Policy Brief

The Ottawa Treaty’s 2025 goal for clearance
About Landmine Free 2025

Landmine Free 2025 is a campaign to complete landmine clearance by 2025. The campaign is a call to action to donor and mine-affected states, civil society and the public to reenergise support for mine clearance. It aims to build and strengthen national and global partnerships to realise the goal of a world free of landmines.

The campaign’s policy briefs aim to provide information, context and analysis for policy makers and stakeholders.

Acknowledgements

This report draws heavily on the high-quality research undertaken by the Landmine and Cluster Munition Monitor¹ and the Mine Action Review². It references national strategies as well as public reports and submissions by States Parties to the Anti-Personnel Mine Ban Convention³, supplemented by operational analysis undertaken by The HALO Trust, MAG and partner non-governmental organisations.

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EXECUTIVE SUMMARY

In 2014, States Parties to the Anti-Personnel Mine Ban Convention (Ottawa Treaty) made a commitment to complete mine clearance by 2025. Four years later, tremendous progress has been made, with clearance completed in 29 states and one other area. Despite the achievements, there is significant work to do, with 62 states and areas still working towards completion.

Today’s emergencies will create tomorrow’s legacy and so the report’s conclusions and recommendations in Chapter 4 stress the importance of addressing both new and so-called ‘legacy’ contamination under the same framework. Affecting only a few states, new contamination will not be a barrier to completion in most places, as long as they receive the levels of funding needed to reach completion.

Since 2014, we have seen a 133% rise in deaths and life-changing injuries from mines and unexploded ordnance. The needs of survivors endure for life and that is why this report recommends closer planning between the clearance and victim assistance communities, as well as stronger links between mine action and the Sustainable Development Goals.

Taking the steps necessary to realise the 2025 aspiration depends largely on the choices made by donors and affected-states. Good practice exists and is there to be applied, organisations able to offer assistance stand ready to provide it, and the budgets are easily within the reach of overseas development assistance.

With 60 million people living at risk of death or injury – almost all of whom are from the world’s poorest and most conflict-affected communities – all mine action stakeholders should act to achieve the goal of a landmine free 2025.

This brief explores some of the key issues relevant to achieving the 2025 goal and sets out recommendations to help the mine action community reach it effectively.

Chapter 1 looks at current timelines and prospects, highlighting that most mine-affected states could finish their mine clearance before 2025 if they had the right support.

An estimated $100m per year of additional assistance is needed globally to make this a reality. Success also depends on states fully applying sector good practice – something that is still not happening in many countries.

Chapter 2 explores some of the approaches taken by the mine action community to turn the Ottawa Treaty’s clearance obligations into practice. It addresses the issue of what determines success, setting out the risk management principles that run throughout mine action operations, and the reality of ‘residual contamination’ after proactive clearance has been completed. Planning for sustainable national capacity to respond to mine contamination that comes to light after completion is essential.

Chapter 3 looks at several developments in conflict that are relevant to the 2025 goal, including extensive new contamination since 2014 in some countries. The majority is from locally-produced mines used in conflicts involving non-state armed groups. It notes how the mine action community has built on several decades of experience to respond, and highlights new trends in the nature and complexity of conflict itself as a major challenge for mine action.
The 2025 commitment was made in Mozambique in 2014 at the Third Review Conference of the Ottawa Treaty. It was captured through the Maputo +15 Declaration, which set a commitment to achieve significant results in all areas of the Convention’s work in just over a decade. This included the goal of completing clearance by 2025 (see Box 1).

At the time of the Review Conference, 2025 was beyond the horizon of all time-bound clearance deadlines and plans, and the mine action community had good reason to be ambitious. Clearance outputs were at historic highs with more than 240,000 mines destroyed and over 200 km² of land cleared.

The importance of good quality land release to improving efficiency of operations was also increasingly understood within the mine action community and the updated International Mine Action Standards (IMAS) reflected that. By the end of 2014, 28 states and Taiwan had completed clearance of their mined areas. Mozambique – once one of the world’s most mine-contaminated countries – went on to declare completion the following year.

