

MINE ACTION AND PEACE MEDIATION



GICHD

**swiss
peace**

GENEVA INTERNATIONAL CENTRE FOR HUMANITARIAN DEMINING

The GICHD is an expert organisation working to reduce the impact of mines, cluster munitions and other explosive hazards, in close partnership with mine action organisations and other human security organisations. We support the ultimate goal of mine action: saving lives, returning land to productive use and promoting development. Based at the Maison de la paix in Geneva, the GICHD employs around 55 staff members from over 15 different countries. This makes the GICHD a unique and international centre of mine action expertise and knowledge. Our work is made possible by core contributions, project funding and in-kind support from more than 20 governments and organisations.

SWISSPEACE

swisspeace is a practice-oriented peace research institute. It analyses the causes of violent conflicts and develops strategies for their peaceful transformation. swisspeace aims to contribute to the improvement of conflict prevention and conflict transformation by producing innovative research, shaping discourses on international peace policy, developing and applying new peacebuilding tools and methodologies, supporting and advising other peace actors, as well as by providing and facilitating spaces for analysis, discussion, critical reflection and learning. swisspeace is an associated Institute of the University of Basel and member of the Swiss Academy of Humanities and Social Sciences. Its most important partners and clients are the Swiss Federal Department of Foreign Affairs, the State Secretariat for Education, Research and Innovation, international organizations, think tanks and NGOs.

Acknowledgements

The contribution of swisspeace to this project was made through the Mediation Support Project (MSP, swisspeace and Center for Security Studies at ETH Zurich, supported by the Swiss Federal Department of Foreign Affairs). The main authors of the report are Mathias Zeller (swisspeace) and Gianluca Maspoli (GICHD).

Mine Action and Peace Mediation
© GICHD and swisspeace, October 2016

The designation employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the GICHD concerning the legal status of any country, territory or armed groups, or concerning the delimitation of its frontiers or boundaries.

ISBN: 978-2-940369-59-1

MINE ACTION AND PEACE MEDIATION

GENEVA INTERNATIONAL CENTRE
FOR HUMANITARIAN DEMINING
AND
SWISSPEACE

2016

CONTENTS

Foreword	4
Abstract	6
Introduction	8
Part I: Unpacking mine action and mediation	11
Mine action in peacemaking and peacebuilding	11
Review of ceasefire and peace agreements	17
Part II: Linking mine action and mediation	23
Mine action in mediation: pros and cons	23
Mine action as a stepping stone for a mediation process	25
Mine action in ceasefire and peace agreements	27
Conclusion	29
Annexes	33
Annex I - United Nations Mine Action Guidelines for Ceasefire and Peace Agreements	33
Annex II - Questionnaire	37
Annex III - List of agreements	38
List of abbreviations	41

FOREWORD

As mediation and mine action practitioners we live in very different worlds that only rarely coincide. In the field of mine action, we aspire to clear the land of explosive devices that pose a risk to human life. In the field of mediation, we search for ways out of armed conflicts that ravage in many parts of this world. However, despite our differences, we both dedicate our time and efforts to creating opportunities for people to live in peace and security. We are working towards similar objectives and our work is needed more than ever with the number of armed conflicts rising again after years of steady decline. With this in mind, the Geneva International Centre for Humanitarian Demining (GICHD) and the Swiss Peace Foundation (swisspeace) initiated a research project exploring the potential opportunities and challenges of a closer and mutually beneficial cooperation between peace mediation and mine action.

In some instances, there are good reasons to keep the two communities of practice apart from one another, not least considering the humanitarian and political nature of our work. Today's conflicts remind us of the risk humanitarian workers are incurring when they are perceived to serve a political purpose. However, there are many situations where exchange and collaboration are useful and indeed warranted. Colombia is a case in point, where the Government and the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo*, FARC-EP) agreed in March 2015 to conduct a pilot project in humanitarian demining in order to strengthen confidence in the peace process. The recent rejection of the final agreements in the popular vote might be a setback in the overall process, but it does not undermine the value of the pilot project.

Mediators and deminers can learn and benefit from one another. Peace mediation can take advantage of the technical expertise available within the mine action community, which is often required during negotiations in relation to areas contaminated by explosive hazards. Mine action can also serve as an entry point to peace processes by fostering confidence among conflicting parties. At the same time, mine action can be made more effective, efficient and sustainable when it is anchored in peace processes. Working in silos should belong to the past. This publication identifies areas of common interest that deminers and mediators need to pay attention to in order to make the best use of each other's skills and knowledge.

Further work is needed and this paper is a first step towards an open and frank exchange between our two respective communities of practice, for the benefit of peace and security.



Ambassador Stefano Toscano
GICHD Director



Professor Laurent Goetschel
swisspeace Director

ABSTRACT

The humanitarian consequences of mines and explosive remnants of war (ERW) are extensive and long lasting. This fact suggests the relevance of having them addressed in negotiations among conflict parties and included in ceasefire and peace agreements. Nevertheless, the link between mine action (also called humanitarian demining) and peace mediation is underexplored in practice and theory as is illustrated by the limited guidance and literature on the matter. This issue brief aims to explore to what extent the two communities of practice could overcome the tendency of working in isolation and benefit from one another. It also shows that mine action can indeed contribute to mediation, especially as an instrument for confidence building and part of broader arms control. Moreover, mediation can strengthen the case of mine action by anchoring the topic in peace agreements.

These opportunities are however related to the challenge of linking mine action to the more politically-oriented agenda of peacemaking and peacebuilding. Notably, the traditional humanitarian focus that characterises mine action actors in the field, results in a desire to distance themselves from political engagement in general. Additionally, mediators are confronted with numerous issues to be included in their processes and risk overloading them with too many topics. In other words, there is a reluctance to predetermine what needs to be discussed at the outset of a mediation process. The authors believe that all those concerns may well be moderated by facilitating a better mutual understanding and a more direct engagement between the two fields.

Overall, the study conducted for this issue brief leads to four main recommendations.

- First, mine action is a topic that should be addressed in peace mediation one way or another. This is to say, mediators should consider it as a possible issue for discussion. Whether this entails its formal inclusion in a ceasefire or peace agreement should be decided on a case by case basis.

- Second, it is important to clearly distinguish mine action before and after an agreement because this has a significant impact on its goal and operational scope. Mine action activities before an agreement are primarily used as entry points for peace processes or as confidence building measures. As such, they are primarily part of a larger mediation strategy and serve a humanitarian purpose to a limited extent. The latter point takes centre stage when mine action is conducted after an agreement, i.e. as part of its content.
- Third, mine action provisions in an agreement should be restricted to basic questions due to the limited knowledge and expertise available during negotiations. As accurate and detailed information will be sparse, it is most useful to merely clarify fundamental elements of mine action as well as respective responsibilities when it comes to the implementation of activities and build on those commitments moving forward.
- Fourth, there is the need to build relationships between the two communities of practice, which appear to operate in silos and have scarce knowledge of the respective fields of activities. In order to be in a position to benefit from each other, practitioners should maintain at least some form of interaction.

INTRODUCTION

This issue brief explores to what extent practitioners working in the fields of peace mediation and mine action could benefit from one another's experience and expertise. It builds on the premise that there are currently only limited contacts between these two communities of practice, despite the fact that there are numerous potential interlinkages. Hence, the authors look into possible reasons behind this, assess areas where a closer cooperation may prove useful and formulate some recommendations on how to facilitate a better understanding between experts of mine action and peace mediation.

Although perhaps not always prominently reflected in news coverage of contemporary violent conflicts, mine action remains to be a topic of great relevance. Despite long-running efforts to reach a world free of mines, such weapons, including cluster munitions (CM) and ERW¹, continue to be a considerable problem in many conflict-affected countries. Currently, it is not possible to provide an accurate estimate of the total contaminated ground,² but the scale of the problem is well known. The *Landmine Monitor 2015* published by the International Campaign to Ban Landmines (ICBL)³ says that 57 states and 4 areas in the world are affected by anti-personnel mines (APM).⁴ Moreover, the number of victims of APM and ERW reached 3,678 in 2014.⁵ When it comes to CM, the ICBL *Cluster Munitions Monitor 2015* reports that the contamination affects 22 countries and 3 other areas and from 2012 to 2014 at least 1,968 victims were recorded in 13 countries and 92 per cent of them were civilians.⁶

Mines/ERW harm civilians indiscriminately not only during conflict, but also years after reaching a settlement. Beyond the direct threat to physical security, the contamination by mines/ERW has a severe impact on post-conflict recovery and socio-economic development. In the immediate aftermath of a conflict, contamination creates an obstacle for the return of refugees and internally

1 In the text, we use the expression mines/ERW to refer to all these weapons. Victim operated improvised explosive devices (IEDs) are also considered when they are ERW.

2 GICHD, *Guide to Mine Action*, Geneva, GICHD, 2014, p. 21.

3 The ICBL is a global network of non-governmental organizations working for the elimination of anti-personnel mines and it produces annual reports on the contamination around the world. See <http://icbl.org/en-gb/about-us.aspx> (accessed 26 November 2015).

