

*The MAC is to coordinate all operational mine action activities in the country. The MAC shall draft, and update as required, a national mine action strategy and annual workplan, including the criteria for setting mine action priorities, and annual work plans, for adoption by the National Mine Action Authority. In addition, the MAC will report regularly to the National Mine Action Authority on progress towards the full*

# **Developing Mine Action Legislation**

*A Guide*



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*A Guide*

**Geneva International Centre for  
Humanitarian Demining  
Centre International de  
Démunage Humanitaire - Genève**



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The **Geneva International Centre for Humanitarian Demining** (GICHD) supports the efforts of the international community in reducing the impact of mines and unexploded ordnance (UXO). The Centre provides operational assistance, is active in research and supports the implementation of the Anti-Personnel Mine Ban Convention.

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# Contents

<b>1. Introduction</b>	3
The aim of the guide	3
What is mine action?	3
Coordinating mine action: the National Mine Action Authority and the Mine Action Centre	4
Why should a State adopt national legislation on mine action?	5
<b>2. Drafting mine action legislation</b>	7
Background	7
Inter-ministerial consultations	7
Consultations with mine action professionals	8
Learning from the experience of other States	8
<b>3. The content of mine action legislation</b>	10
Introduction	10
The National Mine Action Authority	10
The Mine Action Centre	11
The implementation of mine action activities	12
The accreditation and monitoring of mine action operators	14
Additional elements to be considered	15
Definitions	15
The implementation of international treaty obligations	15
Liability for accidents	15
<b>4. Concluding remarks</b>	17

<b>Endnotes</b>	18
<b>Bibliography</b>	19
<b>Appendixes</b>	20
Appendix 1. Suggested language for inclusion in national mine action legislation	20
Appendix 2. Contact organisations for the development of mine action legislation	24
Appendix 3. Glossary of acronyms	26
Appendix 4. Selected definitions of key terms	27

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# 1. Introduction

## The aim of the guide

This document is intended to assist governments, mine action professionals and others to develop national legislation to coordinate and regulate “mine action“ in a country affected by landmines and/or unexploded ordnance (UXO). It identifies the principal elements to be included in such a law and the issues which should be considered in its preparation. The information in this document is based upon the conclusions and recommendations of *A Study of National Mine Action Legislation*, published by the Geneva International Centre for Humanitarian Demining (GICHD) in 2003.

The guide does not present the standards by which mine action is to be conducted, which are set out in the International Mine Action Standards (IMAS),<sup>1</sup> nor does it address the specific implementation requirements of the Anti-Personnel Mine Ban Convention or Amended Protocol II of the Convention on Certain Conventional Weapons (CCW). The International Committee of the Red Cross (ICRC) has produced an information kit on national legislation to implement the Anti-Personnel Mine Ban Convention.<sup>2</sup> These materials should be consulted for further information on those subjects.

## What is mine action?

According to the IMAS, mine action is the term used to describe the activities which aim to reduce the social, economic and environmental impact of landmines and UXO. Mine action seeks to reduce the risk from these weapons to a level where people can live safely and in which economic, social and health development can occur free from the constraints imposed by mine and UXO contamination.

Mine action comprises five complementary activities:

- a) Mine risk education;
- b) Humanitarian demining (i.e. mine and UXO survey, mapping, marking and clearance);
- c) Victim assistance, including rehabilitation and reintegration for mine and UXO victims;
- d) Stockpile destruction; and
- e) Advocacy against the use of anti-personnel mines.<sup>3</sup>

These activities may be carried out by government ministries, international or regional organisations, commercial companies and non-governmental organisations (NGOs). The scale and nature of a country's mine and UXO problem will determine the extent to which these activities are carried out in a particular context.

## Coordinating mine action: the National Mine Action Authority and the Mine Action Centre

In the light of the range of activities and actors involved in mine action, effectively addressing a country's mine/UXO problem will require coordination at national and local levels.

The primary responsibility for mine action lies with the government of the mine-affected State. This responsibility is normally vested in a **National Mine Action Authority** (NMAA), which is charged with the policy, regulation and coordination of a national mine action programme. The NMAA is responsible for establishing the national and local conditions which enable the effective management of mine action. It is ultimately responsible for all phases and all facets of a mine action programme within its national boundaries, including the development of national mine action standards, Standing Operating Procedures and instructions.<sup>4</sup>

The operational arm of the NMAA is the **Mine Action Centre** (MAC). This body is the focal point for mine action activities on the ground. It carries out the policies of the NMAA and coordinates the day-to-day work of the various organisations and agencies conducting mine action operations. Together, the NMAA and the MAC typically comprise the principal mechanisms coordinating mine action in a mine/UXO-affected country.

Further information on the structure and responsibilities of the NMAA and MAC are provided in Section 3 below. The importance of creating such bodies cannot be overstated. They are widely recognised as being essential components to facilitate rapid progress in removing the threat of mines and UXO and to bring assistance to victims and affected communities. Their establishment is strongly recommended by the United Nations (UN), the broader international mine action community and donor States.<sup>5</sup>

## Why should a State adopt national legislation on mine action?

States have used various kinds of legal instruments to create an NMAA and/or a MAC and to regulate mine action activities. These include laws passed by parliament, or decrees, orders or similar legal instruments issued by the office of the chief executive (prime minister or president) or a government ministry.

