

## SIDE EVENT

*Hosted by the  
National Demining Institute (IND), Mozambique  
and the  
Geneva International Centre for Humanitarian Demining (GICHD), Switzerland*

*Monday 23 June, 12:00 to 14:00  
Side event room #4*

### Management of residual contamination: transition and national capacities

#### *Description of the session*

Completion of Article 5 obligations is a major achievement for mine-affected States, but in most instances it does not mark the final conclusion of explosive ordnance disposal. Typically, broader ERW contamination will require management and appropriate response capacities for decades.

The IND/GICHD side event explores the issue of transition from a dedicated mine-clearance operation to a **sustainable long-term capacity to address general explosive and UXO contamination**. It will draw on experience from other countries that have achieved compliance and explore the Mozambique context.

Discussions on the topic will be assisted by an accompanying discussion paper ***After Article 5 completion – then what?***

#### *Co-Chairs*

Mr. Augusto Alberto, Director, National Demining Institute (IND), Mozambique  
Dr. Guy Rhodes, Director of Operations, GICHD

#### *Other Panellists*

Mr. Christian Holmboe Ruge, Programme Director, International Law and Policy Institute (ILPI)  
Mr. Carl Case, General Coordinator, Mine Action Programme, Organisation of American States  
Ms. Asa Massleberg, Advisor, Strategy, Transition & Development, GICHD



# Republic of Mozambique

## Ministry of Foreign Affairs and Cooperation

### National Demining Institute

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## Discussion paper:

### After Article 5 completion – then what?

### Transition and National Capacity after Article 5 Compliance

Maputo Review Conference Working Paper: how could States Parties with Article 5 obligations prepare for the transition from a dedicated mine-clearance operation to a sustainable long-term capacity to address general explosive and UXO contamination?

#### Introduction

As more States with Article 5 obligations are getting closer to completion, States and other implementation partners could usefully consider certain issues that arise as a consequence. Completion of Article 5 obligations is a major achievement for mine-affected States, but in most instances it does not mark the final conclusion of explosive ordnance disposal in their country.

Building on Action#40 in the Cartagena Action Plan, Mozambique as President-designate for the Third Review Conference would like to facilitate a discussion with the State Parties and other implementation actors on how to prepare for the transition from Article 5 mine clearance to longer-term operations to address residual ERW. The objective is to identify program and policy recommendations that may be considered by States Parties meeting at the Third Review Conference.

Such a discussion could include the following questions:

- How to secure optimal productivity up until the completion date?
- After Article 5 completion, how will national authorities identify and manage the hazard and risk posed by residual ERW?
- How should national authorities prepare their mine action coordination structures and their demining staff for the post-completion situation?
- How to ensure that key personnel stay with the operations as long as is necessary to conduct closing and quality control operations and secure proper documentation of the efforts for future use?
- After Article 5 completion, what will happen to the national mine action database and will clearance records be utilized and updated to manage information on any residual ERW accidents and clearance activities?
- How can national authorities assist deminers to find other employment following completion of all demining tasks?

In a longer perspective, many States will need to retain a long term capacity to address explosive ordnance in a rational way, and therefore need to consider how to best adjust their present mine clearance capacities and competence to such a situation.

## **Background**

Most States that have experienced sustained armed conflict over the last century will have some sort of explosive ordnance problem that needs to be addressed in a rational, transparent and systematic manner. Experience from Europe and other parts of the world that still contain areas contaminated with Explosive Remnants of War dating back to both World War I and II, indicates that this is a long-term problem, requiring a sustainable long-term national response.

Immediately following the end of conflict, ERW contamination often poses a serious humanitarian problem often hindering recovery efforts. In such cases, systematic, pro-active survey and clearance operations are required that are often led or assisted by international partners.

In most instances, the ERW contamination that remains following systematic clearance operations poses a limited humanitarian problem. However, ERW contamination does constitute a certain security and safety risk to the population, and it may hamper, and significantly increase the cost of infrastructure development. In addition, explosive ordnance may also be a source for explosive materials for groups and individuals involved in criminal activities. It is thus a situation that needs to be addressed by the State, as part of its responsibility to uphold law, provide security for its citizens and maintain an enabling environment for development. A sustainable, national capacity is required to identify the risk from any residual ERW and manage the hazard posed to the population.

In order to prepare for this, many current mine affected States need to consider how to transition from a having a dedicated mine action centre to establishing a sustainable explosive ordnance disposal capacity.

### **Addressing the residual ERW problems**

Addressing long-term ERW contamination requires a different approach and a different capacity than addressing mined areas. Mine clearance under Article 5 is essentially a proactive process involving relatively large numbers of survey and demining teams often supported by international technical advisors and international financial assistance. Whereas addressing the long term ERW problem in most States would entail a reactive process involving a smaller, more sustainable national capacity, where threats are identified by civilians and then responded to. It requires different timelines than the 5 – 10 years cycles provided by the Mine Ban Convention. With little or no realistic baseline against which progress may be assessed, it is also typically not possible to define a definite end-point.

