Cambodia

Things are changing fast in the Kingdom of Cambodia. As recently as 2002 official statistics had clearance agencies continuing to work for another 200 years – but the situation on the ground today seems remarkably different. The transformation in Cambodia’s prospects comes as a result of a number of factors; some planned others not. The simple fact is that much of the country and its population are no longer affected by mines, and the residual impact is becoming increasingly focused in some tight geographical areas. The remaining areas that can be addressed on a systematic basis can and should be cleared within the next five to ten years.
Out of Balance

“As I have said on previous occasions when that issue has arisen, the use of all weapons involves striking a balance. All weapons are capable of damaging the civilian population as well as those against whom they are targeted. It is necessary to strike a balance between not only the risk to civilians, but equally the protection of coalition forces. In relation to the use of cluster bombs, I am confident that the right balance has been struck.”

Geoff Hoon MP
Former UK Secretary of Defence

7 April 2003

Richard Moyes
(Landmine Action)

International humanitarian law (IHL) relating to the prosecution of war is founded upon finding a balance between military necessity and a concern for humanity. The principles of IHL pose this balance, but the weighing of the balance must be done in relation to specific cases. Without a careful weighing and the progressive delineation of how this balance is achieved, the rules of IHL are worth little. Without rigour in these processes, the law may become nothing more than a means for the legitimation of violence – a rhetorical tool to protect military conduct from humanitarian challenge.

Out of Balance, a new report by Landmine Action analyses UK parliamentary statements regarding cluster munitions. Successive government officials have been confident that the use of cluster munitions has struck an acceptable balance between military needs and protection of the civilian population; but unsubstantiated statements that the rules are obeyed and that cluster munitions are used ‘strictly’ in accordance with humanitarian law does not constitute sufficient proof.

This analysis suggests that over the last 15 years the UK government has done little or nothing to gauge the humanitarian impact of these weapons but has regularly given preference to military over humanitarian concerns:

- The UK has undertaken no practical assessments of the humanitarian impact of cluster munitions and does not gather information that would be useful to such assessments (such as the type and country of origin of submunitions found during disposal operations) despite being in a position to do so.
- The UK government is selective in citing data from other organisations regarding the humanitarian impact of cluster munitions. Despite having no comparable data of its own, and despite making little effort to gather such data, officials discredit material from external sources as unsubstantiated or unproven.
- In their analysis of the likely failure rates of cluster munitions, the UK has failed to gather relevant field data and has ignored what field data it does possess in favour of repeating claims of lower failure rates made by the munition manufacturers.
- In describing publicly the military utility of cluster munitions (as part of the process of achieving a balance under IHL) UK officials have neglected to represent internal criticism of these weapon systems and have repeatedly described them in extremely positive abstract terms.

- No substantive evidence has been provided on how UK Forces evaluate and control the humanitarian impact of cluster munition use during operations. Decision making about proportionality can be devolved down to combat crew in certain circumstances.

The UK’s failure to take reasonable efforts to understand the foreseeable effects of cluster munition use, coupled with the employment of various strategies to avoid addressing central issues, suggests that when considering the balance between the principles of humanity and military necessity, a systematic deference has been given to military concerns. In other words:

When military considerations are set against consequences for civilians, the former are held to be much more important than the latter.

Such an imbalance creates serious concerns regarding the UK’s ongoing assertions that cluster munitions are an acceptable weapon used in an acceptable way. Landmine Action repeats its call of 2000 for a moratorium on the use, manufacture, sale and transfer of all cluster munitions until the humanitarian problems associated with these weapons have been adequately addressed.

Joan Ruddock MP: “To ask the Secretary of State for Defence what reviews have been undertaken by his Department regarding the civilian casualty figures caused by unexploded cluster submunitions in the post-conflict regions of (a) the Gulf, (b) Kosovo and (c) Afghanistan; and what assessment he has made of the impact of these bomblets on Iraqi civilians in the future.”

Adam Ingram MP (Minister of State for the Armed Forces): “No such reviews and assessments have been undertaken by the Ministry of Defence.”

15 July 2003
Cambodia

Two papers brought together here explore the relationship between Ottawa Treaty Article 5 compliance, informal or village demining, issues of risk-management and the proper focus of formal mine clearance efforts in Cambodia. These papers show just how far the mine action sector has come since concern was first raised about ‘village demining’ in Cambodia in the early 1990s. There may still be different opinions on how to engage with these people, but there is now a growing understanding that a failure to engage with the results of their work would be a failure to recognise the real needs of mine action in Cambodia. In the end, the determination of the Cambodian population not to accept wholesale economic constraint from the fear of landmines may hold the key to meeting Treaty obligations and focusing mine action efforts to best effect.