However, mine/UXO affected countries are strongly encouraged to adopt **national legislation** to coordinate and regulate mine action. National legislation refers to a public law passed by the country's legislative body (e.g. parliament or congress) and approved by the country's head of the executive. National legislation is preferred because it is normally the product of an extensive collaborative process between the government, its ministries, the national parliament and, in some cases, external agencies.<sup>6</sup> This process provides an opportunity for a thorough consideration of the mine action issues to be addressed, the activities to be undertaken and the implications of the law being drafted.

As highlighted in the GICHD's *A Study of National Mine Action Legislation*,<sup>7</sup> the legal instruments issued by some countries to regulate mine action have been deficient in a number of important areas. Such deficiencies might have been prevented through broad consultations on the content and implications of the law.

### Box 1. Specific advantages of regulating mine action through national legislation

- Wide involvement of the national parliament and government agencies in the development of the law will mean greater understanding of the purpose of mine action and the responsibilities and needs of the NMAA and MAC;
- Coordination and cooperation between the government ministries and parliamentary committees associated with mine action will be facilitated and reinforced;
- The NMAA and MAC will be provided with strong mandates under national law;
- The roles and responsibilities of the NMAA and MAC can be more clearly identified;
- Close collaboration will often result in a large degree of transparency and specification in the structuring, planning and tasking of mine action; and accordingly,
- There can be better accountability to donors, the country's citizens and its communities.

In short, the adoption of national legislation will help facilitate effective and efficient mine action. This may have a positive effect on attracting funds and assistance for mine action activities. The adoption of “mine action legislation” is considered by the international mine action community to be an important step in the creation of a comprehensive framework to eliminate the consequences of mine/UXO contamination.

It is important to note that **decrees and similar legal instruments** can also play a vital role in regulating mine action. They are often a useful and practical way to allow mine action to begin rapidly after the end of a conflict in situations where a government is not yet able to fully function or is faced with a large number of competing priorities.<sup>8</sup> Decrees and other legally binding instruments can quickly establish an NMAA and a MAC to coordinate mine action activities. Yet, even in such situations, legislation should be subsequently adopted. Although many of the advantages listed above can be accomplished through decrees and other legal instruments, the consultation and transparency which accompany the legislative process are important, yet often overlooked, elements of ensuring that mine action achieves its goals.<sup>9</sup>

## 2. Drafting mine action legislation

### Background

Good legislation is usually the result of good preparatory work. Consultations with government ministries and departments whose activities intersect with mine action, and with external legal and mine action experts, are an important part of developing comprehensive and effective mine action legislation.

### Inter-ministerial consultations

The components of mine action identified in Section 1 above have implications for the activities and policies of a variety of government ministries. These bodies need to be consulted on the development of mine action legislation. Box 2 below identifies the ministries and departments commonly associated with mine action operations.

Most governments have a process through which their ministries and departments are notified of proposals for new laws. These inter-ministerial or inter-departmental consultations should be used to confer with the relevant agencies on mine action legislation. This will help ensure that issues related to activities in their area of responsibility are taken into account in the process of drafting legislation. Importantly, it will also help identify existing laws and policies that may need to be amended or withdrawn before the adoption of legislation.

The consultation process in each country will vary significantly. Inter-ministerial or inter-departmental consultations should take place at an early stage before the drafting process begins. This will help prevent confusion about the scope and purpose of the law and avoid unwanted delays in its adoption and implementation.

### Box 2. Government ministries and departments often associated with mine action

Humanitarian demining/UXO clearance	Mine/UXO risk education	Anti-personnel mine stockpile destruction	Victim assistance	Advocacy against use of anti-personnel mines
Defence Border Interior/security Public works Transportation Agriculture Environment	Education Information	Defence Border Interior/security	Health Social services Veteran affairs	Foreign affairs Defence Interior/security

*Note:* This table is an indicative list of the principal government ministries and departments regularly associated with mine action activities. The responsibilities of other ministries and departments may also intersect with such activities. These may include ministries with responsibility for taxes and customs, planning, import and export controls and women's affairs. These agencies should also be part of the consultation process to develop mine action legislation.

## Consultations with mine action professionals

Many international organisations and NGOs have extensive experience in mine action and they should be consulted on the development of mine action legislation. Particularly important are organisations that are operational within the affected country. They will have first-hand knowledge of the scope and nature of the country's mine/UXO problem as well as any operational constraints affecting mine action activities. Discussions should include the regulatory structures to be established by the new law and the implications for activities on the ground. Failure to consult with mine action professionals may mistakenly impede existing activities or hinder the development of new programmes.

## Learning from the experiences of other States

*A Study of National Mine Action Legislation*, published by the GICHD, provides a valuable insight into the experiences of mine/UXO-affected States that have established an NMAA or a MAC through national law. Once adopted, many of the laws were found to be inadequate and subsequently hindered the execution of mine action activities. In some instances, the laws had to be amended in order for mine action to proceed — and valuable time and resources were lost.

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States that have adopted national mine action legislation should be consulted about their experiences in promulgating and implementing laws on mine action. This will help States developing legislation to benefit from the lessons learned by others.

## 3. The content of mine action legislation

### Introduction

As reflected in *A Study of National Mine Action Legislation*, some laws regulating mine action have been deficient in important areas. Some laws have, for example, not provided adequate mandates to the NMAA or MAC, have failed to comprehensively cover the range of activities comprising mine action, or have not been the result of extensive consultation between the various government ministries and departments which need to be involved in mine action. As a result, governments have had to amend or promulgate new laws to address problems that have arisen.

