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Twenty Years after Ottawa: ‘Unpacking’ Mine Action in Peace Agreements

Author: Robert Forster

Abstract

Mine action is essential for long-term peacebuilding and post-conflict reconstruction. Using new data, this paper explores the nexus between mine action and peace processes, providing an analysis of trends in the inclusion of mine action provisions in peace agreements. Initial findings indicate that the inclusion of mine action provisions within peace agreements have remained relatively stable at 9.6% over 26 years. This is the case, regardless of efforts by United Nations agencies and non-governmental organisations (NGOs) in promoting the inclusion of mine action in ceasefire and peace agreements. Thus, the inclusion of mine action in peace agreements appears determined by the perceived pragmatic needs required to be addressed by conflict parties. Nonetheless, around the ratification period of the 1997 Ottawa Treaty there was a small peak in the percentage of agreements that referenced mine action. Other trends indicate that mine action is more prevalent in inter-state rather than intra-state peace agreements, that NGOs have begun to take a greater role in the negotiation of mine-action specific agreements, and that there is a greater diffusion of mine action awareness to local-level peace agreements.

Keywords: landmines; mine action; peace agreements; Ottawa Convention; peace processes; treaties

Introduction

Clearing landmines and unexploded ordinance (UXO) is essential for long-term peacebuilding. With the liberation of Raqqa, Syria, from the Islamic State in October 2017, the first task begun by the Syrian Defence Forces was mine clearance (Davidson and Said 2017). Mines and UXOs wreak havoc in post-conflict areas and remain active long past the signing of any peace treaty (Htun 2004; Koese 2015: 752). In 2016, the Land Mine Monitor reported over 8,605 casualties, of which 24% were deaths – the highest number of casualties since 1999 (ICBL 2017: 51).¹ Landmines and UXOs continue to destabilize 64 states worldwide, preventing the return of internally displaced persons (IDPs) and refugees, lowering crop yields, straining scarce healthcare resources and complicating the development of infrastructure (LeBrun and Damman 2009: 9). Landmines also contribute to chemical contamination of soil, erosion, and loss of biodiversity (Berhe, 2007). **<PULLOUT>To further de-mining programming worldwide, United Nations (UN) agencies are guided by the UN’s mine action policy in addition to other strategy documents.<PULLOUT>** Among the features of this policy is the aim of increasing the incorporation of mine action provisions into negotiated ceasefire and peace agreements (IACG-MA, n.d., 2003, 2016; UNMAS, 2018: 20).

Considering the aims of international stakeholders in increasing references to mine action in peace agreements, this paper aims to answer four central research questions. How frequently is mine action addressed in ceasefire and peace agreements negotiated in conflicts with documented landmine use? What is the focus of these provisions and how has this focus changed over the period from January 1, 1990 to December 31, 2015? Lastly, considering the centrality of the 1997 Convention of the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines (henceforth, the Ottawa Convention) on anti-personnel landmine production and monitoring, has there been a discernible change in the overall percentage of peace agreements referencing mine action in the period before and after the introduction of this convention? It also offers a critique of the UN’s decision to use the inclusion of mine action provisions in peace agreements as a metric for monitoring and evaluating its mine action policy. **<PULLOUT>Mine action in peacebuilding efforts is complex and there is a misalignment between UN recommendations, expert recommendations, and what occurs in practice.<PULLOUT>** In addition to building on literature examining the intersection of mine action and peacebuilding, this paper argues that the period post-Ottawa Convention has not witnessed a greater level of uptake of mine action in peace agreements. Rather, mine action has been incorporated into agreements more comprehensively since the late 1990s. The relatively stable rate of mine action inclusion in peace agreement texts even before the Ottawa process began is an indication that the norms enshrined in the Convention were already partially established by 1990.

Mine Action and Peace Agreements

¹ Although many of these casualties were the product of explosive remnants of war (ERW).

In this paper, peace agreements are defined as formal, written documents signed or agreed to by multiple parties with the aim of achieving an end to violent conflict.² This definition includes unilateral declarations that are issued as part of a choreography in a peace process (Bell et al. 2018). This definition includes agreed upon resolutions from peace conferences that may occur between states (such as Afghanistan) or between community actors on the local level.³ Peace processes are defined as formal attempts aimed at shifting conflict resolution away from violence into the realm of politics. Mine action, on the other hand, is defined as ‘activities which aim to reduce the social, economic and environmental impact of mines and [explosive remnants of war] including unexploded sub-munitions’ (UNMAS 2014: 24-25). Previous studies on mine action provisions in peace agreements by Moser-Puangswan (2009) and Zeller and Maspoli (2016) offer insights, but are restricted by limited samples (43⁴ and 35 agreements, respectively). LeBrun and Damman (2009: 20-23) provide policy advice on addressing mines and explosive ordinance in peace agreements and offer an overview of how 12 agreements do so, but do not provide a comprehensive review.

