. Accordingly, the Council of Ministers appointed a three-member Demining Commission in January 1997 and, in October of that year, the State government entered into an agreement with the Board of Donors¹⁷ to establish BHMAL that would assume the coordination role played by the UNMAC.¹⁸

Problems were legion however, for three principal reasons:

¹⁷ This is the coordination body for donors supporting mine action in Bosnia.

¹⁸ Actual handover of responsibility from UNMAC to the BHMAL occurred in July 1998.

- Many international organisations were involved with overlapping mandates but often with very different objectives and motivations;
- The difficulty in establishing a demining authority and programme management structure from scratch in a country that lacked a constitutional framework for effective governance, and which remained profoundly divided along ethnic lines;
- The desire to build commercial demining capacity in a country that lacked either (i) a sound public procurement system, or (ii) governance traditions that drew a clear distinction between State institutions and the party in power.

Hundreds of deminers were enrolled in training programmes without addressing whether they would be employed after training. Cooperation among the BH, Federation, and RS MACs remained poor.¹⁹ The original mechanisms established to effect donor coordination in mine action proved inadequate. Salaries for deminers and related personnel were set at remarkably high levels relative to local wages,²⁰ significantly increasing clearance costs and fuelling corruption. The entity armies gave minimal attention to demining. In 1997, the World Bank suspended the award of some demining contracts following violations to its procurement regulations, after which the U.S. State Department withdrew its grants to the project and awarded the contract directly. Such problems led to the early closure of the World Bank's Project (see textbox), following which the International Trust Fund for Demining and Mine Victims Assistance established in 1998 by the Slovenian government (the International Trust Fund or ITF) became the principal vehicle for channelling funds to Bosnia's mine action programme.²¹

Textbox 1 – Evaluating the World Bank's Emergency Landmines Clearance Project

In 1996 the World Bank instituted an Emergency Landmines Clearance project to support both demining and institutional development. The plan was for a total budget of \$67 million over five years, most of which was to come from co-financing. However, the project was ended after about two years, and less than one-sixth of the planned co-financing was secured. The Bank's evaluation department reported on its performance assessment in 2004. The summary stated:

"The Emergency Landmines Clearance Project not only failed to achieve its most relevant objective, but even helped make BiH's vulnerability to landmines worse, by contributing to a system that inflates the landmine problem through reporting minefields that no longer exist and failing to report progress made. Instead of the project contributing to the substantial cofinancing expected, most donor funding for demining bypassed it altogether. Fraud and other corrupt practices during implementation led to several arrests and dismissals. Bank inexperience in this field contributed to the failures experienced. OED rates the project's *overall outcome* as **highly unsatisfactory**, *sustainability* as **highly unlikely**, given the lack of technical and financial resilience of the project's approach, and *institutional development impact* as **negligible**, for failing to find ways of effectively using resources to protect vulnerable groups and help recovery. *Bank performance* is rated **highly unsatisfactory**; a flawed basic design concept was followed by supervision that lost sight of the project's objectives. *Borrower performance* is also rated **highly unsatisfactory**, especially due to the many problems that arose during implementation." (pp ix-x,

¹⁹ BHM MAC had the responsibility to "coordinate" the entity MACs, but had no direct authority over their funding, staffing, or operations.

²⁰ The major demining organisations present in 1996 standardised basic deminers' salaries at around 1,500 KM/month, five times higher than medical doctors and seven to 10 times typical salary levels.

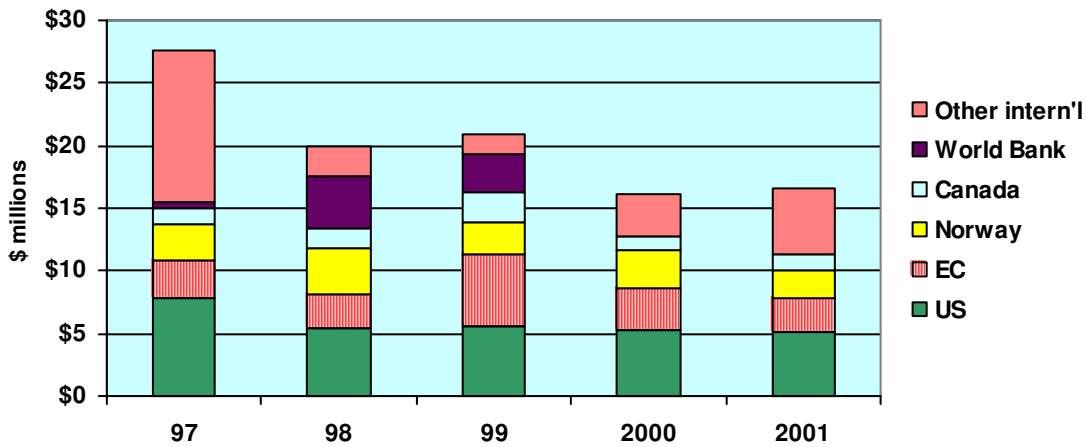
²¹ In part, the ITF success was due to the US decision to match funds provided by other ITF contributors.

emphasis in original)

The authors of the report concluded that a lesson from the project was that *'The Bank should avoid involvement in activities beyond its core competence. Inexperience and lack of familiarity – with landmine clearance, for example – are ingredients for failure.'* (p. 20)

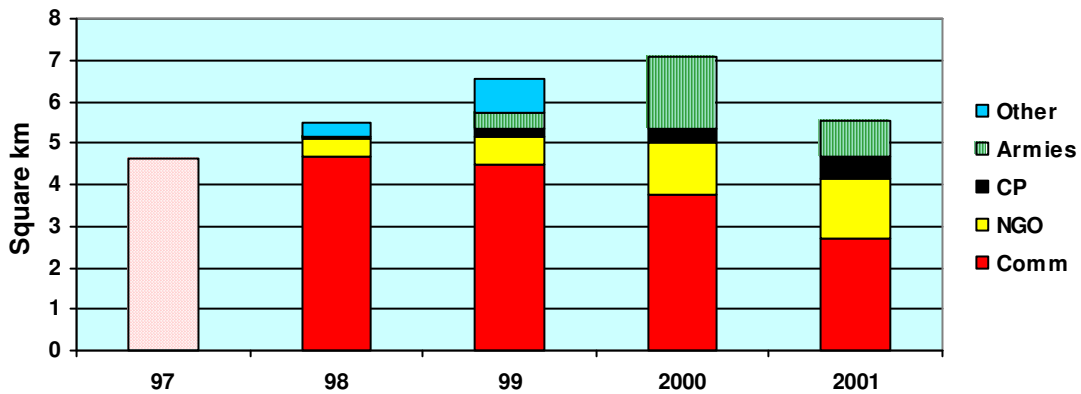
These problems also led to numerous allegations of corruption. Eventually, there was a crisis in donor confidence which culminated in the High Representative's dismissal of the Demining Commissioners in October 2000 for conflict of interest. The crisis in confidence resulted in a significant decline in donor funding.²²

Figure 4 – Estimated international funding to mine action



The drop in donations in turn resulted in a slowdown in clearance, particularly by commercial firms.²³

Figure 5 – Clearance by type of organisation



Note: No breakdown is available by type of agency in 1997, but most would have been by firms.

²² Complete data are impossible to obtain. These estimates are drawn from sources including Landmine Monitor (various years), ITF annual reports, World Bank documents, and BHMIC annual reports. No estimates of expenditures by the BiH and entity governments are available prior to 2002.

²³ Clearance by the entity armies also fell because of regular strikes caused by non-payment of salary top-ups and allowances.

Rebuilding capacities & confidence

Following the High Representative's dismissal of the original Demining Commissioners, the Council of Ministers appointed three new members, responsible to the Ministry for Civil Affairs and Communication (MoCAC), and submitted a draft Demining Law (ultimately enacted in February 2002) to create a unified mine action administration.

Textbox 2 – The Demining Law

The new *Demining Law in Bosnia and Herzegovina* passed in February 2002 represented a significant improvement on the previous legal framework, which consisted of a hodgepodge of laws and decrees by the entity governments, decisions of the Council of Ministers, and agreements with either the Board of Donors or SFOR. Most critically, it establishes a unified administrative structure under the Demining Commission by converting the entity MACs into regional offices of BHMAL. As well, the law covers, *inter alia*:

- The roles and responsibilities of (i) State bodies empowered to implement the law and the demining programme, (ii) Entity bodies involved in demining, and (iii) the Board of Donors;
- The contents to be contained in the Demining Plan for BiH;
- The general obligations of accredited demining organisations & deminers;
- Quality assurance processes for demining.

The Law does not cover Mine Risk Education (MRE – except to state that BHMAL shall 'carry out mine awareness activities...'), stockpile destruction (as this had been completed in 1999), or victim assistance (other than stating that compensation is due to deminers or their families following death or injury during the conduct of demining activities).

The Law also requires the BHMAL to develop a "*Demining Plan for Bosnia and Herzegovina*" for adoption by the Council of Ministers after approval by the Demining Commission "*in coordination with the Board of Donors.*" In fact, the Law states that BHMAL must prepare three separate lists of priority tasks: one for each entity (for submission to and approval by the entity governments – Article 11:1:e), and a third list covering the inter-entity boundary line for submission directly to the Demining Commission for approval. (Article 9:1:e) Although BHMAL is also charged with proposing the criteria to be used in establishing priorities as part of the Demining Plan, the Law does not require entity governments to adopt that Plan, and, hence, the proposed criteria.

The Demining Law also lacks explicit provisions for coordination within the various governments. The Council of Ministers is to adopt key documents, which may be adequate to avoid glaring policy inconsistencies, but does not suffice for coordination in planning and operations on matters which cross governmental or departmental boundaries.* The Demining Commissioners serve on a part-time basis and the Commission has no administrative secretariat. As well, the responsibilities of the BHMAL do not explicitly include a requirement to coordinate with other government bodies; rather, its focus is coordination among the many demining organisations.

* For example, an important issue in Bosnia is the resettlement of refugees and displaced persons, which often involves civil engineering to refurbish houses and infrastructure and to restore public services, as well as demining.

See also Appendix 8 for an extended analysis of the existing Demining Law.

Other actors continued working on building local capacities, particularly in the entity armies (previously coordinated by SFOR & now by EUFOR) and the civil protection corps (an EC project managed initially by the NGO HELP). In the meantime, the BH and

entity MACs made the transition to near-complete local management,²⁴ increased local funding,²⁵ and continued to make incremental improvements in their operations, including refinements to the process by which “priority lists” of tasks were established. The Entity MACs also encouraged municipalities and cantonal governments to appoint demining coordinators as the main point of contact between the local government and the MAC.²⁶ Finally, the Fed MAC initiated “systematic survey”²⁷ to reassess all suspect areas on record, which confirmed that the contaminated area had been significantly over-estimated. This provided an important basis for the initial long-term demining strategy.

Textbox 3 – The Demining Strategy Plan for Bosnia and Herzegovina

Efforts to develop a long-term strategy for the BiH mine action programme began just prior to the enactment of the new Demining Law. A draft *Demining Strategy* was written up by a team of Bosnian mine action officials while attending a senior mine action managers course, and was presented to the Board of Donors in March 2002. The strategy outlined is to free the country from the negative impact of landmines and UXO by 2010 through:

- Eliminating all the suspected contamination in areas classified as category 1 priority by area reduction (through general and technical surveys) and clearance;
- Marking category 2 and 3 areas;
- Improving the MRE programme;
- Expanding local research and development efforts;
- Enhancing regional cooperation including the establishment of a regional training centre for explosives detecting dogs (EDDs);
- Capacity-building within the MAC, particularly in the area of mine survey;
- Fostering a journalists network to increase coverage of the country’s mine problem; and
- Re-stimulating donor interest.

The plan also calculated the financing requirements as 657,500,000 KM (€ 366,225,000) from 2002 to 2010, of which approximately 72% would be required for clearance operations and almost 20% for technical survey. Local financing would rise from 5.5% of total expenditures in 2002, to 10% in 2003 and an additional five per cent each year thereafter.

While the Demining Strategy represented an important step forward, it is not surprising that the first effort of this sort was unsatisfactory in some respects. The chief flaw was that it was overambitious in terms of the financial resources available. Actual funding from international sources in 2003 and 2004 appears to have been about one-third the level proposed in the Strategy. This lack of realism undermined confidence in the Strategy among donors and local governments.

Second, there was extensive analysis of demining assets and their capacities, but little discussion on the more complex issue of how to align capacities with development priorities. As was the case with other first generation strategies formulated by mine action personnel without extensive input from other stakeholders, the strategy was “supply-

²⁴ The number of international advisers fell from 33 in July 1998 to four as of 2002.

²⁵ By 2002, the entity governments paid basic salaries for deminers in the entity armed forces and the civil protection organisations, and for much of the operating costs for BHMAL.

²⁶ These are generally Civil Protection officers, who have many other responsibilities as well.

²⁷ Defined in the draft legislation as “an analytical and investigative procedure [for] making an assessment of suspicious risk areas the warring parties used in war operations.” (Article 4)

driven”, reflecting more what the mine action programme could do with more funding rather than what most needed to be done.²⁸

Another important milestone on the road back to respectability for Bosnia’s mine action programme was the completion of the LIS in 2003, which provided a far better understanding of the numbers and locations of impacted communities and a firmer basis for allocating resources among regions and for determining task priorities.