Mine action legislation must include certain specific elements if it is to be comprehensive and achieve its goals. These include provisions on

- The establishment of the NMAA;
- The establishment of the MAC;
- The implementation of mine action activities; and
- Accreditation and monitoring of mine action operators.

Each of these elements is explained below in greater detail. Suggested language which can be used by governments to develop provisions of legislation in these areas is attached as Appendix 1.

### The National Mine Action Authority

The National Mine Action Authority is the principal entity responsible for overseeing mine action in the affected country. One of the purposes of mine action legislation is to create the NMAA and outline its functions. Legislation should include clear provisions in the following areas:

- 1. The establishment of the NMAA.** The legislation should state clearly that an NMAA is to be created and that it shall meet regularly. The law should also indicate which government ministry or department or member of the executive is to oversee or be responsible for the NMAA's activities.
- 2. Membership.** Mine action legislation should identify the ministries and/or officials who are to be members of the NMAA. Such bodies typically include officials from the government ministries or departments associated with mine action activities (e.g. Ministries of Agriculture, Defence, Education, Foreign Affairs, Health, Interior and Social Services – see *Box 1*). The NMAA could also include representatives of international organisations and other bodies or organisations involved in mine action. These entities are normally invited to participate as observers in the NMAA's work. The law should also identify which ministry or department is to chair its meetings and which is to act as the secretariat for the NMAA, if the Mine Action Centre does not perform this function.
- 3. Responsibilities.** Mine action legislation should specify that the NMAA is the body charged with overall responsibility for mine action within the country. In this regard, it is responsible for the broad strategic and policy decisions related to mine action. In particular, the law should indicate that the NMAA is responsible for:
  - The overall implementation of mine action legislation;
  - Adopting a national policy, strategy, priorities and annual workplan to reduce the impact of mines and UXO (i.e. a national mine action plan);
  - Reporting on the progress made on mine action to parliament, the public, donors, the United Nations and other relevant fora; and
  - Overseeing the work of the Mine Action Centre.

## The Mine Action Centre

The Mine Action Centre is the operational body which executes the policies of the NMAA and is the focal point for coordinating mine action activities on the ground. In contexts where the mine/UXO problem is severe, the centre will have a wide range of responsibilities and duties.

Below are the principal points governing the creation of a MAC that will need to be considered in developing national mine action legislation.

- 1. The establishment of the MAC.** Similar to the NMAA, the MAC should be clearly established by the legislation and identified as the body coordinating mine action within the country.
- 2. Funding.** The law should indicate the source of the MAC's funding. Its activities, including the salaries of its staff, are typically drawn from the national budget of the affected State. This will help ensure that the MAC has a reliable source of funding and

can plan its activities accordingly. In addition to national funds, funds may also be obtained from international donors, private sources and other similar funding sources.

**3. Responsibilities.** As the body overseeing mine action at the operational level, the MAC will need to be charged with a range of responsibilities. Effective mine action legislation should give the MAC the authority to perform the following tasks:

- Coordinate mine action within the country;
- Manage and disseminate mine action information;
- Prepare and implement a national mine action strategy and plan and annual workplans;
- Set criteria for mine action priorities;
- Accredite mine action operators and monitor mine action activities (*see below*);
- Draft and adopt national mine action standards (*see below*);
- Task mine action activities according to the national workplan;
- Ensure the quality management of mine action activities; and
- Act as the secretariat for the NMAA.

It is also useful to grant the MAC the authority to adopt subsidiary or administrative directives or regulations related to the above tasks. In addition to the above responsibilities, many administrative and procedural issues, such as employee regulations and the requirements for the accreditation of mine action operators, will also need to be developed. Such measures are not normally included in mine action legislation but left to internal orders and regulations. Nonetheless, legislation may give the MAC the authority to develop such regulations when necessary and submit them to the NMAA for approval. Depending on the operational structure, the MAC may not necessarily be the body that coordinates advocacy, victim assistance or stockpile destruction.

## The implementation of mine action activities

Mine action legislation must identify the components of mine action that will take place within the country. As the principal operational body for mine action, most activities will be the responsibility of the MAC. The Centre may undertake operations itself and/or coordinate the interventions of the government ministries, international organisations, NGOs and commercial operators.

The specific activities required in a particular country will vary depending on the nature of its mine/UXO problem. Mine action legislation should be designed to address the specific needs in the national context. The operations listed in Box 3 below are common to situations where the mine/UXO problem is severe. These activities should be included in mine action legislation.