4 ICBL, *Landmine Monitor 2015*, pp. 2, 18. http://www.the-monitor.org/media/2152583/Landmine-Monitor-2015_finalpdf.pdf (accessed 26 November 2015).

5 *Ibid.*, p. 25.

6 ICBL, *Cluster Munition Monitor 2015*, pp. 1, 3. http://the-monitor.org/media/2135498/2015_ClusterMunitionMonitor.pdf (accessed 26 November 2015)

displaced people (IDP). In both the medium-term and long-term, mines/ERW block the development of infrastructure; limit the access to health care, education and other social services. They also impede the use of assets for sustainable livelihood such as water sources, land, etc, and deter investments for economic development.⁷

It would thus appear plausible that the effects of mines/ERW would come up regularly in mediation processes, understood in this issue brief as “a process whereby a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements.”⁸ The connection seems imperative all the more so as a large part of conflicts that have come to an end over the last 30 years involved mediation, making it one of the predominant tools used for the peaceful resolution of conflict.⁹

Furthermore, the objectives pursued in mediation processes point to the importance of issues related to mines/ERW. For instance, in its *Guidance for Effective Mediation*, the United Nations (UN) holds that “peace agreements should end violence and provide a platform to achieve a sustainable peace, justice, security and reconciliation.”¹⁰ Even when a comprehensive agreement is not feasible, negotiations that merely aim to contain violence, for example ceasefire negotiations, need to address the major instruments used in violent conflict. In both cases, the question of mines/ERW would seem to be relevant.

The importance of this connection is demonstrated by two of the most prominent current peace processes, where mine action has been either undertaken or discussed before the signature of a final peace agreement. The first case is Colombia, where, in the framework of their peace negotiations, the Government and the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo* – FARC-EP) issued a joint statement on 7 March 2015¹¹ in which they agreed to conduct survey and

⁷ GICHD, *Guide to Mine Action*, op. cit., p. 201.

⁸ United Nations, *Guidance for Effective Mediation*, New, York, UN, 2012, p.4.

⁹ According to the School of Culture of Peace in Barcelona, out of the 59 conflicts that have come to an end in the last 30 years, 74,6 per cent were achieved through peace agreements. Additionally, the school’s yearbook of peace processes notes that in 79,4 per cent of negotiations, external mediation was used to facilitate the process. See: Vicenç Fisas, *2015 Yearbook of Peace Processes*, Barcelona, School of Culture of Peace, 2015, p.9.

¹⁰ United Nations, *Guidance for Effective Mediation*, op. cit, p.20.

¹¹ <https://www.mesadeconversaciones.com.co/comunicados/comunicado-conjunto-52-la-habana-7-de-marzo-de-2015> , (accessed 19 October 2016).

clearance of mines/ERW with the aim to build confidence and increase security for the population. The second case is Myanmar,¹² where a peace process started in August 2011. In October 2015, the government and some of the armed groups signed a ceasefire agreement including a commitment to stop using mines.¹³

Against this backdrop, this issue brief explores the links and the potential synergies that mine action and mediation have. It is organised in three parts. The first part establishes a connection between mine action and mediation by focusing on the existing literature and by reviewing ceasefire and peace agreements containing humanitarian demining measures. This first part builds the baseline for this research, seeking to understand how these two fields have interacted and how this has been discussed among experts and practitioners. The second part focuses on identifying practical challenges and opportunities in linking the two fields and relies on the insights gathered from seven interviews with experienced practitioners, including senior mediators and representatives of the mine action community. The conclusion in the third part summarises the findings and presents some recommendations on possible ways forward to better understand the interaction between mine action and mediation. More importantly, it provides practical measures to foster interaction and mutual understanding between the two communities.

¹² swisspeace, "Myanmar at a Crossroads," Newsletter, no. 142, November 2015. International Crisis Group, "Myanmar's Peace Process: A Nationwide Ceasefire Remains Elusive," *Crisis Group Asia Briefing*, no. 146, 16 September 2005.

¹³ The Nationwide Ceasefire Agreement between the Government of the Republic of the Union of Myanmar and the Ethnic Armed Organizations, 15 October 2015, para 5.e. <http://peacemaker.un.org/sites/peacemaker.un.org/files/NCA-Final-Text.pdf> (accessed 18 March 2016).

PART I: UNPACKING MINE ACTION AND MEDIATION

This part seeks to establish a reference by showing how mine action and mediation have so far been connected in theory and practice. As a preliminary remark, it is worth noting that the literature on this matter is rather limited and mainly discusses mine action in the framework of overall peacemaking and peacebuilding if at all. This part also contains an analysis of signed ceasefire and peace agreements in order to identify the frequency and the content of mine action provisions in such agreements. Thus, it not only aims at quantifying the number of agreements containing provisions on mine action, but also at providing an understanding of the provisions themselves.

MINE ACTION IN PEACEMAKING AND PEACEBUILDING

In terms of appropriate measures to deal with mines/ERW the international community has developed robust responses in the form of mine action, which will also be used as a reference point in this issue brief. Mine action is defined as “activities which aim to reduce the social, economic and environmental impact of mines and ERW including unexploded sub-munitions.”¹⁴ Thus, mine action does not involve demining only, but it actually addresses the consequences that mines/ERW have on populations in order to improve their security and opportunities for socio-economic development. As such, it needs to be clearly distinguished from military demining, which merely implies the clearance of strategically and tactically important areas in a military context. The standard definition of mine action as used in this issue brief includes five pillars:¹⁵

- Mine/ERW risk education
- Demining, i.e. mine/ERW survey, mapping, marking and clearance
- Victim assistance, including rehabilitation and reintegration
- Stockpile destruction
- Advocacy against the use of anti-personnel mines and cluster munitions

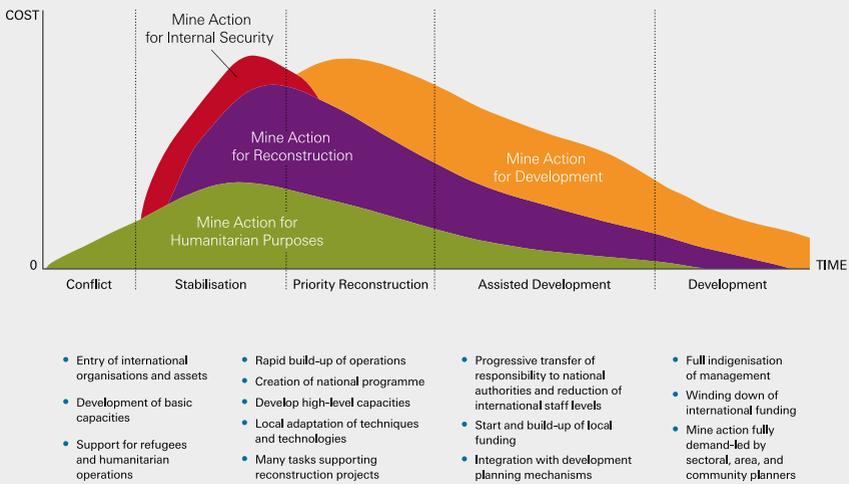
¹⁴ This definition is taken from the International Mine Action Standards (IMAS). UNMAS, *IMAS 04.10: Glossary of mine action definitions and abbreviations*, 2014, al. 3.176, pp. 24-25. See: http://www.mineactionstandards.org/fileadmin/IMAS/documents/imas-international-standards/english/series-04/IMAS_04.10_Glossary_of_mine_action_terms__definitions_and_abbreviations.pdf (accessed 26 November 2015).

¹⁵ GICHD, *Guide to Mine Action*, op. cit., p. 27.

Mine action is a humanitarian activity and there is no specific principle restricting its activities to conflict or post-conflict environments (see table 1). Thus, mine action is connected with peacemaking (generally corresponding to sections of conflict and stabilisation in the table), peacebuilding (priority reconstruction and assisted development) and development processes. Mediation is primarily used in peacemaking and to some extent in peacebuilding.

Table 1

The stages of a stylised mine action programme



Source: GICHD, *A Guide to Mine Action*, Geneva, GICHD, 2014, p. 37.

PEACEMAKING

With regard to peacemaking, mine action is particularly difficult in the context of an active conflict because humanitarian demining requires access to contaminated areas and a reasonably stable and secure situation that allows conducting operations, which usually demand a significant amount of time, staff and logistic capacities. For these reasons, the most common operational environment is a post-conflict one. However, the literature shows that there are cases of mine action in conflict contexts and reasons in favour of this practice.

A workshop organised by the international non-governmental organisations (INGOs) Geneva Call and ICBL in 2005 addressed this topic and produced some recommendations based on the experience gathered in Colombia, Sudan and Sri Lanka. Participants emphasised that even though mine action is possible while a conflict is still ongoing; it must be conducted for strictly humanitarian reasons. Furthermore, mine action should be depoliticised as political considerations would negatively affect operations. These conclusions reflect a strong humanitarian perspective with a focus on the principles of humanity, neutrality, impartiality and independence and have no explicit link to negotiating efforts yet.