Most States would need a robust reactive system for reporting, recording and responding to explosive ordnance, designed to function in a sustainable manner over decades. This may be the responsibility of one institution, but not necessarily. For instance, the competence required to set up and maintain a reporting and recording system that is trusted by the general public and all relevant stakeholders so that it actually is used is different from the competence needed to uncover, defuse and destroy an unexploded bomb or grenade. States need to identify what role, if any, current mine action coordination structures should have in both the transition and the post- completion scenarios. Preparing for this transition to a post-completion scenario will ensure State Parties have a sustainable capacity to report and address the discovery of any previously unknown mined areas that may eventually be discovered after reporting compliance with Article 5, thus enabling the fulfilment of Action #22 of the Cartagena Action Plan.

### **Preparing for completion and transition**

National authorities approaching completion of Article 5 obligations would benefit from taking a strategic view on how to prepare for both completion and transition within the same framework. In this process, one could look at the Article 5 deadline not as an end-point, but as an important milestone and transition-point in a long-term exercise that aims at maintaining a rational and effective response to the problem of explosive ordnance.

One of the challenges of completion is maintaining the motivation and technical capacity required to ensure the demining is completed within the timeline set by the country's article 5 obligations. Previous experience in Mozambique and elsewhere has shown that productivity rates among deminers tend to decrease as they approach the end of demining operations. Knowing that the deminers are working toward their own unemployment poses a

paradox where they may be tempted to extend demining tasks for as long as possible for their own economic self-preservation. The situation can be even further complicated when mine-affected communities benefit economically from the presence of demining teams (e.g. employment of local people or the provision of services to demining teams) creating an incentive for them to falsely report areas as mine suspected. Designing incentives and rewards to keep deminers and QA inspectors motivated, honest and productive until the end is an important issue to ensure demining does not fall behind schedule. Restructuring and retraining programmes and other incentives that assist deminers transition to new employment following the completion of demining tasks could also be a means to keep deminers motivated until the end.

Mine affected States would benefit from assessing how their current mine action structures and resources, such as their technical staff, may be best used to support long term efforts. Considering the resources invested by both national and international actors to build national mine action coordination structures, it is worth understanding how these capacities can be retrained or re-focused for future use by the national authorities. The creation of a viable transition plan for mine action structures before all demining tasks are completed can help to retain skilled employees and national capacities.

In order to prepare for the departure of large scale international demining capacities and the transition of national capacities to a post-completion scenario, national mine action authorities could review and map the capacities and role of the mine action centre vis-à-vis national legislation on the national disaster management authorities and the control of the civilian explosives industry (i.e. the production, transport, sale, storage and licensing of commercial operators). Records of clearance operations will need to be maintained for future construction projects and to clarify any liability issues in case of future accidents. For many mine-affected countries, demining organizations in the field respond to regular reports from civilians for EOD spot tasks to remove explosive items as part of their normal mine action duties. Following Article 5 completion, the police authorities should be trained to assume this role and civilian population informed on how to report suspicious items. The role of information management of UXO and EOD information will still be required.

As an example, a transition plan for post-completion national capacity may include some of the following issues:

- (i) Training of the police, military or civilian protection forces for small EOD spot tasks and accident investigation as an emergency response for public safety;
- (ii) An authority to maintain a national database (e.g. IMSMA) with information available to the public for liability issues or use in future construction projects that may require digging to depths below the depth of clearance established by the national mine action standard in previously contaminated areas;
- (iii) Quality Assurance or Quality Control capacity for EOD or mine action related activities as well possibly to control the implementation of national legislation on the production, transport, and use of explosives in the civilian commercial sector;
- (iv) A licensing and contracting authority for either commercial entities or NGOs to do future EOD spot tasks or larger area clearance operations as required for residual ERW or in the case of the discovery of previously unknown mined areas; and
- (v) provide advisory services to private investors and planning units/project management units in the ministries on how to arrange for any survey & clearance support (from local/regional firms or NGOs) that might be required for future private or public development projects.

States providing support for mine clearance may benefit from considering how to structure their support in a way that facilitate efficient and effective resource use while retaining the national capacities established with their support. Structuring international support for this transition period may address claims by previously mine-affected State Parties that financial assistance to address UXO and ERW issues stopped immediately after declaration of Article 5 compliance. While Article 5 compliance may signal the end of active demining operations, international support and assistance can be used for the establishment of a sustainable national capacity that shifts its focus to other ERW priorities such as a response to residual UXO, explosive storage stockpile management or the clearance of other areas contaminated by ERW other than landmines.