Consolidation & performance improvement

Collectively, the Law, the new programme administration structure, plus the Strategy and LIS, provided a much firmer foundation for Bosnia’s national mine action programme and created opportunities for performance improvements. To capitalise on this potential, the BHMIC has continued to innovate in recent years. Of particular note are:

- Task Assessment & Planning (TAP) to produce Community Integrated Mine Action Plans (CIMAP)
- Technical Survey
- the new Mine Action Strategy for 2005-08
- the draft legislation for Mine Action
- efforts to link mine action with Bosnia’s Poverty Reduction Strategy Paper (PRSP)

TAP AND CIMAP

As part of the LIS in Bosnia, the Survey Action Center (SAC) supported the development of a new approach for more focussed analysis of the contamination problems faced by the most heavily impacted communities, termed Task Assessment and Planning (TAP).²⁹ A pilot effort was conducted in 13 communities in 2003. This featured (i) a more thorough risk assessment of all SHA affecting each community, (ii) an assessment of the potential benefits that would accrue from clearing each SHA, (iii) an assessment of the specific vulnerabilities of at-risk groups, and (iv) the formulation of a Community Integrated Mine Action Plan (CIMAP, which combines clearance, technical survey, marking, and MRE) for each community. The basic concept is that scarce demining resources should be used only for hazards that represented clear risks or where significant economic benefits would accrue following clearance. For other SHA, MRE and marking would be used to reduce risks to an acceptable level.

²⁸ Strategic and operational plans need to give due attention to both “supply-side” and “demand-side” factors. The former relate to questions like: how can we best use our assets? However, it is demand-side factors that should determine priorities such as: which land or infrastructure should we clear first? Demand side factors determine the effectiveness of mine action, and are at least as important as the supply-side factors that determine efficiency and safety.

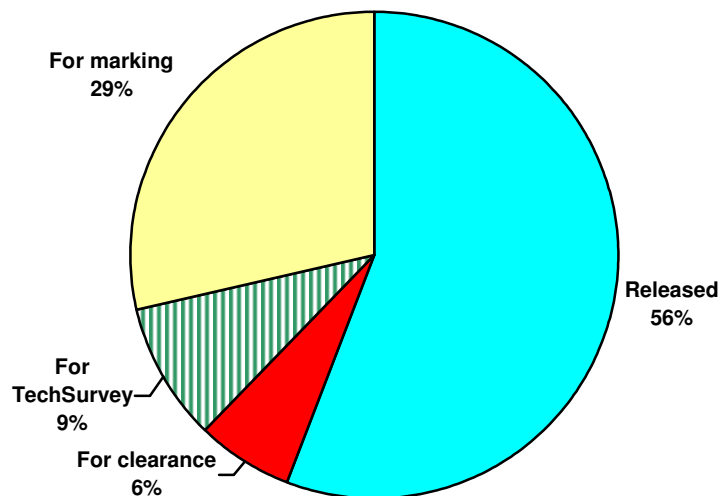
²⁹ NPA had earlier developed an approach called Task Impact Assessment (TIA) which combines task planning with efforts to determine (i) what the land will be used for and by whom, and (ii) whether there are impediments to the use of the land should it be cleared (e.g. ownership disputes, lack of seeds, etc.) TAP is more ambitious in that the entire community, rather than a single demining task, is examined.

CIMAPs were developed for a further 15 communities in 2004, while NPA started implementation of the CIMAP for Ulice (District Brčko).

As is to be expected, these pilot efforts revealed areas requiring improvement, including the need for further training of the survey teams (e.g. some surveyors indicated that almost all SHA should be cleared rather than recommending MRE and marking). As well, the significant challenge of implementing the CIMAPs remained.

The results to date suggest that the integrated community planning approach holds great promise. For example, an analysis of 15 CIMAPs completed in 2004 indicates that, of approximately 15 km² of recorded suspect area, more than half was released as ‘without obvious risk’ following a general survey process,³⁰ and that marking could reduce risks to acceptable levels for more than one-quarter of the original suspect area. This means that demining assets needed to be assigned for technical survey or clearance on only about 15% of the original SHA, or 35% of the ‘unreleased’ area following general survey.

Figure 6 – Analysis of TAP/CIMAP plans from 2004



Implementation of CIMAPs proceeded in seven communities in 2005, involving NPA, the armed forces, the Federation Civil Protection (only for marking), and an organisation contracted through ITF. Reports were extremely positive from the United Nations Children’s Fund (UNICEF), the operator we met (NPA), and the three communities visited on our mission. In particular, the community representatives endorsed the CIMAPs even though some hazards would only be marked, suggesting that the participatory process has been effective in securing local buy-in. The major concerns voiced were:

³⁰ BiH Standards state an area can only be declared ‘without obvious risk’ if used intensively in the post war period. Specific indicators are: (i) ploughed to a depth of 10cm; (ii) used for building; (iii) used for forestry or pasture; and (iv) covered by tarmac, concrete, or stone with no evidence of disturbance.

- the risk assessment process was complex and too time consuming;
- some of the specific technical survey or clearance tasks defined by BHMACH had to be redefined to accord with community priorities, so new ‘task folders’ had to be prepared by BHMACH surveyors before the work could commence;³¹
- due to funding uncertainties, the community is not aware of when the remaining demining tasks will commencement.

Textbox 4 – Integrating MRE in Bosnia

The CIMAP initiative illustrates the substantial benefits that can accrue when mine action practitioners from different disciplines learn to use the entire range of tools in a more integrated fashion. BHMACH has reported that its surveyors will now recommend targeted MRE and marking instead of clearance to address many contamination problems. In part this reflects the active support from UNICEF in the development of the CIMAP concept. In late 2004 with financial assistance from DfID and Italy, BHMACH and UNICEF instituted a project to develop a system for MRE planning at the community level, and tested this in four communities, aiming to:

1. Enhance community participation in formulating and implementing a CIMAP;
2. Enhance community resilience to risks from mines and other ERW
3. Determine how well community residents can identify priorities
4. Better understand what constitutes ‘acceptable risk’ for specific vulnerable groups. (See Lisica and Vuković, 2005)

More generally, MRE is being integrated into the education systems in Bosnia, with UNICEF supporting the NGO Genesis to develop curricula for both teachers and peer educators. HI plans to further assist the various education ministries to incorporate MRE into school curricula.

In turn, BHMACH is more adequately reflecting MRE in its annual and strategic plans (the initial Strategy just covered demining).^{*} An MRE sub-group was established as part of the strategic review process in 2004. Among other things, this identified concerns that (i) traditional MRE messages are no longer effective as economic needs lead individuals in various occupational groups to take calculated risks and (ii) lack of quality control meant that some MRE activities were unproductive and had a negative impact on the credibility of MRE. As a result, more attention has been given to QA (including the development of an SOP and the accreditation of MRE organisations by BHMACH), while training for MRE personnel has focused more on community risk assessment and planning.

^{*} As well, the draft legislation embraces all mine action, whereas existing legislation just covers demining.

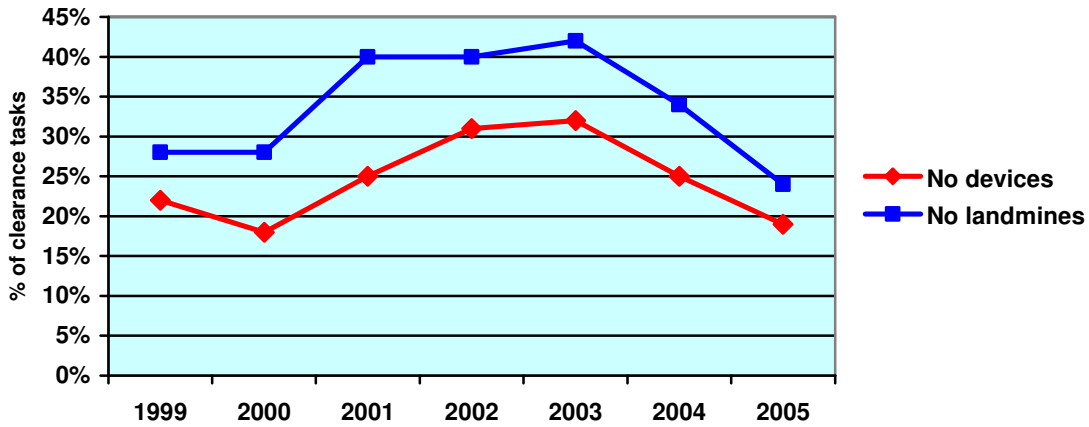
TECHNICAL SURVEY

Technical survey is used to obtain a more precise picture of minefield boundaries, the devices present, and other information needed for planning a clearance operation. The traditional approach was to clear narrow lanes into a suspected area to gauge where the landmines started and the pattern in which they were laid. This technique is not satisfactory for low density minefields, which are common in Bosnia. As a result, most clearance operations have proceeded without the benefit of technical survey, leading to

³¹ This latter issue was not a major problem in the case in question as the operator (NPA) had grant funds and no incentive to manipulate the tasks to increase the amount and profitability of its work. More generally, however, there are incentive problems when tasks are awarded on the basis of a fixed price to conduct clearance or technical survey operations.

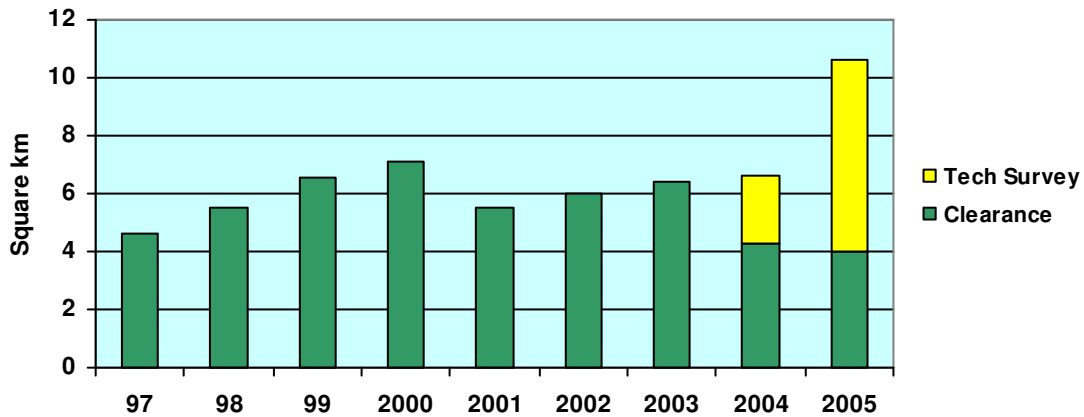
significant clearance expenditures on areas where no mines or other ERW were found. In 2003 for instance, over 40% of all clearance tasks issued by ITF yielded no landmines, and no devices (landmines or other ERW) were found in over 30% of the tasks.

Figure 7 – ITF clearance tasks with no landmines or other ERW found



A different approach to technical survey was piloted on a small scale for Bosnia in 2003, and has been used more extensively since then (see textbox). Technical survey is faster and cheaper than full clearance, so more land can be released for the same budget.

Figure 8 – Hazardous area released by demining in BiH



Textbox 5 – Technical survey and land release in Bosnia

The increased use of demining machines in BiH, combined with the introduction of technical survey, has allowed an acceleration of land release. The heavier machines employed on larger tasks are capable of covering an average of 15,000 m²/day. Prior to the introduction and refinement of the technical survey concept, this mechanical capacity was constrained by the manual and EDD resources, which had to re-check the total area processed by the machine. The new doctrine introduced by BHMACH allows the partial quality control (QC) by manual deminers or dogs of an area processed by an accredited machine. Under the new standards for technical survey only 1/25th of an area needs to be QC'd, so long as there were no audible or other indications of landmines during the pass by machine. This change has accelerated land release.

Bosnia has not yet garnered the full benefits from technical survey. In part this is because they have not been able to shift as much of the demining budget to technical survey as had been planned, but there are other reasons:

- The capacity to absorb additional funds for technical survey needs to be further augmented: a different mix of assets (e.g. mechanical demining equipment) is required, and BHMIC surveyors need to prepare more technical survey tasks (in 2004-05 BHMIC had a shortage of surveyors and was not allowed to hire more);
- Technical survey raises ‘incentive compatibility’ issues, particularly when using commercial contracts. If the demining organisation is allowed to switch from technical survey to clearance once mines are found, then it may have an incentive to make the ‘real’ minefield seem as big as possible (e.g. if it is paid more per m² for clearance than for tech survey). Alternatively, if the technical survey stops once mines are found, and then a new tender is issued for clearance, the organisation doing the technical survey may have an incentive to avoid reporting mines or UXO.³² Careful contracting and inspection can mitigate these problems, but experience in Croatia suggests this is not a trivial task;
- There are many possible approaches to technical survey, and no real consensus on what procedures are best in general, or within a specific country. BHMIC seems to have modelled its approach broadly on Croatia’s experience, which is reasonable. However, more ‘radical’ approaches have been used to good effect in other parts of the world, but these have not yet been fully documented and disseminated.³³

In short, learning and experimentation is required to fully exploit the potential of technical survey, and this will take time.

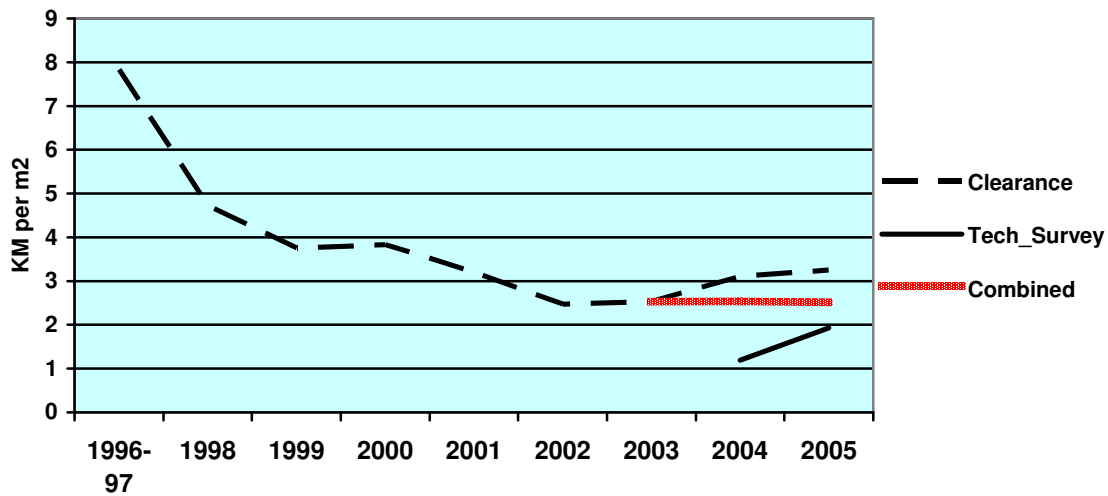
As well, technical survey is costing more than had been anticipated (at least for those contracts issued via the ITF). The average winning bid for technical survey tasks awarded through ITF were 1.19 KM in 2004, then rose to 1.93 KM in 2005 (all costs per m²). Prices for clearance contracts also rose from 2.53 KM in 2003 to 3.11 KM in 2004 and 3.25 KM in 2005. As a result, the weighted average cost of demining tasks (both technical survey and clearance) has remained almost constant (see graph).³⁴

This suggests that – prior to 2004 – bidders for ITF tasks had a reasonably sound knowledge of what areas within a clearance task were likely to contain landmines, and expected rapid progress on much of the task before encountering landmines. Now that technical survey is being conducted, the clearance tasks are better defined and more difficult, pushing unit costs up.