The UN argues that there is a need to formally include mine action into peacemaking, as the guidelines developed by its Inter-Agency Coordination Group on Mine Action (IACG-MA) in 2003¹⁶ provide governments, organisations and individuals with key technical questions that need to be addressed in ceasefire and peace agreements. In particular, the guidelines point out that in difficult cases there is a tendency to include mine action only in vague terms, generating excessive expectations and without establishing the required mechanisms to implement mine action programmes. In order to counter this trend, they request the proper consideration of technical needs for mine action operations.

These guidelines largely reflect the obligations contained in the Anti-Personnel Mine Ban Convention (APMBC) and provide an accurate description of the technical needs for mine action. Their limitation however lies in the fact that they lack a mediation perspective and thus do not take into account the specific challenges and opportunities of discussing mine action in the negotiations for ceasefire and peace agreements. In other words, the guidelines omit the problems that mediators may face in discussing mine action with conflict parties.

¹⁶ The guideline is based on the recognition that there is little reference to mine action in agreements, although it is important for the return of IDPs and refugees, the provision of humanitarian aid and development. (UNMAS), *Lignes Directrices pour l'Action Contre les Mines dans le Cadre d'Accords de Cessez-le-feu et d'Accords de Paix*, p. 1. http://www.bibliomines.org/fileadmin/tx_bibliodocs/MineActionGuidelinesforCeasefireandPeaceAgreements.pdf (accessed 26 November 2015).

Addressing the issue from a mediation perspective, a study by the Centre for Humanitarian Dialogue (HD) also supports the principle of integrating mine action as a topic for negotiations and seeks to provide further guidance for conflict parties and mediators, which for the moment is still limited.¹⁷ The authors state that the issue of mines/ERW can provide an entry-point for engaging with parties to the conflict, contribute to building confidence and ultimately they argue that it can begin before the signature of a peace agreement. The fundamental reason of this opportunity lies in the fact that mine action “provides a potentially neutral platform from which parties can agree to meaningful measures, and further engage.”¹⁸

However, the HD study also raises some concerns when linking mine action to mediation efforts. It points out the case of frozen conflicts, in which it may actually be better to disconnect mine action from peace processes that are blocked. This has been the case for the conflict in Nagorno-Karabakh where the co-chairs of the Minsk Group of the Organization for Security and Co-operation in Europe (OSCE) deliberately did not include mine action into the formal mediation process. They did not want to make mine action contingent on overall progress in the peace process, a decision that today is considered a “blessing”¹⁹ as the conflict itself has been protracted for years. In such cases, it is better to conduct mine action as a neutral and technical issue to engage with armed groups. This is often done by non-governmental organisations (NGOs), which conduct humanitarian demining without the risk of diplomatic or political fallout.²⁰ Another risk of mine action in conflict contexts is that it can “reinforce conflict dynamics and undermine peacemaking efforts” if it is not addressed properly and according to the specific features of the context (see box 1).²¹

PEACEBUILDING

With regard to peacebuilding, the linkage is more obvious as mine action takes place mostly in post-conflict contexts and is often associated with socio-economic recovery and development, despite its origin as an emergency response. In this context, mine action usually involves the establishment of national mine action programmes and support for reconstruction projects,²² which address broader issues, including for instance access to health care, education and other basic services.

¹⁷ LeBrun, Emile, Damman Suzanne, “Addressing explosive ordnance in peace processes,” *Briefing paper*, no. 2, 2009, p. 5.

¹⁸ *Ibid.*, p. 12.

¹⁹ *Ibid.*, p. 8.

²⁰ Elisabeth Reusse-Decrey: “The Struggle Against Landmines: An Opening for Peace Talks in Colombia,” *Accord* 16, 2005, p.4.

²¹ LeBrun, Emile, Damman Suzanne, “Addressing explosive ordnance in peace processes,” *op. cit.*, 2009, p. 11.

²² GICHD, *Guide to Mine Action*, *op. cit.*, pp. 198-201.

Box 1: Senegal

Senegal is affected by contamination of APM, anti-vehicle mines (AVM) and ERW. The contamination is due to the conflict between the Government of Senegal and the Movement of Democratic Forces of Casamance (MFDC) and is concentrated in the Casamance region. The Senegalese National Mine Action Centre (CNAMS), which was established in 2006, coordinates demining operations in Casamance. A number of NGOs and commercial operators were active and this allowed clearance to progress. In 2013, operations approached MFDC controlled-areas and MFDC leaders publicly called for a halt in demining operations. In particular, during a direct dialogue in early 2013 between the MFDC and the CNAMS, facilitated by Geneva Call and a local NGO, MFDC stated that CNAMS had reached a limit beyond which demining operations constituted a threat to their security and therefore could put deminers at risk¹. However, demining continued, and subsequently 12 South African deminers working for the company Mechem were taken hostage on 3 May 2013 and the Government ordered a halt to all survey and clearance activities until November 2013.² More broadly, this event marked a rupture in the positive reconciliation between the parties. The Senegalese case illustrates the risk of mine action being perceived as a political, strategic or military activity and potentially doing harm to the overall peace process. It also underlines the importance of constant information exchange between different levels of demining activities.

¹ RFI Afrique, «Sénégal : seule la paix permettra de parachever le déminage en Casamance», 7 April 2013. <http://www.rfi.fr/afrique/20130407-senegal-casamance-mines-cnams-handicap-international-mechem> (accessed 15 December 2015).

² Landmine and Cluster Munition Monitor, "Senegal. Mine Action", http://archives.the-monitor.org/index.php/cp/display/region_profiles/theme/3836 (accessed 15 December 2015).

Nevertheless, the literature shows that such linkages are not immediate either and mine action is often conducted separately from other components of peacebuilding processes. Against this background, Harpviken and Roberts say that mine action can have a "major impact on peace building"²³ despite its technical nature, because the respective activities can influence key political issues relevant for peacebuilding.

²³ Harpviken, Kristian Berg; Roberts, Rebecca: "Introduction", in Harpviken, Kristian Berg; Roberts, Rebecca (ed.): "Preparing the Ground for Peace: Mine Action in support of Peacebuilding," *PRIO Report*, no. 2, 2004, p.1. See also Harpviken, Kristian Berg; Skåra, Brent A.: "Humanitarian mine action and peace building: exploring the relationship," *Third World Quarterly*, vol. 24, no. 5, 2003, pp. 809-822.

The contribution to peacebuilding is not free from challenges either, even though they may not be as acute as in contexts of active conflict. In fact, in the immediate post-conflict period, security and confidence are still low and peacebuilding needs to address the root causes. Thus, mine action's strictly humanitarian goal may actually clash with more political peacebuilding priorities. On this matter, according to Harpviken and Roberts, mine action has to integrate a careful conflict analysis and be more flexible in terms of priority-setting in order to adapt to the politically sensitive issues in the peacebuilding agenda.²⁴ In other words, to contribute effectively to peacebuilding, mine action has to adjust its operations to the requirements and the priorities of peacebuilding.

FINDINGS FROM THE LITERATURE REVIEW

The review of the current debates on the linkage between mine action, peacemaking and peacebuilding shows that mine action can be a constructive factor in establishing and implementing a peace process. However, the linkage is not problem free since mine action and the promotion of peace have different goals and requirements. These differences should be taken into account, otherwise mine action could be detrimental to peace efforts. Four points stand out from this review:

1. Mine action can take place in conflict contexts; this however does not equate to a contribution to peace mediation because it may represent a traditional humanitarian intervention focused on addressing people's immediate needs.
2. Politicisation is a major risk of connecting mine action with peacemaking and peacebuilding.²⁵ Undoubtedly, this is the greatest challenge to overcome because using mine action as a stepping stone for an overarching political objective and strategy bears the risk of running against the humanitarian principles of humanity, neutrality, impartiality and independence.
3. Despite these risks, mine action provides an entry-point to engage with conflict parties as it is a technical and thus relatively neutral platform for working with them and offers the opportunity of small scale confidence building that is not part of the main negotiations.

²⁴ Harpviken, Kristian Berg, Roberts, Rebecca, "Introduction," in Harpviken, Kristian Berg, Roberts, Rebecca, (ed. by) "Preparing the Ground for Peace: Mine Action in support of Peacebuilding," op. cit., p. 57-60.

²⁵ Ibid., p. 26.

4. The connection of mine action with peacemaking and peacebuilding requires flexibility with respect to the criteria used in deciding for the operations. Priorities must go beyond humanitarian demining needs and also take into account political considerations.

REVIEW OF CEASEFIRE AND PEACE AGREEMENTS

A research in the UN Peacemaker database²⁶ shows that using key words²⁷ related to mine action yields a list of 35 agreements that contain meaningful references to clearance of mines/ERW.