**Plans, Deadlines and Prospects**

Four years later, 59 states and three other areas are still confirmed or strongly suspected to contain mined areas. Following the recent accessions of Sri Lanka and the State of Palestine, 37 of these are Ottawa Treaty States Parties. According to the Mine Action Review’s analysis, only four states are currently assessed to have ‘massive’ (over 100 km²) levels of contamination from anti-personnel mines: Afghanistan, Bosnia & Herzegovina, Cambodia and Iraq.

Only three countries (Angola, Oman and Zimbabwe) have Ottawa Treaty deadlines extending as far as 2025, and Iraq is so far the only State Party working towards a deadline beyond then (2028). All other current plans seek to complete clearance before the 2025 goal. Among the states currently seeking extensions to their Ottawa Treaty clearance deadlines during 2018, only one state
Cooperation and Partnership

The Maputo +15 Declaration makes specific reference to increased cooperation and partnerships. Achieving the 2025 aspiration around clearance continues to depend on affected states taking even greater ownership of their mine action programmes, including through national funding. Donors, affected states and mine action organisations must also work even closer together to deliver sustainable strategies for completion.

Preparations for the next Review Conference in 2019 are an opportunity for enhanced cooperation and partnerships between clearance stakeholders. But there is also an opportunity for better dialogue and planning between the victim assistance and clearance communities to ensure that completion plans for clearance are sensitive to the enduring needs of mine victims.

More broadly, the mine action sector should build stronger links between mine action and the Sustainable Development Goals, based on new or strengthened partnerships at the national and international level. This should build on synergies that have already been identified.

What will it Take?

The 2017 edition of Clearing the Mines captured positive trends in improved performance of mine action programmes. Approximately two thirds of mine-affected states and areas were ranked as having improved or unchanged performance. But the full application of sector good practice at the national level remained a key area for improvement and progress in a worrying number of countries. This needs to be addressed urgently.

Even if good practice is applied fully, funding will remain the major obstacle to realising the 2025 ambition. The 2017 edition of Landmine Monitor reported an increase to mine action funding by 22% in 2016, reaching the third highest level in a decade at $479.5m. But 70% of international funding came from just five donors, and 30% was spent in Afghanistan and Iraq alone. Funding for longer-standing contamination remained insufficient.

The Landmine Free 2025 campaign’s State of Play report, also released in 2017, analysed funding and clearance trends in Angola, Cambodia, Sri Lanka and Zimbabwe. It estimated that an additional $54m per year of funding would be required for these countries to meet their clearance goals.

Angola needs to see a much larger increase than others, but collectively across all four countries 2.4 times current funding is required. Overall, the Landmine Free 2025 campaign estimates that at least $100m per year of additional international funding is required per year to keep states on track to meet 2025 goals, in addition to the increased funding for new humanitarian emergencies.

Box 1: The Maputo +15 Declaration

The political declaration was adopted by States Parties to the Anti-Personnel Mine Ban Convention (Ottawa Treaty) on 27 June 2014 at its Third Review Conference in Mozambique. It covers all aspects of mine action and the convention’s work.

In terms of clearance, States Parties aspired to ‘fulfil [their] obligations to clear all mined areas as soon as possible’ and to do so ‘to the fullest extent possible’ by 2025.

States also agreed to strengthen national ownership and capacity, enhance cooperation, and establish partnerships for completion.
DEFINING SUCCESS AND COMPLETION

The Ottawa Treaty is clear about what constitutes completion of mine clearance in a State Party. Article 5 defines this as the point when all anti-personnel mines in areas under a State Party’s jurisdiction or control have been destroyed. This needs to take place as soon as possible, but not later than ten years after the entry into force for each State Party. Longer periods are subject to a formal extension request submitted to other States Parties and based on an accurate assessment of remaining contamination and a time bound, costed plan.

As part of Article 5, states are required to “make every effort to identify all areas under its jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced”. This reflects the reality that in almost every mined location, records and marking are lost, absent or never existed in the first place. Mines were laid in different ways for different purposes such as ‘nuisance mine laying’, a common strategy where mines were deliberately laid outside of formal or structured patterns to instil fear or confuse.