³² Note that the incentive problems exist irrespective of whether the organisation is a firm, NGO, etc. so long as the contracting procedure is on commercial lines.

³³ The approach developed by the Mine Action Coordination Centre in South Lebanon is particularly interesting. See Chris Clark (2006) and GICHD (2006).

³⁴ The new strategy uses budget estimates of about 1.87 KM/m² for technical survey and 3.75 km/m² for clearance. Some of the non-ITF funded tasks are more difficult and expensive, and some of the operators are less efficient than those bidding successfully on ITF tenders.

Figure 9 – Average prices for demining contracts issued by tender

There is some evidence that, of late, grant agreements to NGOs have been more effective instruments for reducing demining costs. This may be because the ‘incentive compatibility’ problems are reduced so that larger tasks – combining both technical survey and clearance – can be discharged by the same operator. For example, NPA has managed to dramatically increase its productivity and, hence, its cost-effectiveness (measured in m²). It now appears cheaper per m² than the average for ITF-issued contracts.³⁵ As well, the consortium of three local NGOs (STOP Mines, BH Demining, and PRO VITA) that won a large tender issued by the EC in 2004 has contracted to demine 2.34 million m² at an average of about 1.70 KM per m², about one-third lower than the average for ITF contracts issued in 2005.³⁶

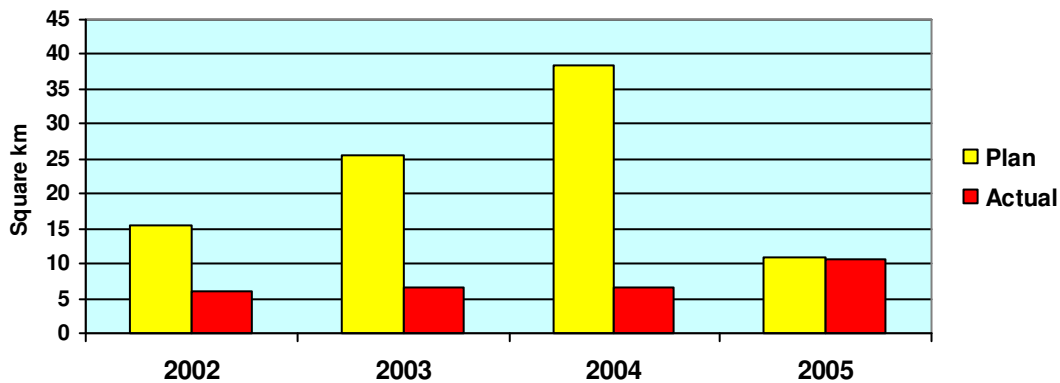
MINE ACTION STRATEGY 2005-08

In 2004, BHMAC formulated a more realistic strategy, subsequently approved by the Council of Ministers.³⁷ It based its annual plan for 2005 on the new strategy, and (virtually) achieved what is arguably the most critical target – ensuring highly suspect land is made safe by technical survey and clearance (see graph). In addition, the new strategy incorporated more concrete plans for MRE and victim assistance, and recognised the need for improved communications with external and domestic stakeholders.

³⁵ If all NPA funding in 2005 was for clearance and technical survey, NPA demining would have cost an 2.57 KM per m² – almost the same as the average for ITF-issued contracts and almost 20% lower than NPA’s comparable figures for 2004. However, NPA provides a range of other mine action services (including rapid response EOD, CIMAP planning, and payment for surveyors attached to BHMAC). Therefore, NPA’s unit demining costs are almost certainly lower than the average for ITF contractors.

³⁶ More extended analysis of land release through systematic survey, technical survey, and clearance is provided in Appendix 8.

³⁷ BHMAC actually prepared a number of alternatives for consideration. The government chose the recommended alternative, which was ambitious but achievable.

Figure 10 – Technical survey & clearance: actual versus planned

DRAFT OF NEW MINE ACTION LEGISLATION

New legislation has been drafted to replace the Demining Law with a Mine Action Law to regulate all aspects of mine action. Among the enhancements are:

- Specification of the requirement for a Mine Action Strategy covering demining, MRE, victim assistance, funding, and implementation capacities
- Victim assistance – mine accident victims are to be considered as war casualties (who receive benefits under other existing legislation) and the BHMAC is responsible for establishing and maintaining a database of mine victims;
- Advocacy – government ministries are enjoined to advocate against the manufacture or use of mines
- clarification of the roles of (i) the Ministry of Civil Affairs and Communication (MoCAC) as a policy-making body, reporting to the Council of Ministers twice a year, and (ii) the Mine Action Commission as a management-supervisory body
- defining roles for mine action coordinators at the entity, canton, and municipal levels.

The draft legislation represents a significant improvement. Its scope covers all mine action as well as in formally establishing a framework with mine action coordinators at all levels of government (although provisions for coordinating across departments within each government remain absent). It has not been presented for adoption to the legislature, perhaps because that body has been focussing (unsuccessfully) on proposed constitutional changes until of late. It seems unlikely that it will be adopted and signed into law before the elections in October 2006. Regardless, many of the new provisions in the legislation are already in practice as the existing Law does not preclude these.³⁸

MINE ACTION IN THE PRSP

Mine action officials also have done a good job in ensuring that mine action was well reflected in Bosnia's initial PRSP for 2004-07 (in Bosnia, the Mid-Term Development Strategy or MTDS). There is a distinct section on mine action, which provides the

³⁸ Appendix 9 contains a more thorough analysis of the existing Demining Law.

objectives and financial requirements from the initial Demining Strategy, which is in turn summarised in the Executive Summary of the MTDS. In addition, the requirements for mine action are noted in connection with a number of other issues, including:

- rural poverty (p. 29 in the English translation)
- return of refugees (p. 158)
- health and disability (p. 174)
- agriculture and irrigation (p. 193)
- forestry (p. 196 and mentioned in the Executive Summary)
- environment (p. 206)

This is more than most national mine action programmes have achieved. However, only agriculture and forestry mention landmine clearance as one of the priority actions for the sector. (Environment lists demining as one of its eight ‘priority areas’, but the MTDS does not mention any specific actions.) As well, there is no mention of landmines in some sectors where it should be a concern, including water, power, and tourism. More troubling is that the mine action chapter states one of its major problems is that “*Other sectors of the economy and society have not demonstrated sufficient and systematic interest in this problem and most frequently only present instant requests for urgent demining to implement reconstruction projects of affected sectoral capacities*” (p.251) but proposes no concrete actions to address this concern.

Other matters of note in terms of the continued development of the programme include:

- Chairing the Board of Donors – the Minister of Civil Affairs became the sole chair of the Board of Donors at its meeting of 12 December 2005.
- The elaboration of sub-strategies for MRE and for Victim Assistance.

Current Status

The basic structure of the National Mine Action Programme is depicted in Appendix 5. BHMAL plays a pivotal role, and is responsible for:

- preparing revisions to the Strategy and the annual Mine Action Plan (both for approval by the Commission and adoption of the Council of Ministers);
- preparing the annual report for presentation to the Assembly;
- coordinating the implementation of the Strategy and Annual Plan;
- adopting technical standards (for approval by the MoCAC);
- accrediting mine action organisations and licensing deminers; and
- issuing certificates of quality assurance following clearance or technical survey

To discharge these responsibilities, BHMAL personnel (i) conduct general surveys of SHA, (ii) prepare mine action tasks, (iii) set task priorities (see textbox), (v) inspect tasks

being undertaken by operators, and (v) maintain the central mine action database.³⁹ BHMACH has eight offices and its budget request for 2006 is almost 10 million KM.

Textbox 6 – Setting demining priorities in Bosnia

Bosnia's system for establishing demining priorities entails both top-down and bottom-up elements. The top-down elements are based on the relative size of the contamination problem across the entities, cantons, and municipalities according to:

- the numbers of high, medium, and low impacted communities in the two entities and the District Brčko, and
- the size of the suspected areas in the entities and District Brčko

Based on these data, BHMACH prepares annually a 'balanced plan' allocating the total areas planned for clearance and technical survey across the entities, cantons, and municipalities. Whether the actual pattern of demining reflects the 'balanced plan' depends to a large degree of how much funding has been earmarked to specific localities by donors and local authorities.

The bottom-up element stems primarily from requests by communities submitted via the demining coordinators in each municipality (usually civil protection officers). Each request is assessed against the following criteria* (originally agreed by the BiH and entity governments 1997): (1) humanitarian purposes (for the resettlement of refugees and displaced persons and other forms of human settlement) or (2) economic purposes (for the expansion of agriculture and grazing land, and rehabilitation, reconstruction and development projects).

Using these criteria, BHMACH categorises each task as follows:

- Category 1 – locations in everyday use, or for the repatriation of refugees and displaced persons, or for restoration and reconstruction of infrastructure or other economic projects, or which pose a significant danger to the population;
- Category 2 – locations in temporary use or adjacent to Category 1, plus 'economic resources' (mainly agricultural and forestry land);
- Category 3 – peripheral areas.

Based on these criteria, annual 'priority lists' are submitted for approval to the Entity governments and District Brčko.

This general system is now being supplemented by the TAP/CIMAP process in highly impacted communities. About 25 CIMAP are being prepared each year.

Basically, the system is sound and works in accordance with Bosnia's constitutional system. The remaining problems relate to donors targeting their funds to specific areas (although this is less of a problem than in the past) and the fact that the Category 1 land still represents far more area than can be demined in a year, raising the question of how the 'real priorities' (i.e. the ones that will really be demined in the coming year) are determined. BHMACH is considering a more refined system, with up to seven categories. As well, the processes for incorporating demining requirements arising from sector development plans have not yet been formalised. BHMACH hopes to do this through the various working groups established for the PRSP monitoring and implementation effort, in which it has been actively participating.

* English translations of key mine action documents do not distinguish between demining 'priorities' (i.e. which specific tasks will be done first) and the 'criteria' used to establish priorities.

³⁹ BHMACH has decided to maintain its own database system rather than acquiring the Information Management System for Mine Action (IMSMA), available through GICHD.

The ITF also plays a central role as the conduit of much of the funding to mine action and as the agency issuing tenders for demining activities. It maintains a small office in Sarajevo, and often contracts two Bosnian firms for QA of tasks funded via ITF.

The other key element of the mine action programme is the operators. Because of the donor coordination failures in the post-Dayton years, Bosnia has an unusually complex 'ecology' of mine action operators. For demining alone, there are five distinct categories:

- eleven commercial firms (both international and local) working primarily on competitive contracts via ITF;
- four international NGOs, funded mainly by direct grants from international donors;
- six local NGOs, with a mix of international donor grants (some of which are awarded through ITF tenders) and local government funds;
- civil protection units under the entity governments and District Brčko;
- the armed forces demining units, until recently under the entities but now in the process of unification.⁴⁰

In addition, there are 11 organisations engaged in MRE, and a wide variety of organisations connected with victim assistance in some manner.

OTHER KEY ISSUES

Funding increases in 2005 led to the emergence of some capacity constraints in the mine action programme after many years of surplus capacity. The initial constraint was a lack of adequate survey capacity within the BHMAL.⁴¹ A hiring freeze on State employees meant BHMAL could not increase its complement of surveyors beyond 39 until NPA assisted by retraining some of its staff to form another seven two-person surveyor teams and assigning them to work at BHMAL, bringing the total number of surveyors to 53. There also are concerns over the age of the vehicles and Differential Global Positioning System (DGPS) devices require for survey work, but BHMAL has developed plans for replacing this equipment and has initiated discussions with some donors.⁴²

The introduction of the Value Added Tax (VAT) in January 2006 has created serious delays, particularly with ITF contracts.⁴³ The VAT law provides for no exclusions, but the ITF does not believe it should be taxed on contracts funded almost entirely by foreign donations. Despite meetings with the Indirect Tax Authority and at more senior levels, ITF was unable to obtain a speedy resolution so it could proceed with issuing contracts for \$6 to \$7 million in demining tenders already awarded. The situation had not been

⁴⁰ Bosnia also has a wide range of manual, mechanical, and dog assets.

⁴¹ In part this was due to the use of surveyors as QA inspectors to handle the increased number of tasks.

⁴² BHMAL will also need to upgrade its computer system, and is developing the plans for this.

⁴³ Other donors and the UNDP are also affected.

resolved at the time of the mission, and two months of the demining season had already been lost.⁴⁴

One final constraint should be noted. Mine action managers in all mine-affected countries face a difficult challenge in obtaining information on national, regional, local, and sector development priorities on a timely basis, and in a form that is useful when making decisions about demining priorities. The complex governance structure in BiH makes this challenge even more daunting because:

- There are many jurisdictions with overlapping responsibilities and rivalries – it often is unclear which, if any, is taking the lead for a sector within a region of the country;
- For many sectors, there are no organisations at the highest (State) level to coordinate entity plans and to set pan-Bosnian development priorities;
- The overarching lack of political consensus makes it difficult to obtain clear decisions – even on technical matters – without protracted bargaining.