Ruth Bottomley (Norwegian People’s Aid) and Christian Provoost (Handicap International – Belgium)

Humanitarian mine clearance activities began in Cambodia in 1992 and continue today under the main operators, the Cambodian Mine Action Centre, MAG, HALO Trust and the Royal Cambodian Armed Forces. Official figures from the Cambodian Mine Action Authority (CMAA) report that from 1992 – 2003 nearly 252km2 of land have been cleared of mines.

The Cambodian Landmine Impact Survey (LIS) reported in 2002 that the remaining mine contaminated areas in Cambodia amounted to some 4,466 km2. When confronted with the approximate annual land clearance rate of about 20 km2 it would need at least another 200 years before Cambodia can declare that all the anti-personnel mines in suspect areas under its jurisdiction and control are destroyed. As the 1st March 2010 deadline for compliance to Article 5 of the Ottawa treaty approaches fast, it is hardly surprising that the Cambodian government has stated it will have to seek an extension.

However, such figures ignore an important fact. Throughout the history of mine action in Cambodia, and even long before mine action officially arrived during the United Nations peacekeeping mission, local people have been undertaking mine clearance in many of the heavily contaminated areas in the northwest of the country. Unsupported, unfunded, using simple farm tools and often drawing on former military experience, villagers have been removing mines from the ground to enable access to land and resources required for livelihood needs.

Since the existence of informal demining in Cambodia was acknowledged by the mine action community in the early 1990s, the issue tended to be approached through an authoritative discourse on risk elimination. Debates focused on whether to keep local people away from landmines through a prohibition of local demining activities or whether to bring informal deminers up to the standards of professional teams through training. A lack of agreement on appropriate solutions resulted in stalemate and inaction. These discussions also failed to recognise two key issues.

Firstly that informal demining is indicative of the inability of the formal mine action sector to meet the needs and priorities of communities living in mine contaminated areas. With a focus on safety and as near to 100% clearance as possible, professional demining is ultimately slow, deploying a five star service for a limited number of beneficiaries, and leaving the majority of mine-affected villagers to cope alone with their risk environment.

Secondly, over the last 13 years or more, the work of these local people has helped to release large areas of formerly contaminated or suspect land for productive use.

At the present time there is no official recognition of land that has been cleared by informal deminers. The LIS recorded villages where village deminers were working, but did not record land that had been cleared by these deminers. Current CMAA figures do not include land demined by the informal sector, although the area of land believed to have been cleared by local people is suspected to be significantly higher than the area cleared by formal operators. Moreover, a recent Handicap International (Belgium) report reveals that besides the existence of village-based deminers who clear land on a sporadic and informal basis for household livelihood needs, there is now a fast growing informal demining sector, composed of people equipped with metal detectors and roving from village to village for business.

For some time the informal deminers have been significant contributors to the effort to clear landmines in Cambodia and to return land to communities for productive use, but an overly narrow focus on technical expertise and safety has prevented the mine action community from officially recognising this contribution. Even with the option of obtaining an extension, it is unlikely that Cambodia will achieve the aim of Article 5 without beginning to recognise and incorporate the lands cleared by the informal sector into the overall picture. By doing so, the estimated amount of land remaining to be cleared could probably be greatly reduced and a more realistic time frame set for dealing with the remainder of the problem.

With consideration of the potentially positive contribution informal demining makes to Cambodia’s overall mine clearance efforts, but also the uncertainties about the quality and extent concludes over page.
of informal mine clearance activities, Handicap International is currently conducting a pilot project, which will involve the thorough mapping of informal demining activities using GPS technology and the testing and setting up of a process of verification of residual risk for the lands cleared. Within the pilot area the mapping will quantify the scope of informal demining activities (both commercial enterprises and village based), the amount of land cleared, the preferred local method of investigation, clearance and disposal, the number of ordnance discovered in each area and the number of mine or UXO accidents that occurred both during clearance activities and post clearance. The residual risk posed by informal clearance operations will be assessed according to the number of mines, UXO and hazardous parts of each item that remain undiscovered down to the national standard depth, and deeper, in each sample lot after informal demining has occurred. Items most likely to remain undiscovered will be recorded and analysed in terms of the potential risk they pose related to location and depth. Based on this information a Specified Quality Limit (SQL) will be determined as a guide to the quality of informal clearance.