Mines are moved as part of ad hoc clearance by communities, during everyday activities like ploughing and building or by informal deminers acting outside regulatory structures. They can also migrate due to weather or environmental conditions and sometimes minefields are disrupted when mines are removed for their explosive content. As a result mine action operations involve expert judgement, based on information gathered from informants and what is found through clearance itself.

While the obligation and objective of destroying every mine is clear and absolute, the requirement to ‘make every effort’ to locate therefore needs further risk-based interpretation if it is to be operationalised. This applies to survey (efforts to identify and accurately define mined areas) as well as methods relevant to clearing contamination.

Risk-Based Approaches

Approaches to survey and clearance that are excessively cautious work against the goal of locating and destroying mines as quickly and safely as possible. An overly risk-averse approach to identifying contaminated areas and then clearing them results in inefficiency – a price felt in cost, but also in the time communities have to wait until their land is cleared. The first edition of Clearing the Mines, produced for the 2014 Review Conference in Maputo, described the
result of earlier excessively risk averse survey practice as "a man-made problem twice over."

The mine action community has refined its approaches over time in order to achieve meaningful and effective results with evidence-based survey and targeted clearance. Risk management principles and approaches now run throughout IMAS, primarily through the concepts of all reasonable effort, tolerable risk and residual risk (see Box 2).

The results of improved sector practice can be seen clearly in outputs. A recent re-survey in Angola led to the cancellation of around 90% of land previously classified in error as suspected to contain mine contamination. This has cut decades from previous estimates of clearance timelines, with Angola now seeking to achieve completion by 2025.

Risk-based approaches also apply to clearance itself. The methodology used starts with an evidence-based assessment of the type of mine contamination in a particular location, along with an assessment of where mines may have been used for tactical advantage. Drawing initially on key informants, operational methodologies are further refined as contamination is better understood through additional survey and during clearance itself.

Refinements are made to detector sensitivities, additional assets including animals or machines can be deployed and changes can be made to the depth to which clearance is undertaken. In addition to areas being cancelled, hazardous areas may be further ‘reduced’, in other words released without being fully cleared. This depends on sound operational planning and risk-based decision-making around the use of different approaches and methods.

The full application of sector good practice for both survey and clearance therefore remains critical to achieving the 2025 goal. Inefficient practice will lead to wasted time and money while communities that have lived at risk of death or injury and without access to safe land and resources for too long will have to wait even longer for their land to be cleared.

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**Box 2: All reasonable effort, tolerable risk and residual risk**

The International Mine Action Standards (IMAS) are the global guiding framework for good principles and practice, and interpret the treaty term ‘every effort’ through the following core concepts.

‘All reasonable effort’, as defined in IMAS, describes what is considered a minimum acceptable level of effort to identify and document contaminated areas or to remove the presence or suspicion of mines and explosive remnants of war. All reasonable effort has been applied when the commitment of additional resources is considered to be unreasonable in relation to the results expected.

‘Safety’ is described in IMAS as ‘the reduction of risk to a tolerable level’, which is expressed in the IMAS as ‘tolerable risk’. This reflects the fact that absolute safety can not be guaranteed and that a level of risk will remain after all reasonable effort has even applied. This is termed ‘residual risk’.

Interpreting the terms ‘every effort’ in order to make it operational and pragmatic adds an inevitable level of subjectivity. It is also important to note that the terms described above are subject to interpretation and application by national authorities through their national mine action standards (NMAS). When NMAS are in place, they are the primary guiding framework within a country.
**Article 5 and Residual Contamination**

A state that has identified and then cleared all areas that were confirmed as being mined – in line with international good practice – should be considered to be completed, on the grounds that all reasonable effort has been applied. For a State Party to the Ottawa Treaty, this should be considered as being in compliance with its Article 5 obligations. The nature of mine contamination and its clearance means that there will still be a level of ‘residual risk’, in other words a possibility that further mines may be found.

Contamination that was not previously known about could include a mine that was moved but not reported; a mine where there was no informant or indication of its presence or location; or an item that has become buried deeper or was moved away from others by weather or environmental effect. Rather than being classified as ‘missed’, these items should be viewed through a lens of ‘residual contamination’, as long as all reasonable effort was applied during investigation and clearance.