Further, the BHMAL lacks the personnel with expertise in a variety of disciplines who could address these issues in a proactive manner. Unfortunately, this capacity is also absent at the level of the Demining Commission. The three Commissioners work on mine action only on a part-time basis and are not supported by a Secretariat.

III The Integrated Mine Action Programme (IMAP)

IMAP⁴⁵ is the vehicle UNDP has used to support Bosnia's efforts to establish and develop its key national mine action organs and the legal and regulatory framework for the programme. The initial MAP phase began in 1998 with the aim of establishing the national structures (a Demining Commission as the national authority, the BHMAL, and two Entity MACs) to replace the UN-MAC. These organs were established, but outcomes were unsatisfactory: corruption allegations led the High Representative to remove the first Demining Commissioners from office, while the BHMAL had inadequate authority and resources to effectively coordinate the Entity MACs and the national programme.

Phase 2 (2000-04) focused on re-building and consolidating the national organs. It supported the drafting of a Demining Law which created a new inter-ministerial Demining Commission under the Ministry of Civil Affairs⁴⁶ and unified the MAC structure. Despite some flaws,⁴⁷ the Law was a signal achievement. It not only established a simpler structure with clear reporting lines and appropriate responsibilities

⁴⁴ Even when resolved, this delay may cause other problems. For example, vegetation would have grown, necessitating cutting before clearance. As well, compressing the season makes it more likely that capacity constraints at some stage in the demining cycle will prove to be binding.

⁴⁵ The first two phases were simply called the Mine Action Programme (MAP).

⁴⁶ Three Commissioners were appointed in June 2002. One was replaced in late 2004 while the others have been reappointed (each appointment is for two years). The current Commissioners are drawn from the Ministries of Foreign Affairs, Foreign Trade and Investment, and Human Rights and Refugees, but report through the Minister of Civil Affairs.

⁴⁷ For example, the Law covers only demining rather than all relevant mine action pillars.

and authorities assigned to the various levels (Parliamentary Assembly, Council of Ministers, Demining Commission, MAC), but it also was the first significant instance in which entity governments gave up their authority to the State Government. Phase 2 also supported the preparation of the initial Mine Action Strategy and national standards.

Of note is that the number of expatriate Technical Advisors engaged in IMAP fell from over 40 in 1998 to one by 2004 when Phase 3 began. That individual is now serving on a part-time basis as the ‘Strategic Advisor’ – an arrangement that will continue to the end of 2008 when IMAP activities are scheduled to end. There are no plans for a 4th Phase.

IMAP Phase 3 covers 2004-08 and aims to leave in place a sustainable mine action programme. As such, its core objective is for the State government to assume full responsibility for mine action policy and strategy, as well as for the management of the programme.⁴⁸ Planned outputs include incorporation of mine action within the PRSP, the adoption of a revised Strategy, the enactment of new legislation, and the development of a national mine action tender board. In addition, IMAP is seeking to channel donor funding to support demining, and to sustain the demining capacity of the armed forces.

A number of revisions to the planned outputs were agreed in 2005, chiefly:

- the target date for the State government to assume the entire BHMALC budget was delayed to the end of the project (although the State agreed to increase its contribution by 500,000 KM per year);
- the planned establishment of a mine action tender board was dropped because of an EC funded project to establish a State Public Procurement Agency, and it was assumed this Agency would serve as the mine action tender board;⁴⁹
- the target to finance 4 million m² of priority demining tasks was lowered to 1.5 million m² because adequate donor funding was not forthcoming. Regardless, donors have increased their funding through other channels (e.g. the ITF) and it is unclear that IMAP holds a comparative advantage in this aspect of mine action support.

The overall budget for the project was revised down from about \$11.8 million to almost \$8.9 million, chiefly because donors have not provided as much funding for demining as had been envisaged.

The revisions appear reasonable. In addition, many of the key outputs have been achieved while good progress has been made on others. Of particular note are:

- the incorporation of mine action into the PRSP/MTDS. As well, BHMALC is actively engaged in the current process to revise the PRSP. Further, mine action is one of only two sectors/cross-cutting issues to have achieved all the targets set in the PRSP;

⁴⁸ The fact that Phase 3 is under National Execution is, of course, consistent with this core objective. The Evaluation Team understands that IMAP is one of the few nationally executed UNDP projects in BiH.

⁴⁹ This assumption is incorrect, as the central Agency will only have a policy function, while a parallel Procurement Review Board will act to ensure the policies are observed. Presumably, each spending ministry will establish its own tender board at some point in the future.

- the revised Mine Action Strategy has been adopted, and it represents a substantial improvement on the original Strategy;
- new legislation has been drafted, although not yet presented to the Assembly for enactment (which, now is unlikely to occur before the elections later this year). Again, the draft legislation represents a distinct improvement on the existing Demining Law;
- BHMAL has instituted the TAP/CIMAP for many high and medium impacted communities. This is an important innovation and warrants replication in other heavily mine affected countries, particularly – although not exclusively – where an LIS has been conducted.

Appendix 4 details all the planned outcomes and outputs for IMAP, and notes the revisions agreed to these and the progress to date. On balance, the Evaluation Team views progress to be very encouraging, particularly when compared with other donor-financed initiatives designed to support capacity development within government bodies in a post-conflict environment.

The one key output for which no significant progress has yet been achieved is the plan to have an officer serving in a permanent position within the Ministry of Civil Affairs to assume responsibility for day-to-day strategic management. This is a critical function as (i) the Demining Commissioners serve only on a part-time basis and (ii) BHMAL should focus on policy implementation rather than policy formulation.

IV Conclusions and Recommendations

Assessment of IMAP

The Evaluation Team sees IMAP to be extremely **relevant** to Bosnia's needs and opportunities. Although landmine contamination still represents a danger to civilians and a constraint to refugee and IDP returns, the primary impacts of landmines today are the constraints to development at the local, entity, and State levels. Changes in the allocation of demining resources are already underway to keep mine action aligned with the country's broader objectives, which are shifting from post-conflict recovery to development concerns. The Evaluation Team sees this transition as appropriate, and encourages mine action officials to continue their efforts to develop the networks and tools required to keep mine action aligned with the country's development priorities. The TAP/CIMAP process is a good mechanism (which can be further refined) for achieving this with respect to community development. BHMAL engagement with the PRSP process provides an opportunity for incorporating sector development requirements into the allocation and priority-setting processes for mine action as well.

Recommendation 1 – The resource allocation and priority-setting system should be further elaborated to incorporate in a transparent manner the need to allocate mine action resources in support of sector development programmes undertaken by State, entity, and cantonal governments.

Appendix 6 contains a stylised depiction of a resource allocation and priority-setting mechanism that integrates top-down and bottom-up inputs.

Management of mine action strategy & policy

IMAP has been **effective** in supporting BiH mine action officials in discharging their responsibilities for strategic and policy leadership. Two key outputs (inclusion of mine action in the PRSP and the adoption of a revised strategy) have been achieved and progress has been made toward the adoption of more adequate legislation for mine action.

The one key output for which no significant progress has yet been achieved is the plan to have a skilled officer serving in a permanent position within the Ministry of Civil Affairs to assume responsibility for day-to-day strategic management. This is a critical function as the Demining Commissioners serve only on a part-time basis, while BHMACH should be allowed to focus on technical and operational challenges rather than strategic/policy management at senior government levels.

Recommendation 2 – UNDP should encourage the Demining Commission, supported by the Strategic Advisor and BHMACH senior managers, to complete preparations for the establishment of this position, at a senior grade, within the Ministry of Civil Affairs as a matter of urgency following the pending election. These preparations should include a contingency plan to apprise a new Minister on the urgent need for this position in the event of a change of ministers following the election.

Management of activities

IMAP has been **effective** in supporting BiH mine action officials in discharging their responsibilities for the planning of mine action activities, and for coordinating and monitoring the implementation of these activities. The evaluation team had the opportunity to discuss alternative solutions to many of the technical and operational challenges faced by a national mine action centre.⁵⁰ BHMACH management seemed aware that opportunities exist for further performance enhancements. In most cases they have been grappling with problems and in many instances have been formulating solutions. In short, the management capacities within BHMACH have crystallised and the management team should be allowed to manage.

Managing on their own does not mean management in isolation. In addition to the support still available through IMAP and exchanges with MAC counterparts in South-Eastern Europe, the operators within Bosnia have a wealth of experience on technical and operational issues. In some cases, and particularly with NPA, BHMACH has good relationships of a collegial nature. In other cases, conflicting interests (regulatory versus commercial; State agency versus entity government department) have hindered open

⁵⁰ Space does not allow a detailed discussion of all these issues, but we offer recommendations where appropriate.

exchanges on matters of mutual concern. The evaluation team understands that, in the past, technical working group meetings were held but often deteriorated to rancour. These meetings have been discontinued, but a structured means of dialogue with the operators as a group can accelerate problem solving and facilitate coordination.

Recommendation 3 – BHMIC should revive periodic meetings with demining operators to discuss operational and technical issues. Half of the time in these meetings should be allocated to the discussion of issues put on the agenda in advance by the operators.

Performance has improved in recent years due largely to increased survey work. The TAP/CIMAP process is an excellent example of using survey as a basis for more informed decisions that address a community's problems better, and at lower total costs – of working smarter not harder.

Recommendation 4 – Bosnia's TAP/CIMAP is an excellent innovation that warrants adaptation and replication in other mine affected countries. BHMIC should seek or be open to a partnership with a specialized international mine action agencies to document TAP/CIMAP and promote its replication elsewhere. This would represent a real contribution to the mine action field overall and reinforce the perception that BiH officials are not only assuming ownership but acting as 'responsible owners' of their programme. It could also be a useful tool for Bosnian officials in resource mobilization efforts.⁵¹

More conventionally, Systematic Survey is being used to reducing the total suspected area through desk research of war records. General survey releases some land as 'without obvious risk' and leads to better decisions about which demining tasks should be technically surveyed rather than cleared at greater expense. As a result, the total area that can be declared safe following demining can be increased with the same budget. The Evaluation Team believes that BHMIC's decision to enhance survey capacity is the correct one, and that further performance improvements can be expected.

Clearance of priority areas

IMAP has made an **appropriate** contribution to the demining of priority areas. Funding through IMAP for this purpose has been lower than envisaged in the original plan, but donors have increased funding through other channels such as the ITF and direct grants to international NGOs.⁵² While some funding via IMAP may provide flexibility for BHMIC to achieve a better allocation of resources to bring that actual pattern of activity in line with the 'balanced plan', IMAP's comparative advantage lies in capacity

⁵¹ The Evaluation Team understands that the Survey Action Center is in discussion with BHMIC concerning a project to document the TAP/CIMAP.

⁵² Following a competitive call for proposals, the EC also awarded a large multi-year contract to a consortium of local NGOs (STOP Mines, Pro Vita, and BH Demining).

development of the key mine action organs rather than in channelling funds to demining. No harm is done if donors provide funds through other mechanisms.

Sustaining BAF demining capacities

IMAP has been **effective** in supporting the demining capacities of the entity armed forces, which have now embarked on a unification process. The demining cell has been established and staffed with qualified officers and there is reason to believe that BAF demining units will be an effective asset, particularly once they acquire additional machines appropriate for technical survey operations.⁵³ IMAP support in this area has been modest, but this is appropriate as the responsibility now lies with the BAF to demonstrate it deserves a long term role in Bosnia's mine action programme.⁵⁴

Capacity of UNDP to manage the support process

UNDP has been **effective** in managing the IMAP support to the national mine action programme. There has been continuity of personnel in the UNDP mine action unit. The incumbents know the programme and are in a position to make informed decisions. They have been flexible in revising targets on specific outputs (which is appropriate in a capacity development project) while not losing sight of the intended outcomes. UNDP administrators have rightly allowed BiH managers to manage while the Strategic Advisor supports the strategic and policy dialogue. As well, it is appropriate that UNDP has relinquished the chair of the Board of Donors to BiH authorities.

IMAP now is an **efficient** instrument for providing the requisite capacity development support. The number of technical advisors has fallen from over 40 in 1998 (a number that was counterproductive), and now there is only one strategic adviser serving on a part time basis. UNDP and the national programme are fortunate that the Strategic Advisor has served for many years, is knowledgeable about the programme and the broader context, and speaks one of the local languages with comfort. This continuity and local knowledge represents significant **value added** to the mine action partnership between BiH authorities and the international community.

The following lesson is offered not as a new insight but as encouragement for UN and donor agencies to continue efforts at reducing incentives that discourage continuity.

Lesson 1 – Support for capacity development is generally more effective when expatriate advisors have significant experience in the country as well as in the sector, and when they can work effectively in local languages. Continuity in an advisory position also is vital as local counterparts come to know the incumbent

⁵³ Canada will be providing a Bozena 5 following test trials now underway in Croatia, and discussions are underway with SWEDEC for one-or-more additional machines.

⁵⁴ Existing strategies suggest that the country's long term requirements for demining will be met by Civil Protection (for EOD and emergency response) and the BAF (for larger demining tasks). However, the Strategy only extends to 2008, and there are alternatives (e.g. some of the local NGOs appear to be capable organisations).

and how they can make best use of his or her skills. As well, continuity is a prerequisite for the emergence of trust in an advisor by local officials, and trust is an essential ingredient for working together effectively on important strategic and policy issues.

Impact on IMAP on BiH structures

IMAP has been **effective** in contributing to the refinement of the institutional make-up – both the national organs and the legal and regulatory framework – of Bosnia’s mine action programme. Assuming the draft legislation is adopted, this institutional make-up should be **sustainable**, although not at the present scale of operations without continued financial assistance from donors. The delay in BiH assuming full financial responsibility for the BHMACH budget reflects more the country’s widespread fiscal problems and its constitutional malaise than an lack of commitment to the mine action programme.

Commitment & capacity to assume ownership

BiH officials are **capable** of assuming increasing ownership in most of its dimensions⁵⁵ – their main problem relates to financial capacity, which reflects the weak fiscal position of the governments as well as their dependency on intermediaries (chiefly, the ITF and UN agencies) to raise funds from donors.