Concerning the temporal distribution of agreements (see table 2); the dataset analysed shows that mine action has been included in agreements on a regular basis after the end of the Cold War. In fact, out of the 35 agreements, 30 were signed after 1989, which corresponds to 85,7 per cent of the total number. This result may imply that the increasing relevance of humanitarian demining is connected with the growth of intra-state and civilian conflicts in the post-Cold War period and matches the history of mine action which emerged in the late 80s with the first UN appeal for funding and the creation of the first humanitarian demining NGOs.²⁸

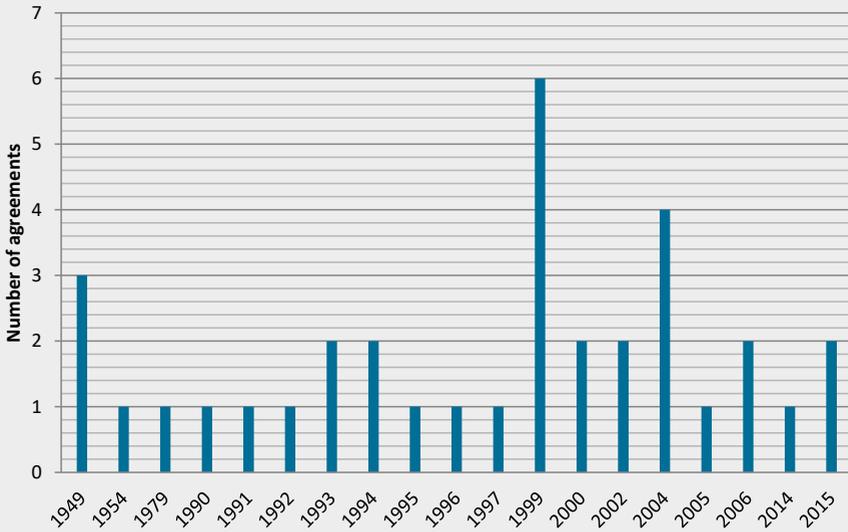
The analysis of the demining measures included in the agreements before 1989 shows that the signatories committed to conducting demining, marking minefields, providing reports and sharing information on mines/ERW. Overall, in these agreements demining is rather executed as part of the military redeployment of forces because it is focused on clearance of defensive measures put in place during the conflict. Thus, these agreements do not reflect a specific humanitarian perspective, meaning the elimination of the threat to civilian population and activities.

²⁶ <http://peacemaker.un.org/>. The UN peacemaker database contained 807 agreements on 9 December 2015.

²⁷ Key words: landmines, mines, mortars, minefields, demining, mine clearance, arms, disarmament, weapons, explosives, stockpile, stockpile destruction, weapons storage, ammunition, advocacy, humanitarian, mine risk education, victim assistance.

²⁸ GICHD, *Guide to Mine Action*, op. cit., pp. 27-28.

Table 2 - Distribution of agreements over time¹

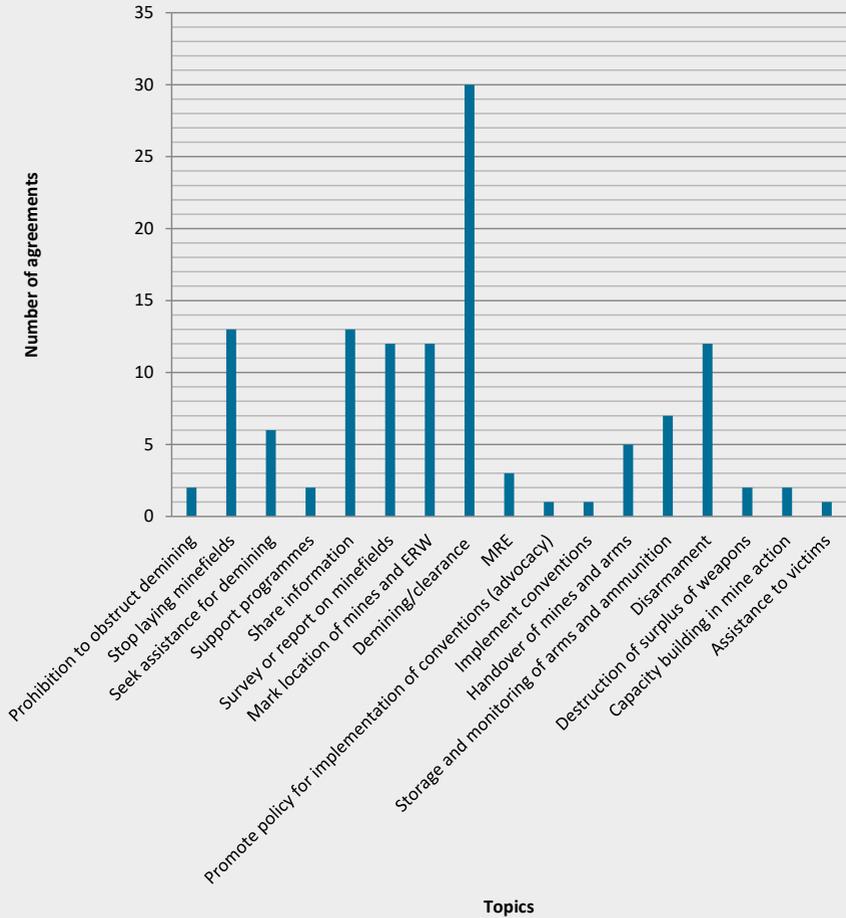


¹ Table 2 and 3 were compiled by the GICHD and swisspeace and are based on the annex 3.

After 1989, the agreements show a larger spectrum of measures (see table 3). These activities reflect the specific humanitarian nature of mine action, such as mine risk education (MRE), but they also reflect the broadening of tasks conducted by mine action actors, which is also demonstrated by the link with storage of weapons and disarmament.

These agreements do not simply ask signatories to stop laying mines and using other explosive devices, but they actually demand the removal of the threat posed by such weapons in order to reduce and eliminate the risks to the population.

Table 3 - Topics in agreements¹



¹ Table 2 and 3 were compiled by the GICHD and swisspeace and are based on the annex 3.

A closer look at the agreements shows several trends:

1. Humanitarian focus: Some agreements emphasise the humanitarian nature of demining by explicitly requesting clearance not only in military areas, but also in the entire country, for the benefit of the whole population and for specific groups that have been particularly affected by the conflict.²⁹ Another humanitarian concern is establishing conditions conducive to post-conflict recovery and development.³⁰ Some agreements also stress the humanitarian nature of demining by referring explicitly to the international conventions or commitments against mines/ERW.³¹
2. Involvement of international actors: In addition to humanitarian and development imperatives, the presence of an international peace mission is another aspect often linked to the inclusion of mine action in peace agreements. A number of agreements state that such missions have the responsibility to clear contaminated areas or to demand and monitor demining operations.³² Other agreements also refer to the role of UN peacekeeping missions and other UN agencies, as was the case in Sudan, for example.³³

²⁹ This perspective is illustrated by the *Lusaka Protocol* (1994) that says demining is conducted “for the good of all Angolans”: *Lusaka Protocol*, Annex 8, point 1.34. Similarly, the *Arusha Peace and Reconciliation Agreement* (2000) requires the parties to “ensure demining over the whole country”: *Arusha Peace and Reconciliation Agreement for Burundi*, Art. 26, al. vi. Other agreements refer directly to the need to secure the return of displaced people. This is the case of the *Paris Agreement* (1991), which puts an end to 20 years of conflict in Cambodia and states the requirement of “clearing of mines from repatriation routes, reception centres and resettlement areas, as well as in the protection of the reception centres”: *Paris Agreement*, 23 October 1991, Annex 2, Art. XIII.

³⁰ See the *Zinguinchor Peace Agreement* in Senegal (2004), which requires parties to conduct “humane clearance from Casamance in order to facilitate the resumption of the economic activities”: *Zinguinchor Peace Agreement between the Government of Senegal and the Movement of the Democratic Forces of Casamance* (MFDC), 2004, Art. 4, al. 1.

³¹ This is the case of the *Dares-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region* in which the Parties commit “to promote common policies to put an end to the proliferation of illicit small arms and light weapons, as well as APM” and also to “apply the Ottawa convention on APM”: *Dares-Salaam Declaration*, Point 22 and 64.

³² For instance, the *Dayton Agreement* (1995) states that parties agree that the tasks of the Implementation Force (IFOR) call to “monitor the clearing of minefields and obstacles”: *General Framework Agreement for Peace in Bosnia and Herzegovina* (i.e. ‘*Dayton Agreement*’), 21 November 1995, Art. VI al. 3.e. In the case of the Kosovo war, the *Rambouillet Accord* (1999) also includes the parties’ agreement that the Kosovo Force (KFOR) has the right “to require the Parties to mark and clear minefields and obstacles and to monitor their performance”: *Rambouillet Accord*, 23 February 1999, Ch. 7, Art. VIII al. 2.e.