The response to residual contamination involves a reactive rather than proactive approach to clearance. In other words, clearance is not undertaken systematically and survey is undertaken only in response to new information or reports of contamination. For States Parties to the Ottawa Treaty, newly suspected or confirmed contamination brings a renewed obligation under Article Five. They must develop plans and report to other states in line with the convention’s obligations. Once investigation has taken place and any clearance of contamination has been completed, the state will have returned to a position of being in compliance with its treaty obligations.

It is absolutely essential that open and transparent reporting is encouraged and welcomed positively by other states and the broader mine action community. Any perception that newly suspected or confirmed contamination will be criticised as a failure of previous efforts will act as a disincentive to transparency. National mine action strategies also need to ensure that they plan for capacity, systems and approaches to respond to residual contamination before the end of proactive clearance.

**Principles and Pragmatism**

The term ‘residual contamination’ must be used precisely and responsibly. Residual contamination should not be used to refer to areas where there are good grounds to suspect mine contamination, but which have not yet been investigated. Similarly, it should not be used to refer to known contamination which has not yet been cleared due to a decision that its clearance will have little or no humanitarian impact. Neither case should be considered a tolerable risk as all reasonable effort has not yet been applied.

Mine contamination that is considered ‘low priority’ for clearance due to an assessment of its current impact should not be classed as ‘residual contamination’ and must still be cleared to comply with Article 5 obligations. In locations with ‘massive’ contamination, clearance of lower priority areas may need to continue beyond 2025, particularly if it is part of a longer-term nationally-led clearance programme. But it must still be cleared as quickly as possible.

In exceptional circumstances, further investigation of some suspected mined areas may not be reasonable on the grounds of operational viability, for example when areas have been persistently submerged underwater. In these situations, national authorities should maintain accurate records of locations, a capacity to respond if the situation changes, and ensure regular and transparent reporting to stakeholders.
NEW CONFLICT & CONTAMINATION

At the time of the Maputo +15 Declaration, the 2014 Landmine Monitor reported new use of anti-personnel landmines by a number of states and non-state armed groups. Overall this was largely a continuation of previously reported use and – while abominable – it took place against ever-increasing stigmatisation of landmines and against a backdrop of major clearance progress.

This picture changed fundamentally at the end of the 2014 as large areas of the Ninewa plains and Anbar Province in Iraq were retaken from Daesh. There were reports of significant numbers of military casualties from victim-activated improvised explosive devices (IEDs) in rural areas as well as in towns, villages and buildings.

An initial assessment undertaken by MAG in early 2015 confirmed the systematic and extensive use of landmines, booby traps and IEDs throughout areas formerly occupied by Daesh. While the devices were improvised and made mainly from non-military grade components, many had been produced to several standard designs.

Contamination across Ninewah and elsewhere prevented safe access by humanitarian organisations as well as the safe return of hundreds of thousands of internally displaced persons.

As mine action NGOs refocussed operations in Iraq to undertake survey and clearance in the retaken areas, it became clear that the new contamination by indiscriminate devices was on a scale not seen since the early 1990s in Iraq, Cambodia and Afghanistan.
Definitions and a New Landmine Emergency

The overwhelming majority of IEDs were victim-activated, with most involving pressure plates that were sensitive enough to be triggered by a child. The fact that the munitions are improvised does not stop them being anti-personnel landmines. The Ottawa Treaty covers all anti-personnel mines, including those that are homemade or artisanal (see Box 3).

With overwhelming and indisputable evidence from Iraq, several humanitarian NGOs declared a new landmine emergency by the middle of 2016. This was acknowledged by Ottawa Treaty states when they met in Chile later that year for the annual meeting of States Parties. The new landmine emergency now extends beyond Iraq. Similar extensive new contamination from improvised anti-personnel landmines in Syria has since been since confirmed, as well as reports of use in Afghanistan, the Sahel, West Africa, Yemen and elsewhere.