Recommendation 5 – Bosnian officials responsible for mine action should plan and implement measures to mobilise resources from the donor community in conjunction with – but not dependant upon – parallel efforts by the ITF and UN agencies.

As well, loans from the World Bank, EBRD, etc. represent a financing option that has been used by Croatia to good effect. Given the unfortunate experience with the World Bank’s Landmines Clearance Project, a loan for a ‘free-standing’ mine action project would not be appropriate. However, experience from Croatia and elsewhere clearly indicates that the best way for financing the demining services required for large infrastructure projects is to incorporate the estimated demining costs within the project financing plan, irrespective of whether the monies for the demining component are from the loan, part of the national contribution, or from parallel grant financing from donors. Often the best way of providing the demining services is to require prospective prime

⁵⁵ In one definition, the rights and responsibilities of ownership are outlined in general terms as:

- The right to determine whether the partnership is desired to establish and sustain a mine action programme;
- The responsibility to contribute to investments to sustain the programme and make it more productive;
- The right & responsibility to establish priorities and the strategy for pursuing these;
- The right to enjoy the benefits from the programme coupled with a share of responsibility in the case of failure;
- The right & responsibility to determine whether an established programme should continue (i.e. there remains a need and the programme is working). (Adapted from Ostrom et al., 2002)

contractors to include an accredited demining sub-contractor in their bids and, for the winning bidder to assume responsibility for the quality of its sub-contractor's work.⁵⁶

Recommendation 6 – Bosnian officials responsible for mine action should prepare policy proposals for consideration by State and Entity governments to require that the projected costs of demining services in support of large infrastructure projects are incorporated in the financing plan for the project and, where the costs of these demining services exceed the governments' fiscal capacities and the international donations available for mine action, to cover these costs with loan financing.

BiH officials who are directly engaged with mine action are also **committed** to the national programme and its sustainability.⁵⁷ Whatever the depth of this commitment however, there appears to be little breadth across senior government levels. Because of the lack of consensus on fundamental issues about the country's future, what should be straightforward decisions made on economic or technical evidence become politicised. The current constitutional arrangements⁵⁸ mean decisions can be blocked by many different governments, perhaps simply as a bargaining chip to obtain concessions on other matters. The same lack of consensus on Bosnia's future has so far prevented the constitutional reforms required to make the country manageable.

It is tempting to suggest that mine action stakeholders should promote the programme more aggressively as an example of what Bosnia can achieve, particularly because mine action seems to have been the first example in which the entity governments formally allowed the State to assume an entity responsibility and manage it on a pan-Bosnian basis.⁵⁹ This could be an important contribution toward the grander objective of nation-building. At least some mine action stakeholders have considered this, but have shied away. In their view, the political atmosphere remains too divisive and holding mine action up as an good example may make it too tempting a target for ethnic jingoists who want Bosnia to fail as a single country.

Risks to future performance

Even if the gamble is not taken to promote mine action as an example for nation-building purposes, the fundamental lack of political consensus remains the greatest risk to the programme. Promoting mine action as an apolitical humanitarian endeavour is an appropriate risk management response, as it reduces the likelihood that the programme will be used as a political pawn.

⁵⁶ QA would also be provided by BHMIC inspectors, as with all demining operations.

⁵⁷ The evaluation team did not have the opportunity to meet the Minister of Civil Affairs, but a number of interlocutors mentioned that the Minister has been extremely supportive, both in public and private.

⁵⁸ There are 13 constitutions: one for the State, one for each entity, and one for each canton in the Federation.

⁵⁹ As well, the creation of a military demining cell was one of the first examples of concrete cooperation among the three armed forces.

Political deadlocks also pose an indirect risk to mine action. Government effectiveness in every country depends on dedicated and capable civil servants. Protracted delays in arriving at even straightforward decisions are bound to discourage such individuals, and bring about even greater administrative malaise. This would erode the capacity of Bosnia to assume ownership of the programme, and the motivation of BHMIC personnel to continue with performance improvements.

The third great risk to mine action is, of course, corruption. By all accounts, the national mine action programme has made great strides in tackling this since 2000, but the risk is ever-present so long as corruption remains a widespread problem. In this light, the Evaluation Team believes there is little urgency in establishing a Mine Action Tenders Board within Bosnia. The ITF is now providing this service, and tendering is bundled into other ITF functions; particularly resource mobilisation for Bosnia and other countries in the region. The impact of substituting ITF tendering with a national Tender Board on ITF's capacity to mobilise resources is far from clear, and should be contemplated only after a thorough strategic analysis, including discussions with ITF and the donor community.

Regardless, the establishment of the State Procurement Agency and the Procurement Review Board will create the necessary policy and oversight framework to allow a Tender Board to be set-up in short order at some future date. Mine action stakeholders should allow other departments to pilot the new government procurement system, and then revisit this issue once the system is working and stabilised. The initial step might then be to appoint the ITF as the procurement agency for mine action, subject to Bosnian public procurement policies and oversight by the Procurement Review Board. This would establish Bosnian ownership of the process at minimal cost, without jeopardising the scale economies underpinning ITF resource mobilisation and allocation services on behalf of the wider region.⁶⁰

Relevance of future assistance to national structures

The assistance to national structures provided through IMAP to BHMIC is one of the reasons that the performance of the national mine action programme has improved significantly over the past five years. The amount of assistance available through the end of 2008, when this phase of IMAP ends, appears to be adequate assuming:

- BHMIC is able to obtain a scheduled replacement of vehicles, DGPS devices, and IT equipment from donors, some of whom it has already contacted; and
- NPA can obtain the funds to continue supporting BHMIC with seven survey teams.

⁶⁰ It should be emphasized that the Evaluation Team has not examined the ITF in any detail, or solicited the views of the donors who choose to channel their support through the ITF. Conventional wisdom is that at least some donors believe the ITF provides a bundle of useful services and serves as a valuable symbol of cooperation within the region. As such, Bosnian authorities should consider the wider implications of replacing the ITF role within Bosnia's mine action programme.

At this stage, too much funding could be almost as detrimental as too little because it would ease the pressure on BHM MAC management and the Demining Commissioners to find their own solutions to problems, some of which will entail difficult decisions. The capacity and willingness to make – and be held accountable for – difficult decisions represent the essence of responsible management and ownership.

The Evaluation Team feels the Demining Commissioners and the BHM MAC management team have built a solid track record and should be encouraged to plan and manage their affairs with the certainty that modest support is available through IMAP through 2008, and that this support will not be extended as such.

Recommendation 7 – Sida should enter into discussions with Bosnian authorities and the UNDP concerning the need for further modest financial contributions to IMAP following September 2006. Any further contribution should be contingent on the establishment of a senior position – staffed by a capable civil servant – within the MoCAC to work full-time on strategic management functions, in support of the Demining Commission, whose members serve on a part-time basis only.

It may well be that BiH mine action officials devise specific proposals for innovations which donors such as Sida may wish to assist based on the merits of the proposals themselves. This would reflect a maturing partnership, with two sides on a more equal footing cooperating to address mutual interests.

Recommendation 8 – Sida should not plan to provide assistance beyond 2008 that is earmarked to support the capacity development of the Demining Commission or BHM MAC per se, but should remain open to proposals from BiH mine action officials that are worthwhile in themselves and that clearly address the criteria established in Sida’s Country Strategy.

Of course, both Civil Protection and the newly unified Bosnian Armed Forces are ‘national structures’ that have roles in mine action. The mine action capacities of these organizations have received extensive support (the EC in the case of Civil Protection, and a medley of donors, plus SFOR/EUFOR and various Western militaries, for the armed forces). Both Civil Protection and the Armed Forces now have the capacity to play more effective roles within mine action, and it is up to their senior managers/officers to demonstrate the commitment to do so. Assuming one or both of these institutions demonstrate the requisite commitment, further support from the international community may be warranted. However, the Evaluation Team is unaware of any comparative advantage held by Sida in providing any future assistance.

Appendix 1: Persons Met

Organisation	Persons met
3 May 2006, Sarajevo	
UNDP	Stefan Priesner, acting Resident Representative
	Seid Turković, Human Security Portfolio Manager
	Amela Gacanovic-Tutnjevic, IMAP Project Manager
Embassy of the Netherlands	Willem van Rossem, Counsellor & Deputy Head of Mission
Embassy of Sweden	Nedim Bukvić, National Program Officer
EUFOR	Col. Stefan Jonsson, Chief, Countermines
International Trust Fund	Roman Turšič, Head of Implementation Office in BiH
4 May 2006, Sarajevo	
Office of the High Representative	Johannes Viereck, Head, Pol/Mil Section & EUSR Pol/Mil Adviser
Demining Commission	Darko Vidović, Demining Commissioner & Minister Counsellor, BiH Embassy, Ljubljana, Slovakia
BH-MAC	Dušan Gavran, Director
	Darvin Lisica, Deputy Director, Operations
	Ahdin Orahović, Deputy Director, Support
BiH Armed Forces	Major ?????, Officer in Charge of Planning, Training & Equipment
	Captain ?????, Liaison Officer, EUFOR & International Organisations
5 May 2006, Sarajevo	
EU Delegation to BiH	Michael Docherty, Head, Democratic Stabilisation & Social Development Section
	Sanja Tica, Officer for Mine Action Programmes
Norwegian Peoples Aid	Per Breivik, Director, Mine Action Programme
5 May 2006, Field visit – Orasje & Brcko	
N&N IVSA, Orasje	Ivo Orsolc, Project Manager and Zlatan Mikic, Interpreter
BHMAC, Brcko	Esed Aletic, Head of Regional Office
Minewolf, Brcko	Mike Kelly, Technical Advisor
Norwegian Peoples Aid	Damir Atikovic, Public relations Officer
8 May 2006, Field visit – Novi Grad & Kamenica, Ilijas	
InterSOS	Alfieri Fontana, Programme Manager
Kamenica village	Mine action coordinator, Ilijas & community members
8 May 2006, Sarajevo	
UNDP	David Rowe, Chief Technical Adviser
BHMAC	Darvin Lisica, Deputy Director, Operations
8 May 2006, Pale	

STOP Mines	Radosav Zivković, Director
9 May 2006, Sarajevo	
UNICEF	Nathalie Prévost, MRE Advisor and Mario Tokić
EC-funded Public Procurement Project	Marian Lemke (by telephone)
Post-implementating & monitoring unit, Council of Ministers Office	Azemina Voković, PIMU
World Bank	Irena Smirnov
Canadian Embassy	Shelley Whiting, Ambassador
10 May, Sarajevo	
UNDP	Debriefing

Appendix 2: Terms of Reference

TERMS OF REFERENCE FOR THE MID TERM REVIEW OF THE UNDP INTEGRATED MINE ACTION PROGRAMME (IMAP)

1 BACKGROUND

Up to one million mines, mostly anti-personnel, and many types of unexploded ordnance (UXO) still take a toll on innocent victims in BiH. There are at least 10 000 separate mine contaminated areas that will continue to be a threat for decades to come. This legacy of war is a major inhibitor for the return of refugees and IDPs. In a general sense, mines and UXO inhibit freedom of movement, but more specifically, restrain access to housing and farmland. Moreover, mines and UXOs stand as a barrier to economic recovery; in addition to blocking the development of tourism and agricultural activities that can stimulate job production, they also obstruct environmental rehabilitation programmes. Demining is therefore critically important not just from the human rights and protection perspective, but also as a pre-condition for long-term sustainable economic development and environmental action.

Apart from the undetermined scale and location of many minefields, the co-ordination challenge of mine action is immense. There has been considerable progress however in establishing an effective structure that can now support a more effective longer-term programme for mine clearance and mine risk education. Mine action is one area where there has been significant inter-Entity collaboration and institution building, with progress on implementing basic international principles. Everyone in BiH recognises the threat and long-term development implications of mine contamination. BiH signed the 1997 Ottawa Convention prohibiting the use, stockpiling, production and transfer of anti-personnel mines, and by 1999 had complied with the requirement that signatory nations must destroy all stockpiled anti-personnel mines.

Since 1995 mine action in BiH has developed into a complex programme involving national and international commercial interests, NGOs, military and institutional resources. State-level and Entity governments agreed in January 1996 to invite UN assistance in the form of interim structure – the UN Mine Action Centre (UNMAC) – that allowed work to proceed with international support until BiH could assume responsibility. The transfer of responsibility was effected on 1 July 1998 and reinforcement of the local capacity has been underway since that time.

In recent years, there has been a consolidation of the Mine Action Centre structures. A State-level BiH Mine Action Centre (BHMIC) and two Entity-level MACs (EMACs) replaced the UNMAC upon assumption of national responsibility. Since then, the EMACs have been abolished and their offices merged into the BHMIC structure as subordinate operations offices at the Entity level. This reform has provided for increases in efficacy and enhanced service delivery. Reforms in 2002 have seen mine action coordination further strengthened through the adoption of a national Law on Demining,

which regulates mine action in BiH, and allowed the development of a national mine action strategy to 2009.

Sida has previous experience from supporting mine clearance in BiH. During the period 1995-2003, a total of 25,7 MSEK has been allocated for this purpose. The support has been channeled through UNOPS/BHMAC, NPA (pilot project), ITF and UNDP/BHMAC. The focus of the mine clearance interventions has moved from purely humanitarian support and development of local structures for this towards the situation of today where the mine problem is mainly viewed as a hinderance for economic development. A clear indication for this shift of focus is that the handling of the mine clearance issues in BiH at Sida is transferred from SEKA/HUM to EUROPA/SEE.

The support has since year 2000 mainly been channeled through International Trust Fund For Demining and Mine Victims Assistance (ITF), a humanitarian, non-profit organization devoted to eradication of the landmines from the ground in the region of South-Eastern Europe and the world. Funds donated through this organisation have been doubled for mine clearance. Lack of transparance regarding the use of the doubled funds have led to that Sida (SEKA/HUM) has discontinued the support to ITF and instead recommend direct support to UNDP.