The data gathered will be used to further discussion and action on the recognition of land cleared by informal deminers. The process will start to bridge the gap between the demands of formal mine action and the work of the informal sector. It is hoped that it will provide one example of a simple standardised verification procedure that could be adopted nationally and integrated by professional demining agencies to officially check and release land cleared by the informal sector. Official recognition of the land cleared by informal deminers will contribute to a better understanding of the true scope of the remaining mine problem in the country. It could ensure that the professional resources are allocated to the critical areas where most needed. Anticipating the time when money earmarked to humanitarian mine action in Cambodia will have to compete with other international priorities and other national preferences and formal operators will have to reduce the scope of their interventions, it is today time to make a predictive assessment of the positive contribution that informal demining has made in Cambodia.

Richard Boulter  
(The Halo Trust)

HALO Trust have already analysed the extent of informal demining and reclamation of suspect land in areas where they are working. Their findings support the suggestions of Ruth Bottomley and Christian Provost that understanding these informal activities can provide a transformed view of the work still required.

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The transformation in Cambodia’s prospects comes as a result of a number of factors; some planned others not. The simple fact is that much of the country and its population are no longer affected by mines, and the residual impact is becoming increasingly focused in some tight geographical areas. The remaining areas that can be addressed on a systematic basis can and should be cleared within the next five to ten years.

The Cambodian Mine Action Programme has excellent accident data collated by the Cambodian Mine Victim Information System (CMVIS) run by Handicap International (Belgium) and the Cambodian Red Cross. This service records the location and type of accidents, activity at the time of the accidents and the number of victims and the extent of the injuries sustained. When plotted geographically the data gives a clear indication of the real residual mines problem.

From this pattern it can be seen that the significant residual landmine problem now lies in the border areas, and to a degree within the province of Battambang and the municipality of Pailin – those areas that witnessed the heaviest and most prolonged fighting. Unfortunately the situation with UXO is very different, and the arguments that follow relate only to the problems of landmines.

The majority of mines were laid in 1984-85 after the Vietnamese had expelled the Khmer Rouge from Cambodia. More than 100,000 conscript workers were deployed to lay a barrier minefield along the entire length of the Thai-Cambodian border. This minefield has a density of between 1,000 and 3,000 mines per kilometre and runs for 700 kilometres. It easily accounts for the majority of mines laid in the country. The next major period of mine-laying occurred in 1999 after the Vietnamese withdrew and the State of Cambodia deployed mines to protect major towns and supply routes. Other mines were laid in the course of battles – with the majority of fighting in Battambang and Pailin. In their final years the increasingly desperate Khmer Rouge either lifted mines to relay them or deployed very poor quality locally made mines.

The organised mine-clearance capacity of Cambodia has now cleared the majority of the State of Cambodia laid minefields around the major towns and highways. Very few mine concentrations now exist away from the border region. Thus the major legacies are the minefield, the battlefields of Pailin and Battambang and a plethora of very low threat areas that pervade across the country wherever troops deployed.

It is interesting to note that many (though by no means all) of the mines laid by the Khmer Rouge, are no longer functioning. Of the last twenty Type 72a Chinese anti-personnel mines examined by the author, only three could have functioned – the remaining seventeen had been (re-)laid with key components missing, or their squibs had degraded over time to a state where they failed to fire. This relatively recent development has not gone unnoticed by the local people who more and more are engaging in the reclamation of previously suspect land, either with the assistance of informal deminers or more commonly by simply ploughing ground that they used to fear and avoid but which now they are happy to tackle. We do not see this as
In 1998 the accident map for northern Cambodia showed widespread contamination. The majority of the population were never far from a mined area. CMVIS figures record 1,207 accidents (1,369 mine victims) in the year.

By 2005 the pattern of accidents has changed dramatically, with the majority of mine accidents now occurring in the border areas. Despite widespread land reclamation taking place across the north and within the interior of the country, few accidents are being sustained. In 2004 there were 259 mine accidents (338 victims) and in 2005 up to September 220 accidents (280 victims).

The very low mine density is significant. In the first six months of 2005 and working mainly in the heavily mined areas where accidents have repeatedly occurred, HALO cleared 350 hectares with an average density of 48 mines per hectare. From this it can be seen that the villagers are exercising good risk management strategies and are identifying the low threat areas for their own efforts.

At this very low level of threat the actions of many of the local farmers should perhaps be seen first and foremost simply as farming. Most do not consider these practices any form of demining.

If these areas that are now under cultivation had never been labelled as suspect by the national survey, then nobody would have an issue with the status of the farmland today. Striking such areas off Cambodia’s danger area maps is vital to generating a realistic assessment of the extent of the residual problem.

