

Guiding Principles on Land Release

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The Context

The aim of every mine action programme is to release land to the civilian population as quickly and safely as possible. States are increasingly making use of area reduction and area cancellation methodologies to release land back to civilian populations in a more efficient and expeditious manner.*

The Problem

Since States Parties to the Mine Ban Treaty have an obligation to “make every effort” to identify mined areas under their jurisdiction or control and to destroy all antipersonnel mines within them, sufficient effort must be put into properly identifying those mined areas before clearance work begins. Central to such an approach is a focus on area cancellation and area reduction techniques. These techniques aim to verify, before significant clearance resources are deployed, whether a suspected hazardous area identified by the initial general or impact surveys is in fact mine-affected, to cancel the land if found not to be contaminated, and to identify the precise perimeters of a contaminated area for the purposes of clearance.

General or impact surveys can generate very large and excessive estimates of the size of mined areas. They can also report suspected hazardous areas that ultimately prove not to be contaminated at all. This is, in part, because the purpose of these types of surveys is not to precisely define mined areas for the purpose of clearance, but to establish a point of reference for further survey and for priority-setting. When clearance activities are based on these general or impact surveys, mine clearance teams can be deployed on areas that contain no explosive ordnance. This clearly represents an inefficient use of valuable and often scarce resources.

Key Definitions **

Area cancellation describes the process by which a suspected hazardous area is released based solely on the gathering of information that indicates that the area is not in fact contaminated. It does not involve the application of any mine clearance tools.

Area reduction describes the process by which one or more mine clearance tools (e.g. mine detection dogs or mechanical demining equipment) are used to gather information that locates the perimeter of a suspect hazardous area. Those areas falling outside this perimeter, or the entire area if deemed not to be mined, can be released.

Guiding Principles

The ICBL strongly supports the appropriate use of area cancellation and area reduction as techniques to release land. We recommend, however, that for this to be done responsibly and to gain the full confidence of the local population, it be carried out in accordance with the principles listed below. The nature of mine contamination and mine clearance means that there will always be some element of risk associated with land release. However, adherence to appropriate guiding principles will ensure that the dangers are reduced as much as possible.

First, any suspect hazardous areas found to contain anti-personnel mines must be cleared to international and national mine action standards in accordance with a country's legal obligations.

Second, any area reduction or cancellation methodology must be based upon an objective assessment based on fixed criteria (a system or framework) rather than a subjective decision made by the survey team.

Third, any area reduction or cancellation methodology should be understood and accepted by the intended beneficiaries, local government representatives and their political representatives.

Fourth, the information on which decisions are made to release land other than through clearance must be carefully cross-checked with a range of key informants to minimize bias and honest mistakes.

Fifth, all activities leading to the decision to release a specific area of land must be carefully documented.

Sixth, the process of land-release must be inclusive and participatory in its approach and approved by the owner/s of the land, community representatives, national authorities and the national mine action centre based upon review of the documented methods. The handover process should include an explanation of the method/s used to release the land and the potential residual risk.

Seventh, the demining process leading to land release (i.e. survey, recording, marking/fencing, clearance, handover and an ongoing quality management process throughout) must respect the requirements of applicable national standards and standing operational procedures.

Eighth, any discovery of a mine or mines on land that has been released must lead to an investigation, reassessment and possible clearance of the area.

Finally, we encourage States Parties to include in each Article 7 report the extent of land release and methodologies employed to do so.

**This text is based on a recent NPA policy paper.*

***A number of countries use different terminology for these activities. For example, Cambodia does not use the term 'area cancellation' for fear that it will constitute legal responsibility for any contamination that may subsequently be found there.*