### Box 3. Mine action activities to be listed in mine action legislation

- *The survey, mapping and marking of mined/UXO-contaminated areas.* One of the primary activities often undertaken by the MAC is the identification, recording and marking of areas dangerous due to the presence of mines and UXO. These activities are the starting point for other mine action activities, such as mine/UXO clearance, mine risk education and coordination of the activities of external agencies or local operators. Including these activities in mine action legislation should provide the legal basis for granting surveyors and other personnel access to contaminated territory, government officials and information to allow them to carry out their activities.
- *Clearance.* Once areas contaminated by mines and UXO are identified, recorded and marked they need to be cleared. As mentioned above, mine action legislation will help clearance personnel gain access into contaminated areas and to information to facilitate their work.
- *Mine/UXO risk education.* Teaching civilians how to live safely in mine/UXO contaminated environment is an important part of minimising the risk of becoming a victim of these weapons. Risk education is often neglected as an element of mine action legislation and should be specifically included in legislation. This would provide the basis for incorporating mine risk education into the curriculum of schools, where appropriate, as well as into the local and national media.
- *Responsibility for mine/UXO data.* The MAC is responsible for collating information on the location of mine/UXO-affected areas and information on mine/UXO accidents. The MAC usually controls the main database storing this information and — in coordination with the national mapping agency — produces maps, charts and other information for use by mine action operators. Granting this responsibility in legislation will provide the MAC a legal basis to undertake these activities and help avoid potential conflicts with other national mapping agencies.
- *Stockpile destruction.* States that are a party to the Anti-Personnel Mine Ban Convention are obliged to destroy all stocks of their anti-personnel mines. A number of States have included this requirement in their mine action legislation and assigned a role in this area to the MAC. Including this in legislation would be the domestic legal basis for developing regulations on the possession, transport, storage and destruction of anti-personnel mines and other similar weapons.
- *Victim assistance.* Providing medical care, rehabilitation and reintegration to those who have been injured by mines or UXO is also an important part of mine action. Victim assistance is often the responsibility of the ministries linked to public health and social services. As the focal point for national mine action, the MAC may be given a coordinating role in this area, if one is needed, or work with the relevant ministries to help identify victims requiring medical, rehabilitative or social aid. Including this activity in legislation can facilitate coordination between the various agencies involved in this area.

## The accreditation and monitoring of mine action operators

Mine action must be conducted by qualified operators. Mine action legislation should require that operators be accredited prior to beginning activities in the country. This will ensure that international agencies, NGOs and commercial companies are capable of planning and managing mine action activities and competent to carry out particular mine action tasks. Requiring the accreditation of mine action operators will help ensure that mine action is conducted according to accepted standards and national priorities.

Mine action legislation should authorise the MAC to establish the criteria for accreditation and identify it as the body responsible for making such determination. The process of accreditation should include the opportunity of an appeal to the NMAA in the event of an adverse decision.

Accreditation generally applies to organisations involved in humanitarian mine clearance and mine risk education and, in some cases, stockpile destruction. The MAC would not normally be responsible for accrediting organisations conducting victim assistance services or organisations involved in advocacy.

Quality management is critical to the ultimate success of mine action. Thus, the MAC must also ensure that ongoing work and completed projects have been conducted according to national standards and in accordance with the priorities of the national mine action plan. In the process of mine clearance, the monitoring of organisations before and during the clearance process and inspecting cleared land prior to its formal release will ensure that the operation has been conducted safely and in accordance with the contractual obligations — and that the land is safe for its intended use.

### Box 4. The International Mine Action Standards (IMAS)

International standards have been developed for many of the activities listed in Box 3. They provide essential guidance on how mine action can be conducted safely, effectively and efficiently. They also contain important information on the accreditation and monitoring of mine action organisations. Mine action legislation should require that national mine action standards be developed based on the IMAS. The IMAS are available online at: [www.mineactionstandards.org](http://www.mineactionstandards.org). UNMAS, UNDP and the GICHD can provide assistance in the application and interpretation of the IMAS and should be contacted for further information. Contact details for these agencies are provided in Appendix 2.

## Additional elements to be considered

### *Definitions*

Clear definitions are an important part of any legislation. Mine action legislation should include definitions of the mine action terms used in its provisions. These may include: mine action, humanitarian demining, mine risk education, victim assistance and other definitions. Definitions for these terms, based on the IMAS, are included in the glossary in Appendix 4. Using IMAS definitions wherever possible will help ensure consistency between the standards and the terms of the legislation. However, in some instances, the definitions may need to be modified in the light of the situation on the ground in the mine/UXO-affected country concerned.

If mine action legislation is to include aspects on the implementation of the Anti-Personnel Mine Ban Convention or Amended Protocol II of the Convention on Certain Conventional Weapons (*see below*), it is important that the legislation use the definitions contained in those instruments. This will help ensure cohesiveness between these international treaties and the provisions of the legislation.

### *The implementation of international treaty obligations*

Some States that are a party to the Anti-Personnel Mine Ban Convention or Amended Protocol II to the Convention on Certain Conventional Weapons have also used the adoption of mine action legislation as a means to implement the requirements of these treaties. Among other things, the Anti-Personnel Mine Ban Convention requires the marking and clearing of mined areas, and the destruction of anti-personnel mine stockpiles. Amended Protocol II also contains obligations for marking and clearance of mines, booby-traps and other devices. These activities will often fall under the jurisdiction of the NMAA or MAC.

Other States have chosen to make the treaties the subject of separate implementing legislation.

Either approach is acceptable to the broader mine action community. It is up to each State to decide the best method of meeting its mine action objectives and the implementation of the treaties to which it is a party.

### *Liability for accidents*

Liability for mine/UXO accidents is a concern for many mine action operators. In recent years there have been instances where victims or families of victims have sought civil damages or brought criminal complaints for accidents which have happened in land previously certified as cleared, or where markings have deteriorated or been removed without authorisation. The case in Bosnia and Herzegovina highlighted in *A Study of National Mine Action Legislation* is an example of a recent

instance where the family of a boy killed by a mine has brought charges against a mine action operator.