So the big question in the Cambodian mine action now is “how do we register, regulate and direct this aspect of the clearance process?” Some practitioners are arguing that a Level Two Survey is required to clarify the position. HALO believes that this will tell us little if anything that we do not already know; the accident causing areas are now well defined, and the low threat areas are so sporadic as to be beyond any further definition than was achieved by the Level One Survey. In effect the local clearance effort is the Level 2 Technical Survey. It is clearly defining the limits of safe land, establishing an accurate picture of mine density, and (occasionally) defining mine concentrations where they exist. When viewed as a whole, the efforts of the local people and the work of CMVIS, are finally now giving us a true picture of the mine threat across the country. The problem is being divided in a readily identifiable manner, between that part which can be handled by local people and that part which demands the attention of the formal clearance agencies.

Before we can get to a point where the debate over “mine free” or “mine safe” can be heard, we must first deal with the still significant problem that currently denies that discussion any relevance – the need to clear the accident causing minefields. There is a short road, that tackles these areas directly, and a long road where prioritization is based on development priorities. The majority of accidents now occur through foraging and transiting in the forests that buffer the border villages and follow-on land use and socio-economic activity in such areas often score low in the eyes of provincial planners. Even if the positive contribution of local people in reclaiming low-risk suspect land can be recognised, there is still a real possibility that when the donors finally tire of Cambodia one of the biggest accident causing mine concentrations in the world could be left largely untouched. A real pity as the final step in a very successful mine action programme could so easily be taken.
Cluster munitions in Lebanon

Thomas Nash (Cluster Munition Coalition)

A new Landmine Action report, “Cluster munitions in Lebanon” highlights a secret USA agreement that singled out cluster munitions as needing to be subject to additional and specific controls. When Israel used US-made cluster munitions in Lebanon, in breach of the terms of these USA restrictions, the Reagan administration banned further cluster munition exports.

The report provides further evidence on the recognised pattern of humanitarian impact from cluster munitions. Civilians were killed at the time of use – falling victim because the area affected by the cluster munition strike was not constrained to the military target. And civilians are still being killed and injured long after the attacks because of the large number of unexploded bomblets left contaminating the affected areas. This combination of indiscriminacy at the time of use and an enduring post-conflict threat has fuelled ongoing civil society protests that cluster munitions have disproportionate effects on civilians.

The report features the testimonies of people who experienced cluster munitions attacks directly. Mohamed Ahmad Hajj Hasan, a 38-year-old farmer, remembers a cluster bomb attack in 1982:

“We were still sleeping when the Israeli airplanes came and started attacking, they were attacking the Syrians. The planes came. We heard the bombardment but didn’t see it. When the planes had left the explosions started. Many people died, both civilians and soldiers. What remained in the ground was just as dangerous, they are still killing people today.”

Zoheir Ali Khoshe was seriously injured in 1982:

“I had people with me in my car when the planes started bombing around us. We stopped the car and got out to hide behind a large rock. I was trying to take care of my family. I could see the soldiers being killed by the bombing as I lay down on the ground to hide. Then I felt pain in my arm. A cluster submunition had exploded by my hand. The blood came out of my eye also. I stayed for 20 minutes lying on the ground. I tried to hold my hand. It came out of its place. I was holding my hand in my other hand. It was amputated. I thought I was dead. I also lost my hearing because of the explosion and a fragment meant I lost sight in my left eye. They took us all together, the injured and killed in the pick up truck to a hospital. I didn’t believe I would survive.”

 Strikes such as these caused alarm in the USA where government officials ruled that they were in breach of a secret agreement imposed by the US government in an effort to limit Israel’s use of US-made cluster munitions. Such an agreement is important because it sets a precedent for states identifying the need to treat cluster munitions differently to other weapons. When the agreement was breached in 1982 the USA imposed a ban on cluster munition exports to Israel – saying in effect that if rules will not be followed then the weapons should not be available for use.
Mine clearance or road construction?

Paul Davies (RedR)

“There can be no development in Sudan, especially the south, without road reconstruction,” Achim Ladwig, of the EU noted last month in Khartoum. Refugee and IDP return, resettlement and food aid programmes, and the whole process of national reconciliation may be seriously inhibited – or cost much more – due to the lack of a decent road network. But in Sudan, road reconstruction means dealing with the threat of mines. In many provinces, up to 80% of the roads are unusable due to the threat of anti-vehicle mines, and the disrepair that follows disuse.

Facilitating the reconstruction of over 13,000kms of high priority routes has become a key priority for UN Mine Action Service (UNMAS) in country. One of the first tasks was the Juba-Yei Action Service. 13,000kms of high priority routes has been identified for urgent reconstruction.