In scholarly and practitioner literature, mine action is given increased attention as a tool of peacebuilding and a vehicle for seeking common ground between belligerents in peace processes. Harpviken and Skåra (2003: 820) argue that humanitarian mine action diverts the attention of warring parties to solving a ‘concrete problem’ and as such contributes to the political aspect of peacebuilding as a confidence building measure (CBM) and a vehicle for reconciliation (also see GICHD 2014: 39-40). Roberts and Frilander (2004, p. 18) document this dynamic in relation to the Sudanese peace process, where mine action gains increased the willingness of international actors to mediate between the belligerents, as well as put additional pressure on them ‘to engage in meaningful talks.’ Peace agreement provisions may be written in express recognition of this, as is evident in the 2010 ‘Declaration of Continuity for Peace Negotiation between the Government of the Republic of the Philippines and the Moro Islamic Liberation Front (MILF)’.⁵ As a result, experts involved in mediation and de-mining activities argue for the inclusion of mine action provisions in peace agreements, since they become the primary reference for the implementation process (Zeller and Maspoli 2016: 24). Bryden (2005: 173) highlights how the failure to include such provisions in the 1992 Mozambique agreement resulted in a muddled transition when de-mining was shifted to domestic parties.

Nonetheless, there are risks. Harpviken and Skåra (2003: 818) warn that including mine action provisions within peace agreements risks conflating mine action with the peace process. By their very nature, peace processes are controversial. Politicising mine action may

² In line with the Uppsala Conflict Data Programme (Kreutz, 2010), the PA-X dataset also limits peace agreements to relate to conflicts that have a minimum of 25 battle deaths annually.

³ The Afghanistan peace conferences took place in 2002, 2004, and every year from 2007 to 2012. Local peace conferences are an established practice in many areas in Sub-Saharan Africa. Bradbury et al. (2006) map the phenomenon in relation to Sudan. The PA-X database has multiple examples from Kenya, Nigeria, Somalia, South Sudan and Sudan.

⁴ This number includes three agreements that do not mention landmines specifically, but include more general disarmament, demobilization and reintegration (DDR) and internally displaced person (IDP) return provisions where landmine use/prohibition or de-mining is implied, but not explicitly mentioned.

⁵ All peace agreements referenced in this article are available on the Peace Agreements Access Tool (PA-X), Version 1, 2018, www.peaceagreements.org. For codebook, see Bell et al. 2018.

leave personnel working on de-mining programmes open to revenge attacks (Harpviken and Skåra, 2003). Moreover, implementing mine action may be vulnerable if it hinges on the success of multilateral and precarious negotiations (LeBrun and Damman 2009: 8). De-mining activities may also uncover new tensions. Chapman (2010) sees the de-mining industry as politicized as programming is used to promote the interests of specific stakeholders on the international level. On the local level, mine clearance may trigger land disputes (Unruh 2012) as well as be manipulated by local brokers that earmark their own land holdings for de-mining first upsetting local power balances that are poorly understood by external de-mining organisations. De-mining contracts may facilitate corruption. Moreover, when not planned properly, counter-intuitive results may occur. In one case, the de-mining of a major thoroughfare in Sri Lanka facilitated the return of IDPs to their villages that had not been cleared, resulting in casualties (Bryden 2005: 173). Nonetheless, according to Bryden (2005: 159), the inter-linked nature of mine action with other peacebuilding activities means that it is important as peace ‘enabler’ as well as an activity ‘in its own right.’

The focal point of global governance of mine action policy is with the UN Mine Action Service (UNMAS) – a part of the UN Department of Peacekeeping Operations – which is also the facilitator of the UN Inter-Agency Coordination Group on Mine Action (IACG-MA) (Bryden 2005: 164). To facilitate the inclusion of mine action in peace processes, the IACG-MA issued the ‘Mine Action Guidelines for Ceasefire and Peace Agreements’ in 2003, which highlights seven mine action related issues that should be ‘at least considered’ during mediation processes. These are: (1) The exchange of technical information between all former parties to the conflict; (2) the marking and clearing of all minefields; (3) MRE; (4) victim assistance; (5) the elimination of use, production, transfer and stockpiling of mines; (6) stockpile destruction, and (7) the importance of international cooperation and coordination in facilitating the above listed items. Many, but not all, of the mine action provisions categories that I identify in peace agreements adhere to the IACG-MA Guidelines. However, these guidelines do not consider mine action from a mediator’s perspective, and the categories are too general for the identification of more than general trends (Zeller and Maspoli 2016: 13).