The principal way to minimise the risk of such accidents is to ensure that mine action interventions are conducted according to the IMAS. In the event that accidents occur, some operators have sought to have immunity from civil or criminal complaints included in mine action legislation. Granting such immunity is a decision to be made by the State concerned. Nevertheless, many of the international agencies in mine action strongly recommend that States take measures to limit the liability of mine action operators. One possible option is to treat mine action in similar ways under national law to other dangerous activities conducted for the public benefit (e.g. law enforcement agencies or public utilities). Another possibility is to limit liability or transfer responsibility to the government once land has been surveyed and marked according to standing operating procedures, or certified as safe following clearance. In order to protect against claims or lawsuits that may arise, mine action operators should be encouraged to retain liability insurance against accidents, wherever it is available.

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## 4. Concluding remarks

Mine action legislation is an important, but often overlooked, part of a country's response to mine/UXO contamination. Consideration of the elements presented in this document will help create a framework to benefit and support mine action on the ground. The adoption of comprehensive legislation will help ensure that mine action can proceed effectively and efficiently, and meet the requirements of the broader mine action community. This will help facilitate the rapid removal of mines/UXO, help reduce the long-term impact of a past conflict and, perhaps most importantly, save the lives and limbs of the people living in affected areas.

## Endnotes

1. See [www.mineactionstandards.org](http://www.mineactionstandards.org)
2. ICRC (2001), available at: [www.icrc.org](http://www.icrc.org)
3. See IMAS 04.10, Second Edition, 1 January 2003, Standard 3.124.
4. IMAS 01.10, Second Edition, 1 January 2003, 5.1.
5. In certain situations (e.g. where the national government does not exist or is not functioning), it may be necessary and appropriate for the UN or some other recognised international body to assume some or all of the responsibilities or fulfil some of the functions of the NMAA.
6. The formal process through which national laws are proposed and adopted is normally outlined in a country's constitution.
7. GICHD (2003).
8. Decrees and similar instruments can also be useful where the mine/UXO problem is not severe but localised and protracted mine action is not be required. In such instances it may be sufficient to allocate tasks among the relevant actors by decrees or other administrative or regulatory instruments.
9. In many contexts, mine action activities can begin prior to the adoption of legislation, decrees, or other legal instruments establishing an NMAA or a MAC. Such activities are often conducted by international organisations, NGOs or other agencies. These activities should be allowed to continue while national law is being developed.

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## Appendix 1

# Suggested language for inclusion in national mine action legislation

The legal systems of countries can differ significantly. Generally, the structure of national legislation is determined by a country's legal tradition and its constitutional requirements. It is therefore difficult to draft the text of national mine action legislation that will be appropriate for every mine/UXO-affected State. As this guide has indicated, there are certain elements that are widely viewed by the mine action community as necessary components of effective mine action legislation. Below is suggested language that may help countries develop provisions on the basic points outlined in this document.

### A. The activities to be covered by national mine action legislation

1. Mine action refers to activities that aim to reduce the social, economic and environmental impact of mines and unexploded ordnance (UXO). Mine action seeks to reduce the risk from these weapons to a level where people can live safely and in which economic, social and health development can occur free from the constraints imposed by mine and UXO contamination. Mine action comprises five complementary activities:

- a) Mine risk education;
- b) Humanitarian demining (i.e. mine and UXO survey, mapping, marking and clearance);
- c) Victim assistance, including rehabilitation and reintegration for mine and UXO victims;
- d) Stockpile destruction; and
- e) Advocacy against the use of anti-personnel mines.

2. The following mine action activities will be regulated by this legislation:

- a) Mine clearance;
  - b) Mine risk education;
  - c) Mine and UXO survey, mapping and marking;
  - d) Victim assistance;
  - e) Stockpile destruction; and
  - f) Mine action information management.
3. These activities shall be conducted in accordance with applicable national and international mine action standards and the national mine action strategy and annual workplans.

## **B. The National Mine Action Authority**

### ***The constitution of the National Mine Action Authority***

There shall be constituted a National Mine Action Authority, made up of representatives of the following government ministries: (*select as appropriate: Agriculture/ Defense/ Education/ Foreign Affairs/ Interior/ Health/ Social Welfare*). In addition, representatives of governments, the United Nations, the International Committee of the Red Cross, and other relevant international and non-governmental organisations may be invited to participate in the work of the Authority as observers.

### ***The role and responsibilities of the National Mine Action Authority***

1. The National Mine Action Authority shall have overall responsibility for mine action in the country. This will include all policy elements of mine action: survey, clearance, mine risk education, victim assistance, and stockpile destruction. Under the auspices of the Minister of (...), it shall meet regularly, and its meetings will be chaired by the Ministry of (...), unless otherwise agreed.
2. In particular, the National Mine Action Authority shall be responsible for the implementation of this law, the adoption and implementation of a national mine strategy and annual workplan, and for reporting on progress to the national parliament, donors, the United Nations and other appropriate fora. In addition, the Authority should fulfil these tasks in recognition of other relevant national legislation (victim, veterans' affairs, reconstruction, etc.).
3. It will be assisted in its work by the national Mine Action Centre. The Authority shall oversee the work of the Mine Action Centre, the director of which will be appointed by, and report to, the Authority.

## C. The Mine Action Centre

### *The constitution of the Mine Action Centre*

There shall be constituted a mine action centre (MAC). The costs of the MAC, including salaries for local staff, will be funded from the national budget.