The subject of this mid term review, in June 2004, Sida approved a 15 MSEK three year support to UNDP's new Integrated Mine Action Programme. The objectives of IMAP (a multi donor financed TA and capital support fund) are: 1 to provide and assist State level management of mine action strategy, policy and activity 2. to clear a set area of mines and 3. Operational capacity building towards the sustaining Bosnia Armed Forces mine action capacities (see IMAP proposal dated February 2004; attached).

The Sida agreement with UNDP for IMAP project will cease to exist in September 2006. Before entering into any new commitment in the area of demining Sida would like to conduct an evaluation of the present support to analyse the impact.

2 PURPOSE AND SCOPE OF THE REVIEW

The objective of the assignment is to give Sida guidance in regard to the effectiveness and the efficiency of the IMAP program. The review of results achieved and lessons learned during this period are to be used as a basis for a Sida decision on possible extensions of support to the demining sector.

The scope of work consists of two parts. In the *first part* the focus should be on the implementing partner and the work done during the agreement period. The consultant should analyse the UNDP capacity to manage mine action support programme and the IMAP process, focusing on the complete transfer of ownership for mine action to the BiH government and impact on the mine action structures in BiH.

The review exercise will critically and objectively examine the overall progress achieved in the fulfilment of the project's objectives/outcomes (mentioned above) and will assess how and why the outcomes have or have not been achieved in the country context and the

role that UNDP has played. The review should propose actions and adjustments in future support (if any) to UNDP programming and generate lessons learned.

Furthermore, the consultant is to review assumptions and check relevance, impact, effectiveness, efficiency and, if appropriate, sustainability of the actions since inception.

The *second part* should have a more contextual focus and look into the BiH ownership and the willingness for reform in this area. In this part the underlying factors affecting the situation, highlight unintended consequences (positive and negative) should be analysed.

3 THE ASSIGNMENT (ISSUES TO BE COVERED IN THE REVIEW)

The consultant is expected to cover the following issues in the review:

- Main findings and interim rating on the project assessment criteria (relevance, effectiveness, feasibility, sustainability/ownership, risks);
- Recommendation for relevance and continuing or concluding assistance towards the further strengthening of mine action structures in Bosnia and Herzegovina once the current project expires;
- Recommendations for proposed actions to be taken towards UNDP regarding future support (if recommended), including recommendations for formulating future assistance for further strengthening mine action structures in the country;
- Lessons learned in UNDP IMAP and suggestions for future corrective actions;
- Discuss the draft report with the parties involved so that final report reflects their comments

4 METHODOLOGY, REVIEW TEAM AND TIME SCHEDULE

4.1 Method of work

The assignment may consist of the following parts (the Consultant is encouraged to make amendments to the methodology or to propose an alternative approach):

- A. Briefing, review of documentation, 2 days during
- B. Interviews and meetings in Bosnia, 7 days during
- C. Analysis, reporting and debriefing 5 days during

All in all the review should be conducted during 14 working days in April 2006.

Background documents include:

- The UN Common Country Assessment (CCA) for Bosnia and Herzegovina
- UNDP project documents and relevant papers such as progress reports
- National Demining Law and other legal and non-legal instruments related to mine action coordination in BiH
- Minutes of Board of Donor meetings
- Sida project memo, agreement and decision

- Draft Swedish Country Strategy for BiH (2006-2010)
- The Evaluation prepared 2002 by Sida SEKA on the support to the mine sector in BiH.
- UNDP revised program proposal
- Sida guidelines for support to demining

The team will work in close co-ordination and collaboration with UNDP office to ensure maximum effectiveness and production of quality outputs.

Consultations should be held with the UNDP, members of the UNDP Mine Action Programme, with members of the Demining Commission and BHMIC Management, representatives from the Board of Donors (others than the one mentioned above) and EUFOR. The consultant is free to add necessary meetings.

The Consultant shall prepare a *draft report* and present this to Sida latest on 31 May 2006. The draft report shall be discussed at Sida HQ before the *final report* is being prepared by the consultant. The final report shall be finalised 30 June 2006.

The Sida representative in Sarajevo shall be met when visiting the BiH for a briefing before starting the interviews and for a de-briefing when finished.

Sida HQ and field office in Sarajevo will be at the consultants disposal for discussions or questions during the assignment. Contact person at Sida Sarajevo will be Mr. Nedim Bukvic, phone +387 33 276 052, e-mail: nedim.bukvic@foreign.ministry.se.

4.2 The consultant team

The review mission will be carried out by a team comprised of a mine action expert and a project management specialist (international and/or a national consultant if feasible).

The Mine Action Expert must have the following qualifications/experience:

- At least 5 years experience in mine action management.
- Comparative experience in mine action systems and administration, with specific experience in managing large-scale mine action assistance programmes.
- Familiarity with mine action-related legislation and international standards in the field of mine action.
- Fluency in spoken and written English and familiarity with the United Nations System.
- Experience in Bosnia and Herzegovina would be an asset.

The Project Management Specialist must have the following qualifications/experience:

- Five to ten years experience in programme/project management and operational issues related to programme execution and implementation
- Fluency in spoken and written English and familiarity with the United Nations System.
- Previous experience in Bosnia and Herzegovina would be an asset.

4.3 Time schedule

The assignment period is April 2006-May 2006.

April 2006 desk study and visit to BiH.

May 2006 report writing and presentation of report.

The time estimated for the fulfilment of the assignment is two weeks.

4.4 Undertakings

The Consultant will be responsible for practical arrangements in conjunction with the assignment. Sida will make available or cause to make available all relevant Sida material.

5 REPORTING

The report shall be written in English and should not exceed 30 pages, excluding annexes. The draft report shall be submitted to Sida electronically no later than 31 May 2006. Within two weeks after receiving Sida's comments on the draft report, a final version shall be submitted to Sida, again electronically and in two hardcopies. The report must be presented in Word format and in a way that enables publication without further editing. If publication is considered, by Sida or the consultant, it should be discussed between the two parties.

The following is a tentative outline of the report:

1. Executive summary, maximum 2 pages.
2. An analyse of the UNDP IMAP in BiH.
3. Contextual analyses.
4. Recommendation to Sida.

Appendix 3: Evaluation Matrix

Issue/Question	Criteria	Possible Indicators	Sources of Data (Preliminary)	Data Collection Methods
1. Has IMAP achieved or made significant progress towards the programme's objectives, viz...				
1.a. IMAP Objective 1 – Management of mine action strategy and policy fully taken over by State	<ul style="list-style-type: none"> Effectiveness (in achieving outcomes) Relevance (of strategy) 	<ul style="list-style-type: none"> Mine action component of PRSP completed & endorsed Strategic analysis being done regularly (LIS, TAP, & other) Strategy updated Law updated 	<ul style="list-style-type: none"> PRSP Mine action strategy Draft mine action law BiH officials (re analysis) 	Interviews. Desk review of documents
1.b. IMAP Objective 2 – Management of all mine action activities fully taken over by State	<ul style="list-style-type: none"> Appropriateness (of NMAS) Effectiveness Efficiency Transparency 	<ul style="list-style-type: none"> NMAS (adequate, appropriate) Operational plans (effective & efficient asset use; transparency) TAP plans (community views) Tender board arrangements Clear criteria/processes for setting priorities Areas released for civilian use Cost analysis of demining mix 	<ul style="list-style-type: none"> NMAS & plans for enhancements Site observations Opinions of operators TAP plans Annual work plans Policy documents & draft law Clearance & 'release' data Cost data Plans for national tender board & World Bank CPAR 	Desk review of documents Interviews Site visits
1.c. IMAP Objective 3 – Priority areas restored for use by citizens / communities	<ul style="list-style-type: none"> Appropriateness Efficiency 	<ul style="list-style-type: none"> Links to higher priorities Links to TAP plans Tender operations 	<ul style="list-style-type: none"> PRSP Sector & local govt. officials TAP plans 	Desk review Interviews Questionnaire????
1.d. IMAP Objective 4 – BAF mine action activities sustained.	<ul style="list-style-type: none"> Efficiency Sustainability 	<ul style="list-style-type: none"> Cost of BAF demining operations Need for BAF Institutional, management, & financial feasibility 	<ul style="list-style-type: none"> Ministry of Defence OHR, OSCE, EUFOR Opinions of BAF demining officers Opinions of BiH personnel 	Desk review Interviews
2. What is UNDP's capacity to manage IMAP process, including	<ul style="list-style-type: none"> Effectiveness Value-added 	<ul style="list-style-type: none"> Satisfaction of BoD members Satisfaction of Commission 	<ul style="list-style-type: none"> Opinions of: <ul style="list-style-type: none"> BoD members 	Interviews. Desk review (other

Issue/Question	Criteria	Possible Indicators	Sources of Data (Preliminary)	Data Collection Methods
the transfer of ownership to BiH authorities?		<ul style="list-style-type: none"> • Satisfaction of BH-MAC management • Self-rating by UNDP 	<ul style="list-style-type: none"> ○ Commission ○ BiH management ○ UNDP ○ Other stakeholders • Questionnaire survey? 	studies & evaluations) Questionnaire???
3. What has been the impact of IMAP on mine action structures in BiH?	<ul style="list-style-type: none"> • Effectiveness • Sustainability (together the above will be <u>potential</u> impact) 	<ul style="list-style-type: none"> • Degree to which IMAP objectives reached • Indicators of govt. commitment • What's the counterfactual? <ul style="list-style-type: none"> ○ Opinions of Commissioners, BiH managers, BoD members – what difference has UNDP involvement made? 	<ul style="list-style-type: none"> • Progress reports • Financial reports • Opinions of: <ul style="list-style-type: none"> ○ BoD members ○ Commission ○ BiH management ○ UNDP ○ Other stakeholders ○ Non mine action BiH officials (planning, finance, etc.) 	Interviews. Desk review (progress & financial reports)
4. What is the willingness & capacity of the BiH government to assume ownership of the national programme?	<ul style="list-style-type: none"> • Ownership 	<ul style="list-style-type: none"> • Growth in assuming rights & responsibilities by BiH State • Appropriateness & adequacy of government measures 	<ul style="list-style-type: none"> • Opinions of: <ul style="list-style-type: none"> ○ OHR & BoD members ○ Commission ○ BiH management ○ UNDP/other stakeholders ○ Min. of Finance & Planning • Key MA docs 	Desk review Interviews
5. What are the principal risks to the BiH mine action programme, and are appropriate risk management measures in place?	<ul style="list-style-type: none"> • Effectiveness • Sustainability 	<ul style="list-style-type: none"> • Identification of risks & risk management measures in key documents. • Risk & risk management discussions by Board of Donors 	<ul style="list-style-type: none"> • IMAP planning & approval documents • National strategy • Annual plans • BoD minutes 	Desk review Interviews Questionnaire????

Issue/Question	Criteria	Possible Indicators	Sources of Data (Preliminary)	Data Collection Methods
<p>6. What is the relevance of continued assistance to strengthen the key mine action organs?</p>	<ul style="list-style-type: none"> • Relevance • Sustainability 	<ul style="list-style-type: none"> • Links to higher objectives • Level & growth of government contributions 	<ul style="list-style-type: none"> • PRSP & Govt. Budget • ITF ‘donations’ • Opinions of: <ul style="list-style-type: none"> ○ OHR ○ BoD members ○ Commission ○ BiH management ○ UNDP/ other stakeholders 	<p>Desk review Interviews Questionnaire????</p>