Coding for this paper are reminiscent of IACG-MA Guidelines, but highlight narrower or otherwise excluded issues (see Table 1). The focus of this paper on landmines in particular as opposed to cluster munitions or UXO, means that general references to disarmament, which could also include landmines, are not included in the dataset. This could be perceived as a methodological weakness. However, most peace processes between state and non-state parties provide for the disarmament of non-state combatants to some degree and as such, broadening inclusion of these provisions would potentially dilute data on mine action.

<i>Type of Mine Action Provision</i>	<i>Frequency of Mine Action Provisions in Peace Agreements</i>
General commitment to clear landmines	74
Assigned responsibility for de-mining	51
Disclosure of mined locations, technical details and stockpiles (general category)	42
Mines in context of ceasefire arrangements	41

Commitment to an explicit de-mining goal (including references to 'all mines' or clearing defined territories)	32
De-mining in context of human rights, providing access and mobility, and the return of IDPs	29
International mission (commitment/request for assistance)	23
Physical marking of mined locations	19
Anti-proliferation (general category)	16
Exchange of maps or references to the mapping of mined areas	15
International mission (general category)	14
Creation or references to a de-mining mechanism/body	11
Civil society organisations in the context of mine action	11
Destruction of stockpiles	8
Mine action in the context of development	7
Mines and international law	7
Mine Risk Education (MRE) and training of sappers	7
Mines as a subject for future negotiations	6
Prevention of trade in landmines	1

Table 1: Frequency of mine action provision categories in peace agreements (1990-2015)

The dataset emerges from the Peace Agreement Access Tool (PA-X) which incorporates 1518 peace agreements signed between January 1, 1990 and December 31, 2015 (Bell et al., 2018). Using a word search for 'min*' and 'explos*', I cross-referenced results with the lists of agreements provided in Moser-Puangsuwan and Zeller and Maspoli, and identified 133 agreements containing mine action provisions across 39 conflict areas.⁶ Following familiarization with the data, initial codes were identified and labelled during two coding cycles resulting in 14 categories and four sub-categories related to mine action (c.f. Braun and Clarke 2006). To further limit the universe of cases to mine-affected conflict contexts, the list of territorial entities (henceforth, conflict areas) was cross-referenced for whether the use of landmines, either anti-personnel or anti-vehicle, were used during the conflict after the cut-off date of 1960. The resulting universe then consisted of 83 conflict areas including independent sub-state conflict areas, such as Aceh or Moluccas in Indonesia, or Abkhazia and Ossetia in Georgia. 89 peace agreements tagged with conflict areas not affiliated with landmine use were removed from the dataset resulting in a total of 1429 documents.⁷

⁶ Statistics do not include the Western Sahara (Morocco). '*Accord Militaire No3 Relatifa la Reduction du Danger de Mines et Engins Non Explosives*', 19 March 1999, listed in Moser-Puangsuwan (2009, 40) as the agreement could not be located.

⁷ The 16 conflict areas excluded include: Bahrain, Basque (Spain), Cameroon, Comoros (and Anjouan), Cote d'Ivoire, East Timor, Gabon, Guinea, Haiti, Kenya (agreements do not pertain to the al-Shabaab landmine attacks in 2011), Lesotho, Madagascar, Mexico (Chiapas), Solomon Islands, Tanzania (included in the Great

Trends in the inclusion of Mine Action Provisions in Peace Agreements

Of the 39 conflict areas with peace agreements containing mine action provisions, the largest majority occur in Africa, with 41% representation covering 16 conflict areas. Next is East and South Asia (including the Pacific) which contains 9 conflict areas, the Middle East and North Africa region, which contains 6 conflict areas and then Latin America and Europe/the Caucasus which both contain 4 conflict areas each. Among these conflicts, 17 conflicts have a territorial dimension either being inter-state (9) or between the state and a sub-section of the state that desire greater autonomy (8). The highest number of agreements with mine action provisions were involved in the wars of former-Yugoslavia which contains 29 agreements representing 22% of the dataset. Among these 39 conflict areas, 11 states claim to be landmine free, including El Salvador, which cleared all its landmines before becoming a member of the Ottawa Convention.