The role and responsibilities of the Mine Action Centre

1. The MAC is to coordinate all operational mine action activities in the country.
2. The MAC shall draft, and update as required, a national mine action strategy and annual workplan, including the criteria for setting mine action priorities, and annual workplans, for adoption by the National Mine Action Authority. In addition, the MAC will report regularly to the National Mine Action Authority on progress towards the full implementation of the agreed national mine action plan and annual workplans.
3. The MAC shall be responsible for drafting and adopting national mine action standards based on the International Mine Action Standards (IMAS) to regulate mine action activities in the country.
4. The MAC shall manage and disseminate mine action information.
5. The MAC shall accredit all mine action operators, in accordance with Section D below.
6. The MAC shall be responsible for tasking mine action activities in accordance with explicit national priorities, as contained in the national mine action plan. The priorities for mine action shall be disseminated as widely as possible, in particular to communities affected by landmines and unexploded ordnance.
7. The MAC shall be responsible for ensuring appropriate quality management of mine action activities.
8. In the discharge of its activities, the MAC may adopt subsidiary regulations as necessary and appropriate. These regulations shall be submitted to the National Mine Action Authority for approval.
9. The MAC shall act as the Secretariat to the National Mine Action Authority.

## **D. Authorised national mine action operators**

In addition to appropriate government ministries, relevant international and national non-governmental organisations and commercial companies shall be authorised to carry out mine action activities in the country. Such organisations and companies shall, however, be accredited by the Mine Action Centre based on explicit agreed criteria. A refusal to accredit any organisation or company shall be accompanied by a written explanation of the reasons for the refusal and shall be subject to appeal to the National Mine Action Authority or a relevant tribunal.

## Appendix 2.

# Contact organisations for the development of mine action legislation

Below are the contact details of organisations that can provide assistance in the development of mine action legislation. In addition to the information provided here, UNDP and UNMAS have offices in a number of mine/UXO-affected countries, which can be contacted directly for assistance.

### **Geneva International Centre for Humanitarian Demining (GICHD)**

Geneva International Centre for Humanitarian Demining  
7bis Avenue de la Paix  
P.O. Box 1300  
CH-1211 Geneva 1  
Switzerland  
Tel: + (41) 22 906 1660  
Fax: + (41) 22 906 1690  
e.filippino@gichd.ch

### **United Nations Mine Action Service (UNMAS)**

United Nations Mine Action Service  
Two United Nations Plaza, DC2-650  
United Nations  
New York  
NY 10017  
United States of America  
Tel: + (1) 212 963 1875  
Fax: + (1) 212 963 2498  
E-mail: MineAction@un.org

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**United Nations Development Programme (UNDP)**

Mine Action Team  
United Nations Development Programme  
One United Nations Plaza, 20<sup>th</sup> floor  
New York  
NY 10017  
United States of America

Tel: + (1) 212 906 5000

Fax + (1) 212 906 6887

E-mail: [mineaction@undp.org](mailto:mineaction@undp.org)

## Appendix 3.

# Glossary of acronyms

CCW	Convention on Certain Conventional Weapons (1980)
GICHD	Geneva International Centre for Humanitarian Demining
ICRC	International Committee of the Red Cross
IMAS	International Mine Action Standards
IMSMA	Information Management System for Mine Action
MAC	Mine Action Centre
NGO	non-governmental organisation
NMAA	National Mine Action Authority
UN	United Nations
UNDP	United Nations Development Programme
UNMAS	United Nations Mine Action Service
UXO	unexploded ordnance

## Appendix 4.

# Selected definitions of key terms

IMAS 04.10 2nd Edition (1 January 2003)

### **accreditation**

the procedure by which a demining organisation is formally recognised as competent and able to plan and manage mine action activities safely, effectively and efficiently.

Note: For most mine action programmes, the national mine action authority will be the body which provides accreditation. International organisations such as the United Nations or regional bodies may also introduce accreditation schemes.

Note: ISO 9000 usage is that an “Accreditation” body accredits the “Certification or Registration” bodies that award ISO 9000 certificates to organisations. The usage in IMAS is completely different to this, and is based on the main definition above, which is well understood in the mine action community.

### **accreditation body**

an organisation, normally an element of the national mine action authority, responsible for the management and implementation of the national accreditation system.

### **advocacy**

*in the context of mine action, the term refers to ...* public support, recommendation or positive publicity with the aim of removing, or at least reducing, the threat from, and the impact of, mines and UXO.

### **Amended Protocol II (APII)**

Amended Protocol II (APII) to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to have Indiscriminate Effects (CCW).

Note: It prohibits the use of all undetectable anti-personnel mines and regulates the use of wider categories of mines, booby-traps and other devices. For the purposes of the IMAS, Article 5 lays down requirements for the marking and monitoring of mined areas. Article 9 provides for the recording and use of information on minefields and mined areas. The Technical Annex

provides guidelines on, inter alia, the recording of information and international signs for minefields and mined areas.

### **anti-personnel mines (APM)**

a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.

Note: Mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.

### **Anti-Personnel Mine Ban Convention**

#### **Ottawa Convention**

Note: Provides for a complete ban on the use, stockpiling, production and transfer of anti-personnel mines and on their destruction. For the purposes of IMAS documents, Article 5 of the Convention lays down requirements for the destruction of anti-personnel mines in mined areas. Article 6 details transparency measures required under the Treaty including on the location of mined or suspected mined areas and measures taken to warn the local population.