³³ The *Agreement on the Permanent Ceasefire* in Sudan of 2004 says that Parties “shall conduct demining activities as soon as possible and in coordination with the UN Peace Support Mission with a view to create the conditions necessary for deployment of the UN Peace Support mission”. In addition, the UN mission has to “assist Parties’ demining efforts by providing technical advice and coordination”: *Agreement on Permanent Ceasefire and Security Arrangements Implementation modalities during the Pre-Interim and the Interim Periods between the Government of Sudan and the Sudan People’s Liberation Movement/Army*, Points 8.6.4 - 8.6.6.

Another important aspect that creates a link with international peace missions is the establishment of joint bodies because they include the presence of international representatives. This can take the form of joint monitoring commissions, joint military committees or joint operational teams to conduct monitoring.³⁴

3. Link to traditional mine action: Activities that are either listed in the five pillars defining mine action or are considered indispensable for the operations are often included. This is the case of measures regarding survey, reporting of mines/ERW, in addition to the exchange of information, which consists mostly of the provision of minefield maps, description of the type of mines/ERW and their location. For instance, the *Dayton Agreement* states that “each Party shall furnish to the Joint Military Commission information regarding the positions and descriptions of all known unexploded ordnance, explosive devices, demolitions, minefields, booby traps, wire entanglements, and all other physical or military hazards to the safe movement of personnel within Bosnia and Herzegovina.”³⁵ Another example is the *Agreement on the Implementation of the Peace Agreement in Guatemala* (1996), in which it is stated that “both the Guatemalan armed forces and URNG are to provide the United Nations with detailed information on explosives, mines and existing minefields.”³⁶ Associated with the exchange of information, there is often the requirement of marking dangerous areas.

³⁴ Examples are: *Lomé Peace Agreement*, Art. II al. 2.; *Agreement on Permanent Ceasefire and Security Arrangements Implementation modalities during the Pre-Interim and the Interim Periods between the Government of Sudan and the Sudan People's Liberation Movement/Army*, points 8.6.2. and 14.6.3.1; Nepal: *Agreement on Monitoring of the Management of Arms and Armies*, Point 6.1.1.

³⁵ *Dayton Agreement*, Art. V. The Joint Military Commission is defined in the article VIII and is a body that processes “military complaints, questions or problems”; assists the commander of (IFOR), who is also the chair of the commission. In the context of the conflicts in the former Yugoslavia, the sharing of information is also requested in the *Ceasefire Agreement in Croatia* for deploying the United Nations Protection Force (UNPROFOR) (*Cease-fire Agreement* of 29 March 1994, Annex B al. 1) and in the *Rambouillet Accord* for the deployment of KFOR, (Chapter 7, Art. VII al.d).

³⁶ *Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements*, 29 December 1996, Point 13. The URNG is the armed group *Unidad Revolucionaria Nacional Guatemalteca*.

4. Additional support: A fourth finding is that some agreements reaffirm the parties' commitment to seek additional support and assistance for conducting humanitarian demining. This reflects article 6 on international cooperation and assistance in the APMBC and the Convention on Cluster Munitions (CCM) and also the awareness of the specific expertise and capabilities required for these operations, which are not to be confused with military demining, and the long duration of humanitarian demining operations. This point is illustrated by the *Lusaka Protocol* that says the signatories "should seek help from the UN and specialised institutions to assist them in carrying out demining operations".³⁷
5. Disarmament, demobilisation and rehabilitation (DDR) and security sector reform (SSR): Some agreements connect mine action with the broader topic of disarmament, storage and monitoring of arms. These activities are not traditionally part of mine action, but increasingly undertaken by mine action actors, who thereby contribute to larger processes of demilitarisation that take place through DDR and SSR.

A significant example of this pattern is again the *Agreement on the Implementation of the Peace Agreements* in Guatemala in 1996, where the parties' commitment to provide information on mines/ERW is part of the list including the number of troops, inventory of weapons and military equipment possessed or stored by the URNG.³⁸ This agreement also includes the timeline for the gathering of troops, collection and storing of weapons and equipment in "warehouses designated by the UN".³⁹

6. Components rarely mentioned: In the agreements there are some components of traditional mine action that have received limited attention. This is the case for MRE and VA.

The analysis of the agreements provides an initial picture on how mine action is included in mediation. The six points above can be considered as lessons learned that can be drawn from the agreements concluded in the past. In order to complete the picture, the second part of this study is dedicated to the analysis of the experience gathered by practitioners.

³⁷ *Lusaka Protocol*, Annex 8, Point 1.34.

³⁸ *Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements*, Point 46.

³⁹ *Ibid.*, Point 53.

PART II: LINKING MINE ACTION AND MEDIATION

To establish practical connections, interviews with experts from the field of mine action and mediation were conducted.⁴⁰ The interviews revealed two distinct ways to link mine action and mediation. On the one hand, mine action is used as an instrument in mediation to advance the process. On the other hand, it can be introduced into the content to be discussed within a mediation process and eventually included in an agreement. This part of the issue brief is divided into three sections. A discussion of the potential of linking mine action and mediation is followed by an analysis of the two mentioned ways to do so.

MINE ACTION IN MEDIATION: PROS AND CONS

Overall, interviewed experts agreed that especially in intra-state conflicts, mines/ERW are an important issue. As the “weapon of the poor,” they are used frequently by both non-state actors, and also by states. Due to the very low price and easy access, mines are popular for their “cost-efficiency.” Interviewees also saw IEDs in the range of weapons to be addressed in a disarmament process. ERW are part of the problem as well because they are used for making IEDs.

Given this strategic and tactical importance of mines/ERW for many conflict parties, mediators regularly face heavy reluctance when it comes to giving up the use of such explosive devices, although depending on the context there are exceptions⁴¹. In addition, some interviewees pointed out that openly talking about mines/ERW may bring about reputational damage. Most conflict parties are acutely aware of the damage mines/ERW inflict on local populations and are very sensitive to being portrayed as the ones responsible for this suffering.

Several experts made no distinction between mines/ERW and machine guns or rifles, arguing that they should in fact be dealt with within the framework of disarmament, an issue that comes up in every ceasefire or peace negotiation. They argued that storing and destroying existing stocks of mines/ERW should naturally be linked to broader arms control efforts. Against this backdrop, the

⁴⁰ Seven semi-structured interviews of 30-60 minutes were conducted. The list of questions is attached in Annex 2.

⁴¹ Since mines/ERW are a static weapon, they are not overly useful to forces that move around within a given territory, for instance.

interviewed experts unanimously acknowledged that addressing the issue of mines/ERW inevitably raises political questions, be they related to security concerns or matters of perception by the civilian population, that need to be dealt with in the framework of a larger peace process. To some extent, this stands in contrast to arguments for the depoliticisation of mine action found in the literature.

While there was an agreement that addressing mine action within a peace process requires a high degree of trust and thus awareness of political sensitivities, opinions diverged slightly when it comes to deciding whether mine action issues should be discussed in the mediation process, for example in the formal negotiations itself. Some do have a preference to tackle these issues separately and the reason provided for this was that if linked, any progress made related to the issue of mines/ERW would be subject to a successful conclusion of a mediation process. This argument is backed up by the above-mentioned example of the Nagorno Karabakh conflict⁴², which speaks in favour of a separate negotiation track dealing with mines/ERW issues. This separate approach may have the advantage of 'keeping a process alive' if the main negotiations are blocked. Western Sahara is another example where the United Nations Mine Action Service (UNMAS) maintains a mine action programme⁴³ supporting stabilisation while the official mediation process has been all but stuck in recent years.

In spite of these advantages, most interviewees advocated for the formal inclusion of mine action in mediation processes. The main argument for this position was content-related, stating that once a peace agreement is signed and implementation starts, that document becomes the main reference for all further activities. In other words, many interviewees underlined that it would be difficult to draw attention to mine action if these issues are not included in a peace or ceasefire agreement. Hence, they concluded it was the responsibility of the mediation team to at least raise the topic with conflict parties.

This in turn brings up further questions about how to do so. One recurrent challenge that was mentioned in almost all interviews – and which also figures prominently in the literature – is the lack of knowledge on all sides (including the conflict parties but often also third parties facilitating peace talks) of what mine action really is. This means that mediators have a role to play identifying those knowledge gaps, raising awareness and preparing the ground for long-term activities, which often involves the consultation of thematic experts.

⁴² On this case, we should say that even though humanitarian demining has made progress, the lack of a peace agreement is a fundamental obstacle to clear the region completely as the front lines are kept. HALO Trust conduct demining but not directly on the line of contact.

⁴³ See: <http://www.mineaction.org/programmes/westernsahara> (accessed 03 October 2016).