The inclusion of mine action provisions in peace agreements increased in comparison to the Cold War era (Zeller and Maspoli 2016: 18), and the prevalence of such references are likely due to three reasons. First, the use of peace agreements as a tool of conflict resolution in which negotiated settlements to conflict have reached their highest point since the end of the Cold War (Hartzell and Hoddie 2007: 11). Second, practices in the 50 years following the Second World War by the ICRC, among other actors, contributed to the re-framing of the landmine debate as a ‘humanitarian’ rather than a ‘military’ issue (Mathur, 2012). This reframing laid the groundwork for the ICBL campaign that began in 1990 and propelled the issue into the public consciousness (English, 2013; Mathur, 2012). By 1994, uptake of the issue had reached the highest levels of the UN (Ghali, 1994), and sustained political and moral pressure culminated in the Ottawa Convention in 1997 and its ratification in 1999. The Ottawa Convention expanded the toolkit of mine prevention in international law, as well as reflecting a shift in norms regarding the use of landmines. Lastly, civil society agitation and the indiscriminate effects of landmines led to a push for the incorporation of mine action into peace processes as part of a wider trends of comprehensive peacebuilding and best practice (Bryden, 2005; cf. IACG-MA, 2003).

Before 1990, negotiated settlements to conflict were uncommon compared to military victories (Kreutz 2010). Mine action provisions in peace agreements were even rarer. Before 1990, only five publically available agreements contained landmine related provisions – three of which relate to the 1949 Arab-Israeli conflict (Zeller and Maspoli 2016: 18). Civilian-led de-mining first appeared in 1989 when the Hazardous Areas Life-support Organisation (HALO) began small-scale clearance around Kabul (Mansfield 2015 43). The first peace agreement to include mine action provisions in the 1990s was the ‘Definitive Cease-fire Agreement between the Government of Nicaragua and the Yapti Tasba Masraka Nanih Aslatakanka’ (YAMATA) signed in April 1990 (Language of Peace 2016). Since then mine action provisions have appeared in 133 peace agreements across all peace agreement stages, including pre-negotiation, ceasefire, framework-partial, framework-comprehensive and implementation.

Lakes process 2004-2006) and Togo. In addition, no evidence could be found of the use of Landmines in the Moluccas (Indonesia) conflict.

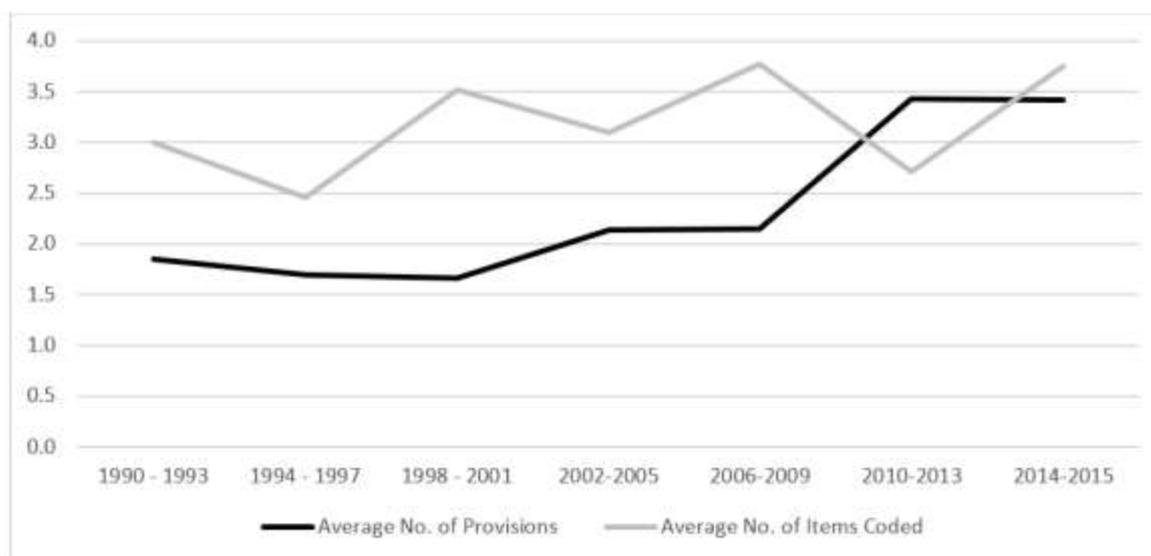


Figure 1: The number of agreements and provisions including references to landmines between 1990 and 2015

<PULLOUT> Over 26 years, the number of peace agreements signed in conflict areas affected by the use of landmines fell annually from 295 signed between 1990 and 1993 to 164 signed between 2010 and 2013.<PULLOUT> Over the same period, the number of peace agreements including mine action provisions dropped from 26 between 1990 and 1993, to 14 between 2010 to 2013. In terms of percentages the number of references to mine action provisions in countries with conflict affected areas between 1990 and 2015 remained relatively steady at around 9.6% – a more conservative result than the trend reported between 2011 and 2015 reported by UN IACG-MA (2016: 7). More tellingly, when included on the agenda, the number of provisions within peace agreements dealing with mine action increased after 1998 with momentum around the Ottawa Convention (see Figure 1). Since 2010, the rise in references to mine action further increases due to the appearance of mine action-specific agreements, which are explored in greater depth below. Additionally, between 1990 and 2015, mine action provisions also began becoming more comprehensive rising from an average of 3 items to an average of 3.8 items, with fluctuations over time.