### **area reduction**

the process through which the initial area indicated as contaminated (during the general mine action assessment process) is reduced to a smaller area.

Note: Area reduction may involve some limited clearance, such as the opening of access routes and the destruction of mines and UXO which represent an immediate and unacceptable risk, but it will mainly be as a consequence of collecting more reliable information on the extent of the hazardous area. Usually it will be appropriate to mark the remaining hazardous area(s) with permanent or temporary marking systems.

Note: Likewise, area reduction is sometimes done as part of the clearance operation.

### **clearance**

explosive ordnance clearance (EOC)

tasks or actions to reduce or eliminate the explosive ordnance (EO) hazards from a specified area.

### **cleared area**

cleared land

an area that has been physically and systematically processed by a demining organisation to ensure the removal and/or destruction of all mine and UXO hazards to a specified depth.

Note: IMAS 09.10 specifies the quality system (i.e. the organisation, procedures and responsibilities) necessary to determine that land has been cleared by the demining organisation in accordance with its contractual obligations.

Note: Cleared areas may include land cleared during the technical survey process, including boundary lanes and cleared lanes. Areas cleared for worksite administrative purposes, such as car parks, storage locations, and first aid posts need not be officially documented as cleared, unless national procedures so require.

### **community liaison**

a process designed to place the needs and priorities of mine affected communities at the centre of the planning, implementation and monitoring of mine action and other sectors.

Note: This shall be one of the major strategic principles of mine action.

Note: Community liaison is based on an exchange of information and involves communities in the decision making process, (before, during and after demining), in order to establish priorities for mine action. In this way mine action programmes aim to be inclusive, community focused and ensure the maximum involvement of all sections of the community. This involvement includes joint planning, implementation, monitoring and evaluation of projects.

Note: Community liaison also works with communities to develop specific interim safety strategies promoting individual and community behavioural change. This is designed to reduce the impact of mine/UXO on individuals and communities until such time as the threat is removed.

### **deminer**

a person, including a public servant, qualified and employed to undertake demining activities or work on a demining worksite.

### **demining**

humanitarian demining

activities which lead to the removal of mine and UXO hazards, including technical survey, mapping, clearance, marking, post-clearance documentation, community mine action liaison and the handover of cleared land. Demining may be carried out by different types of organisations, such as NGOs, commercial companies, national mine action teams or military units. Demining may be emergency-based or developmental.

Note: in IMAS standards and guides, mine and UXO clearance is considered to be just one part of the demining process.

Note: in IMAS standards and guides, demining is considered to be one component of mine action.

Note: in IMAS standards and guides, the terms demining and humanitarian demining are interchangeable.

### **destruction**

the process of final conversion of ammunition and explosives into an inert state that can no longer function as designed.

### **destroy (destruction) in situ**

blow in situ.

the destruction of any item of ordnance by explosives without moving the item from where it was found, normally by placing an explosive charge alongside.

### **detection**

*in the context of demining, the term refers to ...* the discovery by any means of the presence of mines or UXO.

### **explosive ordnance disposal (EOD)**

the detection, identification, evaluation, render safe, recovery and disposal of UXO. EOD may be undertaken:

- a) as a routine part of mine clearance operations, upon discovery of the UXO.
- b) to dispose of UXO discovered outside mined areas, (this may be a single UXO, or a larger number inside a specific area).

c) to dispose of explosive ordnance which has become hazardous by damage or attempted destruction.

### **humanitarian demining**

see demining. (In IMAS standards and guides, the terms demining and humanitarian demining are interchangeable.)

### **IMSMA**

the Information Management System for Mine Action (IMSMA).

Note: This is the United Nation's preferred information system for the management of critical data in UN-supported field programmes and at the UN headquarters in New York. It is used by the staffs of mine action centres at national and regional level, and by the implementers of mine action projects – such as demining organisations.

### **International Mine Action Standards (IMAS)**

documents developed by the UN on behalf of the international community, which aim to improve safety and efficiency in mine action by providing guidance, by establishing principles and, in some cases, by defining international requirements and specifications.

Note: They provide a frame of reference which encourages, and in some cases requires, the sponsors and managers of mine action programmes and projects to achieve and demonstrate agreed levels of effectiveness and safety.

Note: They provide a common language, and recommend the formats and rules for handling data which enable the free exchange of important information; this information exchange benefits other programmes and projects, and assists the mobilisation, prioritisation and management of resources.

### **mine**

**munition** designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle.

### **mine action**

activities which aim to reduce the social, economic and environmental impact of mines and UXO.

Note: Mine action is not just about demining; it is also about people and societies, and how they are affected by landmine contamination. The objective of mine action is to reduce the risk from landmines to a level where people can live safely; in which economic, social and health development can occur free from the constraints imposed by landmine contamination, and in which the victims' needs can be addressed. Mine action comprises five complementary groups of activities:

- a) mine risk education;
- b) humanitarian demining, ie. mine and UXO survey, mapping, marking and (if necessary) clearance;
- c) victim assistance, including rehabilitation and reintegration;
- d) stockpile destruction; and
- e) advocacy against the use of anti-personnel mines.

Note: A number of other enabling activities are required to support these five components of mine action, including: assessment and planning, the mobilisation and prioritisation of resources, information management, human skills development and management training, quality management and the application of effective, appropriate and safe equipment.