In many provinces, up to 80% of the roads are unusable due to the threat of mines. In many provinces, up to 80% of the roads are unusable due to the threat of anti-vehicle mines, and the disrepair that follows disuse.

Road reconstruction could then proceed far more safely, and cost efficiently, than under the threat of mines. They traffic the full length and width of the road and also excavate below the current road surface.

An approach that might meet the needs of this group is the ‘bulldozer option.' Protected machines working within a managed process could remove the topsoil, creating spoil heaps along the roadside. Such an approach was initially dismissed because it clearly stores up a problem of dealing with a potentially mine contaminated spoil, outside the 25 metre safe area. But the spoil could be marked and left in a way that allows safe access through it at regular intervals, thereby taking into account the needs of those wanting to cross the reconstructed road. Crucially though, the residual risk on the road’s foundations would be reduced to an absolute minimum - and the spoil would represent a manageable problem that could be addressed later. Road reconstruction could then proceed far more safely, and cost efficiently, than under current approaches.

There may be objections that such a methodology does not meet the needs of all, or sits awkwardly at first with international mine action standards. But by looking at the issue in terms of the risk management needs of specific end-users we can perhaps establish a rational and accountable approach to the problem.
Focus

Migrants made to cross Morocco army minefield

Simon Conway
in Birlehlu, Western Sahara
Sunday October 23, 2005
The Observer

A pile of sardine tins stamped ‘Maroc’, discarded beside a desert track, mark the passing of African migrants abandoned in the wilderness by Moroccan security forces.

Zalik Zein, a soldier with the Saharan independence group Polisario, has been tasked with tracking down the migrants. He squats beside the tins and turns them over.

‘The Africans came this way,’ he says and points to a nearby fold in the ground. ‘There are mines there.’

Rashid Boniface Tetty Wayo from Ghana spent four days wandering lost in the desert before he stumbled across a nomad encampment. He is one of 95 sub-Saharan Africans from Gambia, Senegal, Guinea-Bissau, Nigeria and Ghana who are being given shelter in an abandoned school building in Birlehlu in the disputed territory of Western Sahara. Birlehlu is controlled by the Polisario, who have been seeking independence from Morocco since it annexed the territory in 1975. ‘The Moroccans are not Africans,’ says 24-year-old Rashid. ‘They call us black locusts.’

Rashid spent two years in Morocco, one of thousands of migrants who have massed in the country in the hope of reaching Spain, either by boat or by scaling the fences surrounding two tiny Spanish enclaves on the Mediterranean coast.

On the night of 6 October, Rashid and 500 illegal migrants attempted to rush the barbed-wire fences that protect the Melilla enclave. They got over the first fence but were spotted by Spanish border guards as they tried to climb the second. According to AP reports, six of his fellow Africans were killed in clashes with Moroccan security forces. Rashid says he was captured by Moroccan soldiers who slashed his pockets with knives and robbed him of his wallet and mobile phone. He was held in a police station for hours and then handcuffed to a fellow migrant and put in the back of a truck. They were driven for four days south across the desert to a Moroccan military encampment on the ‘Berm’, the 2,400km-long earthwork fortification dividing the Moroccan and Polisario zones of Western Sahara.

He says that a group of 15 were each given two bottles of water, four pieces of bread and a tin of sardines. They were then pointed to a narrow corridor through the minefields marked with piles of stones and told to walk straight, without stepping left or right, into the desert. After three days, they ran out of water. The area in which they were abandoned is a former battlefield littered with US-made unexploded cluster munitions and French and Spanish landmines. ‘We just wanted to find work and send money home,’ says Lamin Kamara, a 20-year-old Gambian who was five days in the desert.

In one corner of the Birlehlu school room hastily converted into a first aid post, two Bangladeshis, Arufsindar and Oronmindar, huddle beneath foil blankets, dehydrated and in shock. They have been wandering in the desert for more than eight days. They are being treated by doctors from the Spanish charity Médico El Mundo.

The Bangladeshis paid a people-trafficker in Dakha several thousand dollars each to smuggle them to Europe, but their dream of riches ended in Morocco. They claim they were whipped with belts by soldiers before being abandoned in the desert.

Soon Arufsindar and Oronmindar will be transported to Tifariti, another Polisario outpost, where they will join 40 other South Asians, Bangladeshis and Sri Lankans, who have been living in a warehouse for seven months.

Moroccan Prime Minister Driss Jettou denies that Morocco has abandoned migrants in the desert, but the evidence is plain to see. ‘It is only a matter of time,’ says Zalik Zein, ‘before we start finding bodies.’