Four Trends in Conflict and Mine Action

The use of non-military grade landmines – mainly by non-state armed groups – is not a new phenomenon and the mine action community has responded to it since its origins, including in Afghanistan, Angola, Cambodia, Colombia and Sri Lanka. Similarly, the number of states or other areas contaminated by anti-personnel mines has remained broadly similar since 2014.

While little is completely new in mine action, it is indisputable that the landscape has evolved since the Maputo +15 Declaration, with four interrelated trends:

Firstly, battles within towns and cities have become the new normal. The humanitarian community faces increasing pressure to respond to vast numbers of civilians fleeing conflict in urban areas and facing long-term displacement due to the destruction of infrastructure and services. For the mine action community, this creates a humanitarian imperative to undertake larger-scale survey and clearance within damaged and destroyed urban areas on top of the extensive clearance need in rural and open land.

Urban survey and clearance draws on existing methodologies and approaches, particularly those developed in Gaza, Lebanon and Sri Lanka, but at a much larger scale in terms of geography and contamination. Significantly, it also now includes the clearance of large numbers of victim-activated devices – which are simultaneously IEDs, booby traps and anti-personnel mines – within buildings.

Second, the majority of current conflicts where new mine use has taken place involve non-state armed groups, most of which are increasingly and primarily viewed through a political and counter-terrorism lens. This can obscure their identities as parties to a conflict with obligations, but also as duty bearers in areas over which they exercise control.
Irrespective of political issues, such non-state armed groups have obligations relating to the protection of civilians, including from the risk posed by mines and unexploded ordnance. Humanitarian principles have offered a solid basis for the humanitarian community’s work in difficult and complex contexts, including those involving non-state armed groups. They continue to be a strong practical tool, including for mine action NGOs.

The nature of current complex conflicts requires even more rigour in the systematic and transparent application of humanitarian principles, particularly when aid and international NGOs are viewed by some states and non-state armed groups as instruments of states working against them. Humanitarian diplomacy with non-state armed groups will continue to have an important role to play in ensuring the protection of civilians. When it comes to safe access for clearance and risk education to reach the maximum number of people at risk from mines and unexploded ordnance, mine action NGOs must operate and be seen to operate outside of military and counter-terrorism frameworks.

Third, areas where active hostilities are ongoing and areas where they have ceased are in increasingly closer ‘pockets’ within ever-more complex, broader conflicts. Undertaking activities that could materially help or hinder a party to a conflict could constitute ‘direct participation in hostilities,’ irrespective of intent. The result is the loss of civilian protection under international humanitarian law.

To avoid becoming lawful objects of attack, humanitarian mine action organisations must have systems and processes to ensure that they do not knowingly or unwittingly undertake activities which constitute direct participation in hostilities. This is especially important when other stakeholders may be clearing the same devices for non-humanitarian ends in nearby areas where active hostilities are ongoing.

Finally, there is an increasing tendency to view contamination as either ‘new’ or ‘legacy’, and to approach only the latter within the Ottawa Treaty framework and the 2025 goal. This fundamentally undermines several decades of work to establish a coherent and consistent response to victim-activated munitions and the norm against their use. But it also misses the opportunity to draw on mine action’s existing systems and resources.

Including new contamination within existing mine action information management and reporting ensures that its location and extent is captured. It also supports a systematic response to the immediate as well as longer-term priorities and needs while enabling and reinforcing national ownership.

Implications for the 2025 Agenda

The mine action community’s approaches and techniques constantly evolve to address new emergencies and challenges. The response to the sharp rise in the use of improvised mines, booby traps and IEDs is no exception. Operational and programming results show clearly the impact of work since 2015. Tens of thousands of items have been cleared safely by a range of organisations working in areas of complex conflict where active hostilities have ceased. There can be no doubt that this work is saving lives and achieving significant humanitarian impact.

It is vital, however, that new contamination from anti-personnel landmines and the humanitarian response to it is included within existing mine action systems and frameworks. This includes improvised landmines and booby traps in both rural and urban locations. Doing so is an obligation for States Parties to the Ottawa Treaty, but it is also critical for informing national plans and strategies and ensuring efficient and impact-driven humanitarian mine action operations.