MINE ACTION AS A STEPPING STONE FOR A MEDIATION PROCESS

It is often argued that mine action can be a useful confidence-building measure (CBM), especially in prolonged conflicts. When the trust between conflict parties is very low, it may be constructive to define certain areas of a territory and start joint demining operations on a low scale. The objective of such activities is to have parties work together on a common goal with the hope that this will create a positive experience in which enemy forces have contact with each other, cooperate and remain unharmed. This experience is then hoped to have a stimulating effect on the peace process. The agreement of March 2015 between the Colombian Government and the FARC-EP to start demining activities in the Department of Antioquia is a good illustration of this logic. The initiative itself is too small to have a physical impact on a national level. However, the main goal is the symbolic effect of seeing members of the armed forces and the guerrilla working for a common cause. This in turn may prepare the ground for more comprehensive cooperation in this particular field. Meanwhile, the agreement also aimed to reinforce the confidence of the two parties in the peace process at large.

Besides the parties directly involved in a conflict, mine action also requires the communities to be taken into account. Depending on the context, civilian populations may be sceptical towards a peace process and sensitive to the issue of mines/ERW due to the damage inflicted on them. Therefore, CBMs may also be directed towards the population, creating a concrete benefit as a result of the peace process and demonstrating the commitment of the conflict parties to end the conflict. This can therefore play a significant role in the strategy of a mediator when designing a process. Again, Colombia serves as an example. Given the long duration of the conflict and the failed attempts to resolve it in the past, the population's belief in the current peace process was very limited in the beginning. Seeing that the negotiations produced only little tangible benefits, having the conflict parties sharing responsibilities in mine action had certainly contributed to increase the Colombian population's confidence in the peace negotiations.⁴⁴ Thus, notwithstanding the positive physical impact a small demining initiative may have on the ground, the main objective of activities of this nature is to keep a process moving or to get closer to a breakthrough in the negotiations. Mine action at this stage is rarely an end in itself but rather a tool to be used carefully and in a coordinated fashion in support of overarching peacemaking goals.

⁴⁴ For an in-depth analysis of how popular support to the peace process in Colombia has changed over time, see "Movilización por la Paz en Colombia: una infraestructura social clave para el posacuerdo". CINEP, March 2016. Accessed on 17 March 2016 at http://www.cinep.org.co/images/iniciativas_paz/Informe_Datapaz_2.pdf.

Mine action can also serve as an entry point to start a dialogue with conflict parties. As a topic of concern to the wider population, it may be used to approach conflict parties discussing, for instance, mine action-related conventions such as APMBBC, CCM, and Convention on Certain Conventional Weapons (CCW) in the case of state actors and a Deed of Commitment (DoC) through Geneva Call in the case of armed non-state actors (ANSAs). These first contacts can help establish a regular line of communication, which may subsequently serve to discuss the possibility of formally entering into a fully-fledged peace process. Parties' commitments to not use certain weapons might then facilitate and prepare the inclusion of mine action into a final ceasefire and/or peace agreement. An example for this point is the Philippines, where the Government and the Moro Islamic Liberation Front (MILF) signed the Comprehensive Peace Agreement on the Bangsamoro (CAB) on 27 March 2014 and the MILF had previously signed a DoC (see box 2).

Box 2: Philippines

The Comprehensive Peace Agreement on the Bangsamoro (CAB) was reached between the Government and MILF on 27 March 2014. The peace process that led to this agreement began on 15 October 2012 with the Framework Agreement on the Bangsamoro (FAB) and is meant to be completed in 2016 with the establishment of a new self-government political entity replacing the Autonomous Region of Muslim Mindanao (ARMM) created in 1989 as an evolution from the Tripoli Agreement (1976).¹ The CAB includes the FAB as an annex on normalisation, which encompasses specific measures concerning mine action. The normalisation refers to a process leading the communities to "achieve their desired quality of life, which includes sustainable livelihood and political participation within a peaceful deliberative society." The annex on normalisation encompasses dispositions for mines/ERW. It recalls the DoC² on APM signed by MILF on 7 April 2002 and states the commitment to clearance and MRE as part of the normalisation process.

¹ Anton Chan, "'Comprehensive Agreement on the Bangsamoro' – a Road map to Peace in the Southern Philippines?," *Counter Terrorist Trends and Analysis*, vol. 6, issue 3, April 2014, p. 25.

² *Annex on Normalisation*, 2014, pp. 6-7. See: http://peacemaker.un.org/document-search?keys=annex+normalization&field_padate_value%5Bvalue%5D%5Bdate%5D=2014&field_pacountry_tid=Philippines&=Search+Peace+Agreements (accessed 26 June 2015).

MINE ACTION IN CEASEFIRE AND PEACE AGREEMENTS

As soon as mine action is talked about in a long-term framework, the activities entailed will change considerably. They will encompass clearing of mine-affected territory throughout a country with monitoring mechanisms and several other components that will outlast the signing of a ceasefire or peace agreement. So while CBMs on a relatively small scale are rather straightforward and manageable in terms of operations, the design of comprehensive mine action programmes is a tremendous challenge and clearly a question of content. Those programmes require the establishment of some form of institutional framework and therefore need to be negotiated and agreed upon in writing by the conflict parties if they are to be implemented. Accordingly, ceasefire⁴⁵ and peace agreements are more likely to contain provisions aiming at comprehensive demining as opposed to shorter-term CBMs. CBMs, on the other hand, are more likely to be negotiated and implemented on the side, not necessarily reflected in a written ceasefire or peace agreement.

The above-mentioned guidelines of the UN Inter-Agency Coordination Group on Mine Action (IACG-MA) suggest concrete steps on how to incorporate mine action into negotiations and agreements. In this connection, the concern of the interviewees for this issue brief was with the lack of expertise and information during mediation processes that would hamper precise discussions and clear commitment to the different mine action activities that are recommended by the guidelines.

Furthermore, and especially in long-running conflicts, it is far from realistic to believe that accurate information on where mines/ERW have been laid will be available at the time of the negotiations. In many cases, mines/ERW will have moved during heavy rain or floods and those who laid them may have been killed during combat. Moreover, many countries will not have sufficient numbers of people trained for demining activities. Thus, in many cases mine action does not only suffer from a lack of will from the parties but also from the shortage of knowledge and expertise.

⁴⁵ It is noteworthy that not all ceasefire agreements are alike. Most importantly, they may be signed at different stages of a peace process and thus be of a permanent or only preliminary nature. This should also have an impact on how mine action would be taken into account. However, for this issue brief the authors have not made a distinction between various forms of ceasefires, recognizing that it may be advisable to do so in further research.

Under these circumstances, the development of a fully-fledged mine action programme to be written into a document is neither sensible nor feasible. Therefore, mainly the mediation experts consulted for this study advocated for a humble but strategic approach to the issue of mines/ERW. They argued to focus on a set of questions and determine those actors who will be responsible for certain steps to be taken. This should ensure that a skeleton of a mine action programme exists but details will be negotiated after a peace agreement is signed.

Such a strategic approach would allow setting not only the basis for a mine action programme, but also to connect it to other components and issues dealt with in the agreement, in particular to DDR programmes. Many interviewees emphasized that mine action can be a useful tool for the reintegration of former combatants into civilian life. Being trained as a deminer may be a good way to utilize the skills of those individuals in the interest of society at large while providing the demobilised people with a new livelihood. An example of where this was done successfully is Afghanistan⁴⁶. Beyond this, it may be worthwhile to explore interlinkages with other security-related topics. Not treating mine action in isolation but instead putting it in the context of larger questions can have the benefit of coordinating respective activities with other efforts and using potential synergies. This being said, there may not always be the room and potential to do so, which is why every case must be analysed in its own right.

⁴⁶ GICHD, *Mine Action and Armed Violence Reduction. HALO Trust's Reintegration of Former Combatants into Demining. Afghanistan case study*, Geneva, GICHD, 2012.

CONCLUSION

Part I of this issue brief demonstrates that mine action is discussed and included in mediation, but this link is neither self-evident nor without challenges. Humanitarian demining can support peacemaking and peacebuilding, but this requires mine action to adapt and more specifically to integrate a political dimension which may be problematic from the perspective of humanitarian principles. The review of the agreements also revealed frequent reference to mine action provisions, but these are not as common and comprehensive as called for in the UN guidelines.

Interviews conducted for part II largely reflected the first findings. In fact, even though addressing the problem of mines/ERW within mediation processes may seem like a technical issue at first sight, the interviews conducted confirmed that it is indeed a challenge of significant importance and, in addition, an under-explored topic in the field of peacemaking and peacebuilding.

In a nutshell, there are four recommendations for linking mine action and mediation that stand out.

1. Discuss mine action in mediation:

The importance of discussing mine action in peace mediation and its potential as a confidence building measure was emphasised by all interviewees. We therefore consider it important that mediators promote this issue and discuss it with conflict parties, and that a conscious choice on opportunities and challenges of addressing mines/ERW be made. This does not always have to result in the formal inclusion of mine action in peace negotiations. When negotiations are blocked, it may be wiser to opt for a parallel negotiation track specifically focused on mines/ERW. It thus cannot be emphasised enough how important it is to conduct a case by case analysis when it comes to including mine action into formal mediation processes.