**mine action centre (MAC)**

an organisation that carries out mine risk education training, conducts reconnaissance of mined areas, collection and centralisation of mine data and coordinates local (mine action) plans with the activities of external agencies, of (mine action) NGOs and of local deminers. [UN Terminology Bulletin No. 349] For national mine action programmes, the MAC usually acts as the operational office of the national mine action authority.

**mine risk education (MRE)**

a process that promotes the adoption of safer behaviours by at-risk groups, and which provides the links between affected communities, other mine action components and other sectors.

Note: Mine risk education is an essential component of Mine Action. There are two related and mutually reinforcing components:

- a) Community liaison; and
- b) Public education

Note: Generally, mine action programmes use both approaches, as they are mutually reinforcing. They are not however alternative to each other, nor are they alternative to eradicating the mine/UXO threat by clearance operations.

**mine clearance**

the clearance of mines and UXO from a specified area to a predefined standard.

**mine detection dog (MDD)**

a dog trained and employed to detect mines, UXO and other explosive devices.

**mine incident**

an incident away from the demining workplace involving a mine or UXO hazard (c.f demining incident)

**mine sign**

a sign which, when placed as part of a marking system, is designed to provide warning to the public of the presence of mines.

**mine threat**

mine and UXO threat

an indication of the potential harm from the number, nature, disposition and detectability of mines and UXO in a given area.

**mined area**

an area which is dangerous due to the presence or suspected presence of mines.

**minefield**

an area of ground containing mines laid with or without a pattern.

**national mine action authority**

the government department(s), organisation(s) or institution(s) in each mine-affected country charged with the regulation, management and coordination of mine action.

Note: In most cases the national mine action centre (MAC) or its equivalent will act as, or on behalf of, the national mine action authority.

Note: In certain situations and at certain times it may be necessary and appropriate for the UN, or some other recognised international body, to assume some or all of the responsibilities, and fulfil some or all the functions, of a national mine action authority.

### **public education**

the process aimed at raising general awareness of the mine and UXO threat; through public information, formal and non-formal education systems.

Note: Public education is a mass mobilisation approach that delivers information on the mine/UXO threat. It may take the form of formal or non-formal education and may use mass media techniques.

Note: In an emergency situation, due to time constraints and the lack of available data, it is the most practical means of communicating safety information. In other situations it can support community liaison.

### **prodding**

a procedure employed in the process of **demining** whereby ground is probed to detect the presence of sub-surface mines and/or **UXO**.

### **quality assurance (QA)**

part of quality management focused on providing confidence that quality requirements will be met.

Note: The purpose of QA in humanitarian demining is to confirm that management practices and operational procedures for demining are appropriate, and will achieve the stated requirement in a safe, effective and efficient manner. Internal QA will be conducted by demining organisations themselves, but external inspections by an external monitoring body should also be conducted.

### **standard**

a standard is a documented agreement containing technical specifications or other precise criteria to be used consistently as rules, guidelines, or definitions of characteristics to ensure that materials, products, processes and services are fit for their purpose.

Note: Mine action standards aim to improve safety and efficiency in mine action by promoting the preferred procedures and practices at both headquarters and field level. To be effective, the standards should be definable, measurable, achievable and verifiable.

### **standing operating procedures (SOPs)**

standard operating procedures

instructions which define the preferred or currently established method of conducting an operational task or activity.

Note: Their purpose is to promote recognisable and measurable degrees of discipline, uniformity, consistency and commonality within an organisation, with the aim of improving operational effectiveness and safety. SOPs should reflect local requirements and circumstances.

### **standards**

requirements, specifications or other precise criteria, to be used consistently to ensure that materials, products, processes and services are fit for their purpose.

Note: Mine action standards aim to improve safety and efficiency in mine action by promoting the preferred procedures and practices at both headquarters and field level.

**standard operating procedures**

see standing operating procedures.

**stockpile**

*in the context of mine action, the term refers to ..... a large accumulated stock of explosive ordnance.*

**stockpile destruction**

the physical destructive procedure towards a continual reduction of the national stockpile.

**survivor**

see victim

**survivor assistance**

see victim assistance

**technical survey**

previously referred to as a Level 2 survey

the detailed topographical and technical investigation of known or suspected mined areas identified during the planning phase. Such areas may have been identified during the general mine action assessment or have been otherwise reported.

**United Nations Mine Action Service (UNMAS)**

the focal point within the UN system for all mine-related activities.

Note: UNMAS is the office within the UN Secretariat responsible to the international community for the development and maintenance of International Mine Action Standards (IMAS).

Note: UNICEF is the designated focal point for mine risk education, within the guidelines of UNMAS overall responsibility.

**victim**

survivor

an individual who has suffered harm as a result of a mine or UXO accident.

Note: In the context of victim assistance, the term victim may include dependants of a mine casualty, hence having a broader meaning than survivor.

**victim assistance**

refers to all aid, relief, comfort and support provided to victims (including survivors) with the purpose of reducing the immediate and long-term medical and psychological implications of their trauma.



*The MAC is to coordinate all operational mine action activities in the country. The MAC shall draft, and update as required, a national mine action strategy and annual workplan, including the criteria for setting mine action priorities, and annual work plans, for adoption by the National Mine Action Authority. In addition, the MAC will report regularly to the National Mine Action Authority on progress towards the full*



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