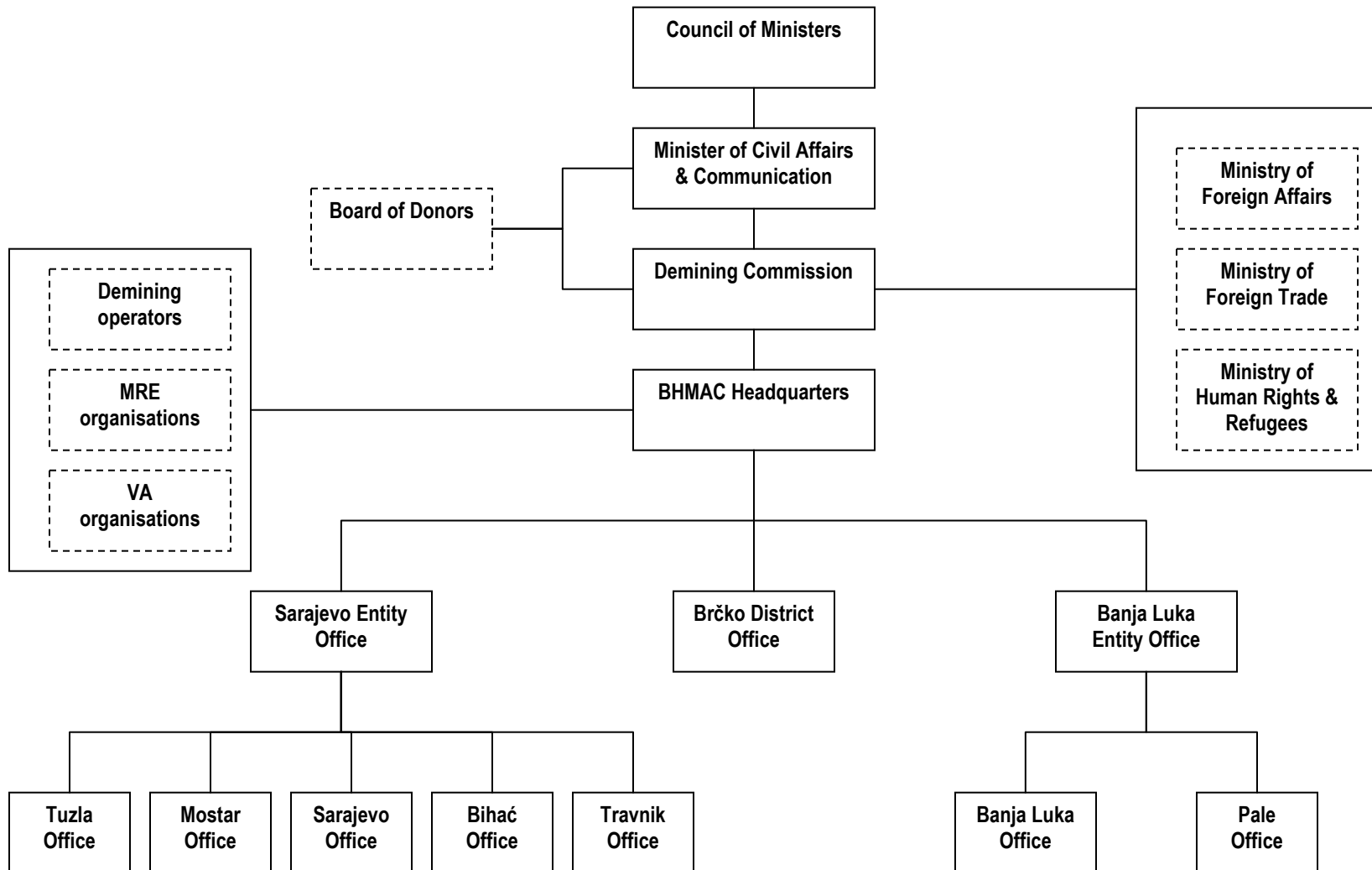
Definitions	Sources: DAC, 2002, <i>Glossary of Key Terms in Evaluation and Results Based Management</i> , and 1999, <i>Evaluating Humanitarian Assistance in Complex Humanitarian Emergencies</i> , both OECD, Paris; plus supplements relevant for Mine Action.
Relevance	The extent to which the objectives of an intervention are appropriate to the requirements of the beneficiaries, the country’s needs, global priorities, and the policies of the donor and its overseas partner.
Appropriateness	The need to tailor activities to local needs and capabilities, increasing ownership, accountability, and cost-effectiveness accordingly.
Impact	Positive and negative, primary and secondary long-term effects produced by a development intervention, directly or indirectly, intended or unintended.
Efficiency	A measure of how economically resources/inputs (funds, expertise, time, etc.) are converted to results.
Effectiveness	The extent to which the development intervention’s objectives were achieved, or are expected to be achieved, taking into account their relative importance. Also used as an aggregate measure of (or judgment about) the merit or worth of an activity
Sustainability	(1) The continuation of benefits from a development intervention after major development assistance has been completed. (2) The probability of continued long-term benefits. The resilience to risk of the net benefit flows over time.
Safety	The degree to which risks to: (i) mine action personnel are minimised in the operations and (ii) others interacting with the hazardous areas – such as members of the local communities and aid personnel – are minimised before, during, and after demining operations.
Ownership	<p>The rights and responsibilities of ownership can be outlined in general terms as:</p> <ul style="list-style-type: none"> • The right to determine whether the partnership is desired to establish and sustain a mine action programme; • The responsibility to contribute to investments to sustain the programme and make it more productive; • The right & responsibility to establish priorities and the strategy for pursuing these; • The right to enjoy the benefits from the programme coupled with a share of responsibility in the case of failure; • The right & responsibility to determine whether an established programme should continue.

Appendix 4: Achievement of Planned Outcomes & Outputs of IMAP

Outcome	Outputs	Status	Comments
1. Management of mine action strategy & policy fully taken over by the State			
1.1 Mine action embedded as a fundamental element of the PRSP	1.1.1 Mine action component of the PRSP completed and endorsed at ministerial level	Achieved	BHMAC active in PRSP revision process. Mine action one of only two sectors/cross-cutting issues with 100% achievement of PRSP targets
1.2 Core documents & legislation for mine action in BiH updated and adjusted	1.2.1 National strategy updated and adjusted	Achieved	New strategy represents significant achievement
	1.2.2 National Demining Law updated and adjusted	Partially achieved – draft legislation prepared	Assuming it is enacted, the new legislation represents a significant improvement
1.3 Management systems compatible and equivalent to those in contemporary projects established	1.3.1 Relevant components of IMSMA implemented	Dropped from IMAP in the revision	IMSMA currently being reengineered & when version 4 available, GICHD will assist if BiH wishes IMSMA
2. Management of all mine action activities fully taken over by the State			
2.1 Operational coordination expanded to include all elements of mine action in accordance with the national strategy	2.1.1 National standards maintained in accordance with the principles contained in IMAS	Ongoing function	BHMAC performance adequate or better
	2.1.2 Field operational assets employed in a consistent & best manner...	Ongoing function	BHMAC performance adequate & improving
2.2 National capacity established for mine action resource mobilisation	2.2.1 A trained & permanently employed officer emplaced within...the Ministry... responsible for the day to day strategic management of mine action	No progress	Incumbent Minister has re-affirmed commitment to establish this position following elections (if he is re-appointed)
	2.2.2 Transfer of responsibility completed for all costs associated with the maintenance of [BHMAC]	Was to be completed by end 2004, but delay to end-2008 agreed	BiH to increase its share of BHMAC budget by 15%-20% per year
2.3 Independent Bosnian capacity established to issue tenders for mine clearance	2.3.1 A capacity for issuing mine action tenders developed	Dropped as EU-funded project to establish State Procurement Agency came on stream	Public Procurement Agency & Procurement Review Board will only have policy & review functions & will not serve as a mine action tender board.
3. Priority areas demined			
3.1 Land of significance for economic development & returnees cleared from mines	3.1.1 Circa 4 million m ² of land that is significant for economic development & returns demined	Target revised down to 1.5 million m ² due to lack of donor funding	Donors providing funds via other channels & regardless it is unclear that IMAP has a comparative advantage in this aspect

Outcome	Outputs	Status	Comments
3.2 BiH mine action capacities utilised in task implementation (& planning?)	3.2.1 Clearance of tasks prioritized on the basis of LIS indications of affected communities	Achieved & now ongoing function	TAP/CIMAP is excellent innovation & further improvements can be expected
4 BAF mine clearance activities sustained			
4.1 BAF mine clearance operations sustained	4.1.1 BAF demining activities sustained	Ongoing function	Entity armed forces just recently unified on paper, and full implementation will take some years. Demining cell

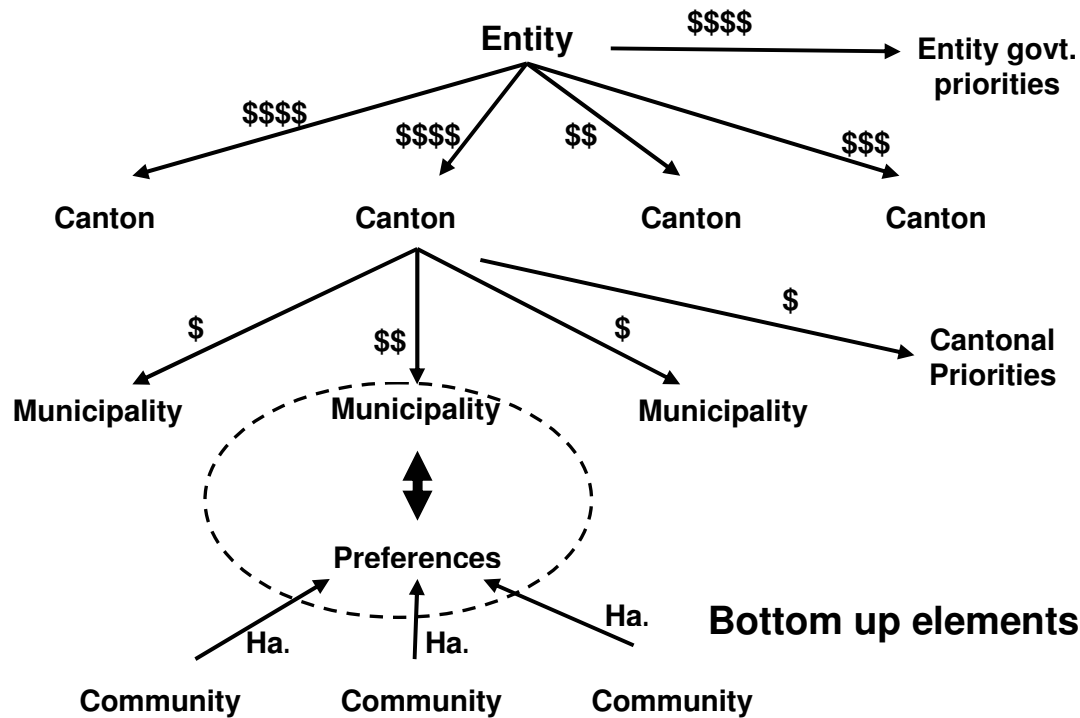
Appendix 5: Organisation of the National Mine Action Programme



Appendix 6: Stylised Resource Allocation & Priority Setting System

Top down & bottom-up elements of resource allocation & priority-setting (Federation example)

Top down elements



Level
1
2
3
4

\$\$ -- Budget expressed in financial terms
 Ha. -- Preferences expressed in hectares for demining

Note: An additional level for State requirements will be required eventually

Appendix 7: Coverage of National Mine Action Standards

CHAPTER	TOPIC
I	Training
II	Marking of Mined Areas and Tasksite
III	Tasksite Layout and Manual Operations
IV	Demolition of Mines and UXO
V	Mine Survey
VI	Explosive Ordnance Disposal
VII	Communication, Registering Data and Reporting
VIII	Takeover of Demined Area or Building
IX	Safety
X	Medical Support and Casualty Evacuation
XI	Quality Assurance
XII	Use of EDD Teams
XIII	Demining Accident Investigation
XIV	Mechanical Preparation of the Ground
XV	House Clearance

Appendix 8: Releasing Suspected Areas for Use

BHMAC conducts a number of different operations which could result in land being ‘released’ for use. It should be stressed however, that much of this land may already be in use by local populations and the only change is to BHMAC records of SHA.

At the end of the war, large areas of land along the conflict lines were declared suspect of contamination even though there was no direct evidence (e.g. minefield maps from the combatants, reports from residents, explosions, etc.) of landmines. As a result, more than 4,000 km² of SHA were entered into the database. This huge area reflected two prevailing biases within the international mine action field:

1. disaster inflation (making one’s problem seem as large as possible) resulting from competition among programmes for world attention and donor funds;⁶¹
2. risk avoidance rather than risk management, propelled by the vivid imagery of victims and the illusion that contaminated areas can be made 100% safe.⁶²

For some countries, these biases made mine contamination appear to be a problem that would take centuries to address – in Bosnia’s case for example, simple extrapolation based on prevailing rates of funding would suggest that clearance of all the suspected minefields would take over six hundred years!

National programmes soon learned that disaster inflation led to cut-backs rather than increases in foreign funding – donors want to tackle problems for which their support can make a difference rather than represent but a drop in the ocean. As well, experience from many countries indicated that a high proportion of expensive clearance assets were being allocated to areas in which no explosive devices were found – in Bosnia’s case, just over 30% of tasks in 2003 and 2004 came-up empty.

Second-generation mine action strategies focus more on viable solutions rather than magnified problems. Part of the solution is to reduce the total area suspected of contamination to a more realistic and manageable amount. This entails the adoption of a risk management approach, with the following changes:

- Rather than recording an area as a suspected hazard if there is the slightest suspicion of contamination, only record areas when there is a specific reason to believe there might be landmines or UXO;
- Reserve expensive clearance operations for areas where there are almost certain to be landmines or ERW – where there are only suspicions, use faster and cheaper approaches (e.g. technical survey using mechanical equipment, dogs, test lanes, etc.)

⁶¹ In Mozambique during the early 1990s for example, estimates from the UN and other sources typically referred to between 1 and 2 million landmines. Twelve years of demining has found fewer than 100,000 landmines.

⁶² Even full clearance is not perfect – for example, current technology only permits clearance to a specified depth.

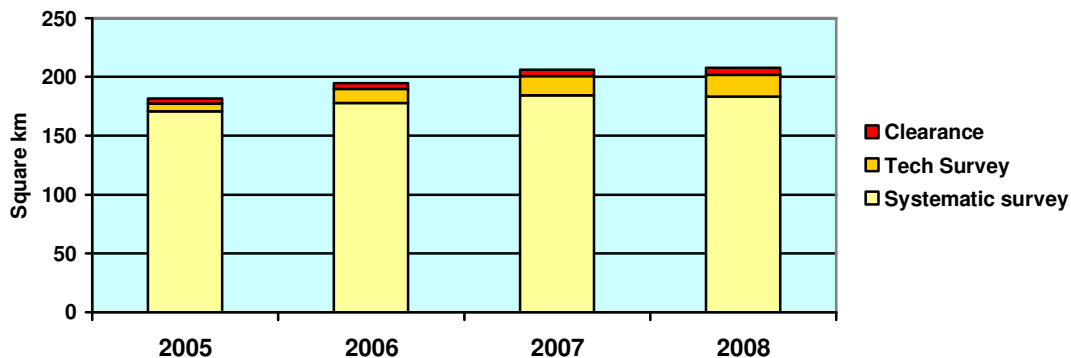
to confirm whether and where the contamination exists and, where no evidence can be found, release the land for use.

The BHMAL has begun to introduce such approaches to release land from the SHA register. For example, systematic survey is principally a desk exercise defined in Article 4 of the draft legislation as “*an analytical and investigative procedure [for] making an assessment of suspicious risk areas the warring parties used in war operations.*”⁶³ It is a systematic investigation of the former lines of confrontation (nearly all of which were originally listed as SHA) to see if there is any evidence (minefield maps, reports from combatants, reports from local residents, accidents, etc.) to believe a specific area might be contaminated. If there was no evidence, the land can be released as ‘no apparent risk’.

The approach was initiated prior to the LIS, and allowed the release of almost half the original SHA that was systematically surveyed.⁶⁴ Based on this experience, the initial strategy used an estimate of just over 2,000 km² of SHA rather than the 4,000 km² originally reported. Systematic survey continues, and results in the majority of land released each year.

The second innovation was the introduction of technical survey (see Textbox 5 – Technical survey). The current Strategy envisages an increase in the ratio of technical survey to clearance from 1.65:1 in 2005 to 3:1 by 2007. As technical survey is cheaper than clearance,⁶⁵ more land can be released in this way. The following graph depicts the plans for land release incorporated in the current Strategy.