The first part of this issue brief shows that mine action can contribute to peacemaking. However, practitioners should be aware of the fact that the humanitarian origin of mine action does not naturally match the political perspective inherent to a mediation process. As such, a distinction must be made between awareness raising and advocacy, of which only the former lies within the responsibilities of mediators. This entails bringing up the topic and providing experts who can deliver technical information. When it comes to advocacy in

favour of conventions and DoC, this should be left to other actors. Even though such efforts can promote the commitment of mine action and possibly be an entry point for negotiations or strengthen confidence, lobbying conflict parties bears the risk for mediators to lose their legitimacy and credibility as impartial interlocutors.

2. Differentiate mine action before and after an agreement:

Another important finding of the research is that mine action is commonly referred to in two distinct cases of circumstances, with very different implications. The issue of mines/ERW is either addressed within a short timeframe through CBMs or with a long-term perspective through comprehensive mine action programmes. One may also argue that the issue is either taken up as an aspect of process or content. However, practitioners rarely explicitly distinguish between the two. This is problematic due to the very different nature of those two types of mine action.

CBMs usually serve as tools to advance an overall peace process and to establish cooperation in a conflict environment on a clearly delineated field of activity. In that sense, demining activities are used as a means to different ends. They are an instrument to build confidence not only amongst the conflict parties themselves and towards the mediation process, but also the confidence of the local communities involved in the peace process. Similarly, discussions concerning mine action in general and related conventions/commitments specifically can provide an entry point to establish channels of communication with conflict parties. In the search for a primary engagement to explore opportunities for formal peace talks, mine action can thus serve as a first topic to be raised with parties. Consequently, mine action activities in this framework are determined by the needs of the mediation process and less by a humanitarian approach, clearly becoming a political tool.

In contrast, fully-fledged mine action programmes directly aiming to clear national territories from mines/ERW should consequently contribute to peacebuilding at large through the content of written agreements.

These two forms of mine action are not mutually exclusive. In fact, they are sometimes pursued in parallel, as is the case in Colombia. While mine action has been conducted as a CBM, discussions are ongoing to agree on the course the country will adopt in dealing with mines/ERW on a national level. This being said, mediators and mine action practitioners must be clear on the differences between the two. First and foremost, the different timeframes warrant a distinct strategic approach. Moreover, mine action as an entry point or as a CBM would be part of a mediation strategy whereas a mine action programme is the outcome of negotiations concerning a concrete agenda item during a peace process.

3. Incorporate the basic questions into the agreement:

The analysis of agreements showed the difficulty to clearly and conclusively define the mine action activities to be undertaken as part of the implementation of a ceasefire or peace agreement. Agreements define broad lines of action that will be discussed and refined in more details once the implementation phase has started. For this reason, it is also important to consider establishing joint bodies, even with international missions, in charge of designing and steering mine action programmes once a peace negotiation has been concluded.

More specifically, the following five questions were suggested as the basis for the establishment of a functioning mine action programme:

- What has to be done?
- Who is responsible for what?
- When does it have to be done?
- Where will the funding come from?
- How will the demining activities be monitored?

The absence of a reference to mine action in a ceasefire or peace agreement does not necessarily mean the topic itself has not come up during a peace process. As discussed, it may well have been used in a process-related manner. Thus, a thorough assessment of where mine action has served as an entry point or has been discussed in relation to CBMs, would warrant an analysis of the processes leading to agreements and not merely the resulting documents. However, it was not feasible to treat this topic within this issue brief's scope. This would be an interesting area for further research.

On a similar note, a better distinction should be made between ceasefire and peace agreements. The UN guidelines do not separate the two and provide a set of recommendations to be applied to both types of agreements. However, this issue brief has clearly identified that mine action can be conceived as part of either a process or the content of agreements. From this perspective, it is important to bear in mind that ceasefire agreements are often only a step of an ongoing process, which ideally leads to more comprehensive negotiations, whereas a peace agreement is ordinarily the end of it. Therefore, mine action in a ceasefire agreement could be interpreted as an instrument for confidence building rather than defining a comprehensive programme for humanitarian demining. A better differentiation between the recommendations for ceasefire or those for peace agreements could be another avenue for further research on the topic.

4. Foster interaction between mine action and mediation communities:

All consulted experts identified the lack of expertise and knowledge of mine action as an obstacle in peace processes. Consequently, there is a need for exchange and dialogue between mediation and mine action practitioners, sharing experiences and exploring synergies. While mediators and conflict parties alike seem to be struggling with the technical nature of mine action during peace processes, representatives from demining organizations could bring the know-how and experience to the table. Besides supporting mediators, these representatives could provide conflict parties with a realistic assessment of their country's situation when it comes to mines/ERW. On the other hand, demining operators would benefit from a better understanding of mine action's political implications and thus engaging with mediation practitioners. This would allow the demining operators to adapt their activities to the context and avoid potential risks they may otherwise be unaware of.

However, when asked about the exchange taking place between representatives of the mine action and the mediation communities, respectively, all experts revealed that there is virtually no contact whatsoever. This issue brief thus strongly recommends a more strategic cooperation among these two fields of practice. Especially during the initial phase of a mediation process where strategies are designed and entry points are identified, an exchange about the situation of mines/ERW in a given context is advisable if not imperative.

ANNEXES

ANNEX I - UNITED NATIONS MINE ACTION GUIDELINES FOR CEASEFIRE AND PEACE AGREEMENTS

Inter-Agency Coordination Group on Mine Action's guidelines:⁴⁷

Background

1. In countries and regions emerging from violent conflict, mine action is often a prerequisite to the return of refugees and Internally Displaced People (IDPs), humanitarian aid, reconstruction and development. It is therefore of critical importance that ceasefire agreements and peace accords properly address mine action concerns and provide an appropriate framework for the effective initiation and implementation of mine action activities.
2. Too often in the past, essential mine-related issues have either not been addressed at all in cease-fire agreements and peace accords, or addressed too late and inadequately. In the worst cases, they have been addressed in a way that did not take account of technical realities and raised unrealistic expectations, delaying the establishment of proper and effective mechanisms for the implementation of mine action programmes.

Objective

3. This paper has been prepared to provide guidance to governments, organizations, and individuals involved in the negotiation and drafting of cease-fire agreements and peace accords. It aims to make them aware of the mine action concerns that need to be addressed, or at least considered, in such documents, and to help them draft appropriate references and clauses related to mine action.

⁴⁷ Source: LeBrun, Emile, Damman Suzanne, "Addressing explosive ordnance in peace processes", op. cit, pp. 25-26.

Key mine-related concerns to be addressed

4. In situations where landmines are a significant obstacle to the resumption of normal life and reconstruction, cease-fire agreements and peace accords should consider and address seven sets of core mine action activities, related to:
 - The exchange of technical information between all former parties to the conflict
 - The marking of minefields and the eventual clearance of mines and UXO
 - Mine risk education
 - Victim assistance
 - Eliminating the use, production, transfer and stockpiling of mines
 - Stockpile destruction
 - International cooperation and coordination.

Exchange of technical information

5. The parties to the conflict should commit themselves to exchanging all technical information required for the identification, location, marking and eventual clearance of mines, minefields and UXO. The technical information required should conform to the technical annex of Amended Protocol Two of the Convention on Certain Conventional Weapons (CCW) that is attached at annex two to this document, and should include maps and information regarding the specific types of unexploded ordnance that could be encountered. The parties should assist with the interpretation of the information exchanged, codes and symbols used in maps and other documents in particular, as well as their translation when required.
6. The agreements may designate the Secretary General of the United Nations, or another intermediary, to serve as the receiver of such information and facilitate the exchange process. Realistic deadlines should be set for the completion of the exchange of the information.
7. In many cases the available information may not be sufficient to allow for the safe implementation of mine clearance activities and survey operations will have to be conducted. In such instances the parties should commit themselves to facilitating unimpeded access to survey teams including flights for the purposes of aerial photography.

Minefield marking and mine and UXO clearance

8. The parties to the conflict should commit themselves to actively supporting the identification, marking and eventual clearance of all minefields and UXO. Clear and realistic responsibilities and timelines should be defined in this regard, taking into consideration the technical capacities of the parties involved, and the need to ensure that operations are conducted effectively and safely, in accordance with the International Mine Action Standards (IMAS). All marking and clearance activities should be reported to the designated mine action authorities.

Mine Risk Education

9. The parties to the conflict should commit themselves to actively identifying those people who are most at risk of suffering mine or UXO accidents and support the prompt development of Mine Risk Education (MRE) programmes, which seek to prevent or reduce occurrences of related deaths and injuries. MRE programmes should be undertaken within a rights-based framework, which recognizes the legal and moral obligation and accountability of states to the rights and needs of their peoples. Accordingly, MRE programmes should be integrated with appropriate peace-building activities.

Victim assistance

10. The parties should commit themselves to providing assistance for the care and rehabilitation, and social and economic reintegration, of mine victims.