Including new contamination and operational response within mine action’s information management systems from the outset is a core part of this. Creating parallel approaches for recording new contamination or improvised anti-personnel mines at the national level will lead to partial or inaccurate contamination data, as well as wrongly informed mine action strategies and Article 5 extension requests. Worst of all, mine-affected communities risk being overlooked while expensive mistakes are rectified.
Divisions in mine action need to be resisted. Today’s new contamination is tomorrow’s legacy and the mine action community must respond simultaneously to both.

The scale of new contamination and ongoing conflicts makes the need for mine action beyond 2025 inevitable in some locations. There should be no question that this will require funding and support for years to come. But this must not come at the expense of clearance in countries with so-called ‘legacy contamination’ as this needs renewed commitment and additional funding immediately if the 2025 goal is to be realised.
CONCLUSIONS AND RECOMMENDATIONS

This report has outlined some of the core trends and policy issues relevant to achieving the 2025 goals around clearance of anti-personnel mines.

The following are key conclusions and recommendations. They are shared with the aim of supporting the mine action community’s collective efforts to complete clearance in as many locations as possible by 2025, ensure a sustainable approach to the management of residual risk and respond effectively and responsibly to new contamination.

1. Completing clearance by 2025 is an achievable goal in many countries with long-standing contamination. Success depends on renewed and sustained support from international donors as well as national budgets.

2. Planning for completion of mine clearance should be sensitive to the fact that the needs of mine survivors continue for life. The clearance and victim assistance sectors should proactively seek to increase their cooperation and planning, particularly in the context of the Sustainable Development Goals and the mine action community’s preparation for the Ottawa Treaty’s Fourth Review Conference in 2019.

3. Affected states, donors and mine action organisations should forge stronger links between mine action and the Sustainable Development Goals building on identified synergies. This should be based on new or strengthened partnerships at the national and international level and could be included as part of Ottawa Treaty States Parties’ national transparency reporting.

4. States with legal deadlines or national strategies to complete clearance before 2025 should strive to achieve them and where extensions are necessary, they should be for the shortest periods possible. National authorities and mine action organisations should adopt best practice and continue to develop techniques to improve the efficiency of clearance.

5. Strategies for completion of clearance should include the development of plans for the sustainable national management of residual contamination. This should include a national capacity to reactively investigate and clear anti-personnel mines that were not located through proactive survey and clearance.

6. ‘Residual contamination’ should be used carefully and precisely in conjunction with landmines, referring only to mine contamination that has not been found after all reasonable effort has been applied. Contamination from mines that is known or suspected, but not investigated, should not be considered ‘residual’ on the grounds that it is not a tolerable risk and all reasonable effort has not been applied.

7. In exceptional circumstances, further investigation of some suspected mined areas may not be reasonable on grounds of operational viability, for example in cases where mines are persistently submerged by water. States should maintain accurate records of such locations, a capacity to respond and ensure transparent reporting to stakeholders.

8. States Parties to the Ottawa Treaty should report all new suspected or confirmed contamination, developing new plans and seeking extensions under Article 5. Other States Parties and the wider mine action community should ensure that transparent reporting is encouraged and positively welcomed.

9. The mine action community’s humanitarian response is a continuation of work and commitment to protect civilians from the effects of indiscriminate weapons. The mine action sector’s approaches and techniques constantly evolve to respond to new emergencies, contamination and challenges and are continuing to do so successfully.
10. **Survey and clearance of anti-personnel mines in recent or current conflicts, including locally produced devices, is likely to extend beyond 2025 due to ongoing conflicts and the scale of new contamination.**

The additional resources needed to meet new emergencies should not come at the expense of other countries striving to complete clearance of older contamination.

11. **The work of mine action NGOs should be only for humanitarian ends, in locations where active hostilities have ceased and in line with humanitarian principles and IMAS.**

They should strive to ensure that humanitarian activities are understood by stakeholders, communities and parties to a conflict as being separate to clearance undertaken in support of military or counter-terrorism aims.

12. **All new contamination from anti-personnel landmines should be incorporated within mine action information management systems and Ottawa Treaty reporting.**

This includes pressure plate and other victim-activated IEDs and booby traps in both rural and urban locations.

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**NOTES**