Figure 11 – Plans for releasing land in the Strategy: 2005-08



It should be emphasised that a significant portion of the land ‘released’ through systematic survey constitutes only a change in the mine action records – local people would already be aware that much of this land is not contaminated. Still, it is a worthwhile investment⁶⁶ as proper planning requires a better estimate of the areas that will need to be marked, technically surveyed, or cleared.

⁶³ Systematic survey might best be thought of as a general survey process done on a systematic basis.

⁶⁴ It will take some years before all the SHA records can be re-assessed in this fashion.

⁶⁵ The Strategy estimates that, on average, technical survey will cost half as much per m² than clearance.

⁶⁶ The Strategic Analysis conducted in 2004 states that general survey costs 0.019 KM/m².

Appendix 9: Analysis of the Demining Law

The following is excerpted from *Mine Action Legislation: The Case of Bosnia and Herzegovina*, report submitted to GICHD by Ted Paterson, September 2002.

Mine action structure

BiH BODIES

The 2002 Demining Law confirms the prior establishment of the BH Demining Commission consisting of three members of the Council of Ministers⁶⁷ – one from each of the constituent peoples – located in and responsible to the Ministry of Civil Affairs and Communications (MCAC). Commissioners are elected for two year terms by the Council of Ministers following its receipt of a recommendation by the Minister and two Deputy Ministers of the MCAC. The Commission’s principal responsibilities are to:

- Represent BiH at international mine action events;
- Approve the BH Standard for Mine Clearance and Unexploded Ordnance and for training programmes;
- Supervise the work of BH MAC;
- Adopt regulations governing the tendering and appoint a Tenders Commission;
- Keep the Council of Ministers and the Board of Donors informed concerning the activities of the Commission and progress achieved in demining;
- Propose for adoption by the Council of Ministers...
 - Candidates for the senior positions in the BH MAC (Director, Deputy Directors, and Chief of Finance);
 - The Demining Plan for Bosnia and Herzegovina.
- Facilitate cooperation between the Federation and the RS and, in conjunction with the Board of Donors, ‘organise the structure which will channel the funds for mine clearance.’⁶⁸

Under the new Demining Law, the BH MAC absorbs the entity MACs and is required to maintain offices in Sarajevo (the capital of both BiH and the Federation) and Banja Luka (the RS capital).⁶⁹ Its main responsibilities are to:

⁶⁷ This includes both ministers and deputy ministers ‘who shall not be of the same constituent people as their Ministers’. (*Constitution of Bosnia and Herzegovina*, Article V:4:b)

⁶⁸ The phrase ‘channel resources for mine clearance’ was used in the London Peace Implementation Conference in December 1996 to refer to the process of arranging equitable amounts of international funding for the Federation and the RS. It has since been used in the key agreements between BiH authorities and both the Board of Donors and the entity governments. Equitable shares of mine action resources are generally understood to mean a ratio of two-thirds for the Federation and one-third for the RS, but that or any other proportion is nowhere specified in the *Conclusions* issued after the London Peace Implementation Conference. The fact that the term ‘channel’ is used in the new Demining Law – even though entity governments are no longer responsible for orchestrating mine action within their respective territories – implies the intent to adhere to the two-thirds/one-third ratio in demining expenditures across the entities, irrespective of other criteria adopted for establishing demining priorities.

- Maintain and operate the central minefield database and mapping facility;
- Accredite international and national demining organisations⁷⁰ and issue special work permits for deminers;
- Carry-out mine awareness activities, mine marking, survey and mine clearance;⁷¹
- Coordinate demining activities with operational agencies, and inspect demining sites for compliance with safety and technical standards;
- Conduct quality assurance inspections and analyses;
- Propose to the Demining Commission:
 - Technical, safety, quality assurance, and training standards;
 - The Demining Plan for BiH;
 - Demining priorities for the inter-entity boundary line;
 - Work plans and budgets for BH MAC activities.
- Propose to the entity governments:
 - Demining priorities – the ‘priority task list’ – within each entity.

ENTITY AND INTERNATIONAL BODIES

The Demining Law also outlines the roles of ‘entity bodies’ and ‘international bodies’, although the BiH government has no legal authority over these. The entities are to establish bodies for timely and efficient ‘decisions in accordance with the donors and the Board of Donors on allocation of resources made available to the Entity Governments’ and to ‘propose [the] priority programme for the presentation to the Board of Donors’. (Article 12) Note the BiH government or its demining bodies are not mentioned in this context; the relationships are direct between the entity governments and the donors. The Law also recognises the role of the civil protection organisations existing in both entities, and of the entity armed forces.⁷²

The civil protection organisations⁷³ operate within their own legal framework dating back to the creation of the Federated Republic of Yugoslavia after World War II. Their primary mandate is to protect the populations from natural and man made disasters. These organisations assumed Explosive Ordnance Disposal (EOD) Rapid Response and

⁶⁹ Article 8:3. By clause 4 of the same Article, BH MAC is empowered to establish regional offices. These are now located in Pale (covering part of the RS), Mostar (covering the majority-Croat cantons of the Federation), Bihac, and Tuzla.

⁷⁰ Article 9:1:c speaks only of ‘international and national demining companies’, seemingly excluding NGOs and government bodies, whether civil or military. However, Article 21:1 refers to ‘demining organisations, accredited by BH MAC’. This discrepancy may result from the translation process.

⁷¹ In practice, BH MAC personnel only clear mines and UXO when this is necessary for safe survey or marking.

⁷² Constitutionally, defence is a responsibility of the entity governments; not the BiH State. There are, effectively, three distinct ‘entity’ armed forces. The RS has its own (the VRS), while in the Federation the Croat Defence League (HVO) operates separately from the Federation entity army (A BiH).

⁷³ The Federal Administration Civil Protection (FACP) and RS Civil Protection Administration (RS CPA) have recently established a Joint Operations Office for Emergency Response and Inter-Entity Operations. In the event of an emergency, the most accessible EOP or demining team will respond even if this means it will be operating in the other entity. This office also is responsible for a joint operations demining team serving District Brcko.

Emergency Response roles⁷⁴ and engaged a number of EOD and demining personnel that had earlier been trained with funding from the European Commission. In 1999, both civil protection organisations were accredited for demining by BH MAC. They subsequently absorbed the UNHCR demining teams and began house and area clearance operations in response to spontaneous refugee returns (i.e., not part of an official refugee return assistance project), as well as limited amount of contract work for various clients.⁷⁵ In addition, most municipalities in both the Federation and the RS have nominated civil protection officers as their points-of-contact with the BH MAC and other demining organisations and, in the RS, the RS CPA plays a role in determining entity demining priorities.

Similarly, the entity armed forces operate within their own legal frameworks but, with respect to their humanitarian demining activities undertaken as part of the Dayton Agreement obligations and subsequent PIC instructions,⁷⁶ the armed forces work only on tasks from the priority task lists developed by BH MAC and are subject to BH MAC inspection and quality assurance processes.

The Demining Law also notes the existence and responsibilities of one international body – the Board of Donors – to “participate in the demining process.” The Demining Law recognises the authority of the Board of Donors to vet certain key documents, including the Demining Plan and the use of donor resources for mine action.

The Demining Plan and its implementation

The Demining Law requires BH MAC to prepare the Demining Plan for Bosnia and Herzegovina, containing (all from Article 17):

- Data on contamination of both land and built structures;
- Data on the resources (personnel, equipment, etc.) available for demining;
- An assessment of the financial resources required;
- A list of areas requiring demining, with priorities and deadlines;
- Demining ‘priorities’⁷⁷;
- Operational plans (for quarterly, semi-annual, annual, and three-year periods);
- Details on the specific clearance projects to be undertaken in the coming period.

⁷⁴ EOD Rapid Response occurs when random UXO is found in populated areas, while Emergency Response is when someone has been injured or killed, or has walked into a contaminated area.

⁷⁵ For example, under contract to the International Centre for Missing Persons they survey and clear exhumation sites.

⁷⁶ The PIC London Conference in December 1996 instructed Bosnian authorities to ‘use their military forces for demining according to internationally recognised standards’. The BH MAC ultimately accredited them as capable of demining to humanitarian standards in July 1998.

⁷⁷ In at least the English translations of mine action documents from BiH, the word ‘priority’ is used to signify both a priority clearance task and a criterion to be used to decide which tasks should be priorities. The author understands that the phrase ‘demining priorities’ generally refers to the list of criteria to be used to establish priorities.

The plan – which can be seen as a combination of a long-term strategic plan and a rolling implementation plan – is then to be submitted to the Demining Commission for approval ‘in cooperation with the Board of Donors’ and ultimately, to the Council of Ministers for ‘adoption.’ (Article 16:1) The Council of Ministers is required to report annually to the Parliament Assembly on implementation progress and the resources expended.

COORDINATION BETWEEN THE BiH AND ENTITY GOVERNMENTS

While the establishment of a unified MAC and the requirement that a long-term, pan-Bosnian demining plan be adopted by the BiH government, implementation remains problematic. Implementation plans will still be based on lists of priority tasks, and the Demining Law requires BH MAC to prepare three separate priority lists. Separate lists are to be prepared for both entities for submission to and approval by the two entity governments. (Article 11:1:e) The third list covers demining requirements within the inter-entity boundary line, to be submitted to the Demining Commission for approval. (Article 9:1:e) Although BH MAC is also charged with proposing the criteria to be used in establishing priorities as part of the Demining Plan, the Law does not require entity governments to adopt that Plan⁷⁸ and, hence, the proposed criteria. While the Law enjoins the Demining Commission to facilitate cooperation between the entity governments (Article 6:1:e), there is no guarantee the entity governments will accept the same set of criteria or, should they do so, interpret these criteria in the same manner. As well, the three priority lists will be mutually exclusive as they relate to non-overlapping territories. This could give rise to situations in which, for example, the Federation needs clearance of an area in the RS (e.g., when the only access road for an agricultural area runs through the other entity). There is no requirement in the Law that one entity government consider the needs of the other entity when adopting its priority list of tasks or for a joint or higher authority to integrate the priority lists according to some overarching logic or principal.

It would be unfair to view this as a weakness in the Demining Law as it stems from the Constitution itself: the BiH government does not have authority over the entity governments on this matter. So long as the vast bulk of funding for demining comes from international donors, the Board of Donors will be able to exert considerable pressure on the parties to abandon intransigent positions on important issues. However, on many practical matters the donors are far from cohesive and different donors often hold divergent opinions.

COORDINATION WITHIN THE BiH GOVERNMENT

The Demining Law contains not explicit provisions for coordination within the BiH government. The Demining Commission is drawn from members of the Council of Ministers, which also is to adopt key documents and receive periodic reports. In this way, ministers and their deputies from each BiH ministry will be informed of demining plans and progress. This may be adequate to avoid glaring policy inconsistencies, but does not suffice for coordination in planning and operations on matters which cross administrative

⁷⁸ Given the Constitution, it seems unlikely that the BiH government could compel the entity governments to comply with any elements of the Law.

boundaries.⁷⁹ The Demining Commissioners all serve on a part-time basis and are required to meet at least once a month. However, the Commission has no administrative secretariat⁸⁰ or any full-time personnel attached to it, and the responsibilities of the BH MAC do not explicitly include a requirement to coordinate with other BiH ministries or bodies; rather, its focus is coordination among the many organisations involved in demining.

Other matters

Minor criticisms of the Demining Law are:

- Mine awareness is, essentially, not covered by the Law, and there is no provision for accrediting mine awareness organisations or their programmes and staff;
- Article 34 empowers BH MAC inspectors to suspend work that is not in compliance with the BH Standard. It provides for an appeals process, but this is to the BH MAC Director. (Article 34:3) In an environment such as Bosnia's in which corruption is alleged to be rife at all levels, a second level of appeal to an independent body is warranted;
- BH MAC is empowered to evaluate the credentials of international and national organisations and to accredit them (Articles 9:1:c and 21:1), but there is no provision for appeal. The Demining Commission is to issue regulations governing the accreditation process, and we recommend these make explicit provision for appeals, which should allow ultimately for an appeal to an independent body;
- Article 19:1 states that demining activities "determined by the Plan are to be handed over to commercial organisations based on the executed soliciting for tenders." While the following paragraph provides for demining activities to be handed over by a direct agreement (i.e., without going through the tender process), the intent of the Article is that demining contracts will normally be awarded via a competitive tender process. It is unclear why such competitions should be restricted to 'commercial organisations' when there are now – or could be in the future – demining NGOs or government bodies capable of competing successfully for such work.
- Various Articles contain details that may become obsolete (e.g., fines for misdemeanours; minimum levels of insurance coverage), and which should be covered in subsidiary regulations or standards that the Demining Commission or Council of Ministers could amend without recourse to the Parliamentary Assembly;
- The Law empowers the Demining Commission or Council of Ministers to adopt subsidiary regulations or standards relating to certain matters (accreditation of demining organisations, tender procedures, plus technical, safety, quality assurance, and training standards), but does not empower them in general to issue other regulations as may be warranted to ensure the efficient and effective administration of the Law.

⁷⁹ For example, an important issue in Bosnia is the resettlement of refugees and displaced persons, which often involves civil engineering to refurbish houses and infrastructure and to restore utilities services, provisions for other public services (police, fire, education, etc.), and demining.

⁸⁰ The UNDP did commission a capacity building study relating to the Demining Commission in late 2001 but, as of August 2002, has not distributed or endorsed the report.

Summary

The new Demining Law represents a considerable advance on its predecessors, particularly in the establishment of a unified MAC and in the requirement for a pan-Bosnian Demining Plan. The Law is deficient in a number of critical areas and particularly in the provisions for the implementation of the Demining Plan in a coordinated fashion by the BiH and entity governments. For the most part however, the deficiencies stem from the country's remarkable constitutional framework, which cannot be resolved by legislation enacted by the Parliamentary Assembly of the Republic of Bosnia and Herzegovina.

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