The use, production, transfer and stockpiling of antipersonnel mines

11. The parties to the accord should commit themselves to immediately stopping the use, production, transfer and stockpiling of mines, especially antipersonnel mines. For governments, this commitment should involve ratification of, or accession to the Antipersonnel Mine Ban Convention, attached at annex three. For Non State Actors, this could involve signing the “Deed of Commitment” deposited with the Government of the Republic and Canton of Geneva, attached at annex four.

Stockpile destruction

12. The parties to the conflict should commit themselves to the total destruction of all stockpiles of landmines, antipersonnel mines in particular, under their possession or control. Realistic deadlines for the destruction of stockpiles should be contained in the peace accord or cease-fire agreement. Stockpile destruction operations should respect all relevant IMAS.

International cooperation and coordination

- 13.** The parties to the conflict should normally commit themselves to inviting international cooperation for mine action. When necessary, the parties should agree to request international assistance through the United Nations or other organizations, to facilitate the safe and timely conduct of all mine action activities, in particular during the initial implementation phase of the agreement.
- 14.** The parties should be encouraged to conduct mine action activities in response to clear humanitarian and socio economic needs so that priority is given to the most vulnerable.

Note: These guidelines have been endorsed by the Inter Agency Coordination Group on Mine Action (IACG-MA), which comprises the following UN bodies, DPKO, DDA, OCHA, FAO, OHCHR, UNDP, UNHCHR, United Nations High Commissioner for Refugees (UNHCR, UNICEF, UNOPS, WFP, WHO, and the World Bank.

ANNEX II - QUESTIONNAIRE

Interview questions

1. How often would you say are issues linked to mines/ERW and mine action, addressed within a mediation process? And how frequently do agreements contain provisions for mine action?
2. In your experience, what are crucial aspects within a mediation process that make mine action a topic? Does it depend on certain actors, circumstances, timing, etc.?
3. Do you see linkages between questions related to mines/ERW and other topics discussed during a mediation process? If so what are they and how do they manifest themselves?
4. In contexts where mines/ERW are an issue, would you advocate for its inclusion in a mediation process or would you rather treat it as a technical endeavour on the side?
5. Have you ever experienced reluctance by any of the actors involved in a peace process to include mine action? If so, what were the reasons for the reservations?
6. What has been the most successful strategy in your experience to address mine action within a larger peace process (not limited to the mediation process)?
7. How could the inclusion of long-term mine action engagements be sequenced? What should be discussed at the peace table and when?
8. Is there anything you would like to add?

ANNEX III - LIST OF AGREEMENTS

#	Agreements/documents	Date of the agreement	Country/Entity
1	Lebanese-Israeli General Armistice Agreement	23 March 1949	Lebanon, Israel
2	General Armistice Agreement	20 July 1949	Israel, Syria
3	Hashemite Jordan Kingdom-Israel: General Armistice	03 April 1949	Israel, Jordan
4	Peace Treaty Between the State of Israel and the Arab Republic of Egypt	26 March 1979	Israel, Egypt
5	Agreement on the Cessation of Hostilities (i.e. 'Geneva Agreements')	20 July 1954	Cambodia, Lao PDR, Vietnam
6	Definitive ceasefire agreement between the Government of the Republic of Nicaragua and the "Yatama" Atlantic Front of Nicaraguan Resistance	18 April 1990	Nicaragua
7	Framework for a Comprehensive Political Settlement of the Cambodia Conflict (i.e. "the Paris Agreement")	23 October 1991	Cambodia
8	General Peace Agreement for Mozambique	04 October 1992	Mozambique
9	Protocol of Negotiations between the Governmental Delegations of the Republic of Georgia and the Russian Federation	09 April 1993	Georgia, Russia
10	Agreement for the Demilitarisation of Srebrenica	18 April 1993	Bosnia and Herzegovina
11	Cease-fire Agreement of 29 March 1994	29 March 1994	Croatia
12	Lusaka Protocol	15 November 1994	Angola
13	General Framework Agreement for Peace in Bosnia and Herzegovina (i.e. 'Dayton Agreement')	21 November 1995	Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia
14	Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements	29 December 1996	Guatemala
15	Sudan Peace Agreement (i.e. Khartoum Agreement)	21 April 1997	Sudan
16	Interim Agreement for Peace and Self-Government in Kosovo (i.e. 'Rambouillet Accords')	23 February 1999	Kosovo, Serbia

#	Agreements/documents	Date of the agreement	Country/Entity
17	Military Technical Agreement Between the International Security Force (KFOR) and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia	09 June 1999	Kosovo, Serbia
18	UN Security Council Resolution 1244 (1999) on the Situation Relating to Kosovo	10 June 1999	Kosovo
19	Undertaking of Demilitarisation and Transformation by the UCK (i.e. Kosovo Liberation Army, KLA)	20 June 1999	Kosovo
20	Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone (RUF/SL) ('the Lomé Peace Agreement')	07 July 1999	Sierra Leone
21	Technical Arrangements for the Implementation of the Organisation of African Unity (OAU) Framework Agreement	31 August 1999	Ethiopia, Eritrea
22	Agreement on Cessation of Hostilities between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea	19 June 2000	Ethiopia, Eritrea
23	Arusha Peace and Reconciliation Agreement for Burundi	28 August 2000	Burundi
24	Nuba Mountains Ceasefire Agreement on Sudan	19 January 2002	Sudan
25	Ceasefire Agreement between the Transitional Government of Burundi and the Conseil National pour la Défense de la Démocratie-Forces pour la Défense de la Démocratie (CNDD-FDD)	02 December 2002	Burundi
26	Humanitarian Ceasefire Agreement on the Conflict in Darfur	02 April 2004	Sudan
27	Dares-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region	20 November 2004	Angola, Burundi, Central African Republic, Republic of Congo, Democratic Republic of Congo, Rwanda, Sudan, Tanzania, Uganda, Zambia

#	Agreements/documents	Date of the agreement	Country/Entity
28	Zinguinchor Peace Agreement between Government of Senegal and the Movement of the Democratic Forces of Casamance (MFDC)	30 December 2004	Senegal
29	Agreement on Permanent Ceasefire and Security Arrangements Implementation Modalities between the Government of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/A) during the Pre-Interim and Interim Periods	31 December 2004	Sudan, South Sudan
30	The Comprehensive Peace Agreement between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/SPLA)	09 January 2005	Sudan, South Sudan
31	Comprehensive Peace Accord signed between the Nepal Government and the Communist Party of Nepal (Maoist)	22 November 2006	Nepal
32	Agreement on the Monitoring of the Management of Arms and Armies	08 December 2006	Nepal
33	Comprehensive Agreement on the Bangsamoro	27 March 2014	The Philippines
34	Agreement on the Resolution of the Conflict in the Republic of South Sudan	17 August 2015	South Sudan
35	The Nationwide Ceasefire Agreement between the Government of the Republic of the Union of Myanmar and the Ethnic Armed Organisations	15 October 2015	Myanmar

LIST OF ABBREVIATIONS

ANSAs

Armed non-state actors

APM

Anti-personnel mines

APMBC

Anti-Personnel Mine Ban Convention

ARMM

Autonomous Region of Muslim Mindanao

AVM

Anti-vehicle mines

CAB

Comprehensive Peace Agreement on the Bangsamoro

CBM

Confidence Building Measure

CCM

Convention on Cluster Munition

CCW

Convention on Certain Conventional Weapons

CM

Cluster munitions

CNAMS

Senegalese National Mine Action Centre

DDR

Disarmament, demobilisation and rehabilitation

DoC

Deed of Commitment

ERW

Explosive remnants of war

FAB

Framework Agreement on the Bangsamoro

FARC-EP

Revolutionary Armed Forces of Colombia

HD

Centre for Humanitarian Dialogue

IACG-MA

Inter-Agency Coordination Group on Mine Action

ICBL

International Campaign to Ban Landmines

IDP

Internally displaced people

IED

Improvised explosive device

IFOR

Implementation Force

IMAS

International Mine Action Standards

INGO

International non-governmental organisation

KFOR

Kosovo Force

MFDC

Movement of Democratic Forces of Casamance

MILF

Moro Islamic Liberation Front

MRE

Mine risk education

NGO

Non-governmental
organisation

OSCE

Organization for
Security and
Co-operation in
Europe

SSR

Security sector reform

swisspeace

Swiss Peace
Foundation

UN

United Nations

UNMAS

United Nations Mine
Action Service

UNPROFOR

United Nations
Protection Force

UNSG

Secretary-General of
the United Nations

URNNG

Guatemalan National
Revolutionary Unit

UXO

Unexploded ordnance

VA

Victim assistance

Geneva International Centre
for Humanitarian Demining
Maison de la paix, Tower 3
Chemin Eugène-Rigot 2C
PO Box 1300
CH – 1211 Geneva 1, Switzerland
info@gichd.org

Follow us on

gichd.org
[facebook](#)
[twitter](#)
[linkedin](#)
[youtube](#)