The Prevalence of Mine Action Provisions in Inter-State Agreements

Among the 39 conflicts with peace agreements mentioning mine action, 13 took place between two or more states (i.e. inter-state agreements), representing 33% of the dataset. Inter-state agreements, on the other hand, represent 37% of agreements with mine action provisions. Both numbers are significant in that among the agreements listed on PA-X only 4% are related to inter-state conflicts. Moreover, among the inter-state peace agreements mentioning mine action, 21% of signatories are not party to the Ottawa Convention, meaning that a quarter (or 12) of the inter-state agreements with mine action provisions include one or more signatories that are not party to the Ottawa Convention. These 12 agreements highlight numerous pragmatic reasons for non-signatories of the Ottawa Convention to include mine

action – a third of them prohibit the laying of landmines as part of a ceasefire or provide for the disclosure of information on landmines including their location and make.

A possible reason for the prevalence of mine action provisions in inter-state agreements is that there are no contemporary legal instruments in international law, including the Ottawa Convention, that ban the use of landmines among non-state actors. Interventions such as the Geneva Call have developed traction among several non-state actors, although within peace agreements the only reference appears in the ‘Annex on Normalization to the Framework Agreement on the Bangsamoro’, signed between the Philippine government and MILF in 2014. More broadly, many of the mine action provisions in inter-state agreements relate to the seven pillars recommended by the IACG-MA. Of the 49 agreements,⁸ 49% include commitments or calls for de-mining of which 34% assign responsibility and 23.5% provide an explicit goal for de-mining operations. 24.5% contain provisions related to anti-proliferation although only 6% call for stockpile destruction in the cases of Bosnia and South Sudan. Another 22.5% of agreements contain mine action provisions in the context of ceasefires. The disclosure of information also features highly, with 39% of agreements containing provisions related to exchanging information on mine use, 22.5% calling for the marking of minefields, and 10% calling for an exchange of maps. Lastly, 24.5% of inter-state agreements request or acknowledge international assistance in mine clearance.

NGO-negotiated mine action-specific agreements in Colombia and the Philippines

Few peace agreements mention NGOs in relation to mine action. Nonetheless, despite the appearance of such references in only 11 agreements (8% of the dataset), they represent one of the more striking developments regarding mine action provisions in peace agreements. NGO representation in relation to de-mining was almost non-existent during the 1990s, with mostly generic references throughout the 2000s (see Figure 2). The exception being a clause in the ‘Protocol of the High Level Meeting in Gali on Security Issues’, signed May 2005, which confirms the submission of minefield locations to the HALO Trust. However, since 2010, three mine-specific agreements were signed regarding de-mining activities in the Mindanao conflict in the Philippines and in the Colombian process between the government and the Revolutionary Armed Forces of Colombia (FARC). The Bangsamoro and FARC peace processes stand out as two of the longest running and most comprehensive peace processes accounting for 114 and 121 peace agreements between 1990 and 2015, respectively. Since the 1960s and 1970s, the incremental nature of both peace processes allowed agreements to become a great deal more specific as to allowing space to open for greater NGO involvement as an active part of the process. Moreover, the contracting of NGOs for de-mining helped avoid the perception of ‘double-dipping’ – a practice wherein

⁸ South Sudan/Sudan Peace Agreements only include those leading up to the independence of South Sudan and is therefore limited to (1) the Agreement between the Government of Sudan (GoS) and the Sudan People's Liberation Movement (SPLM/A) on Capacity Building and the Creation of a Joint Planning Mechanism from the Sudan Technical Meeting, 10 April 2003; (2) the Agreement on Permanent Ceasefire and Security Arrangements Implementation Modalities between the GoS and the (SPLM/A) During the Pre-interim and Interim Periods, 31 December 2004; (3) The Comprehensive Peace Agreement between the GoS and the SPLM/A, 9 January 2005; and (4) the Agreement on the Border Monitoring Support Mission between the GoS and the Government of South Sudan, 31 July 2011.

de-mining contracts are awarded to the firms and organisations in part responsible for the manufacture or placement of landmines (cf. Harpviken and Skåra 2003: 818).

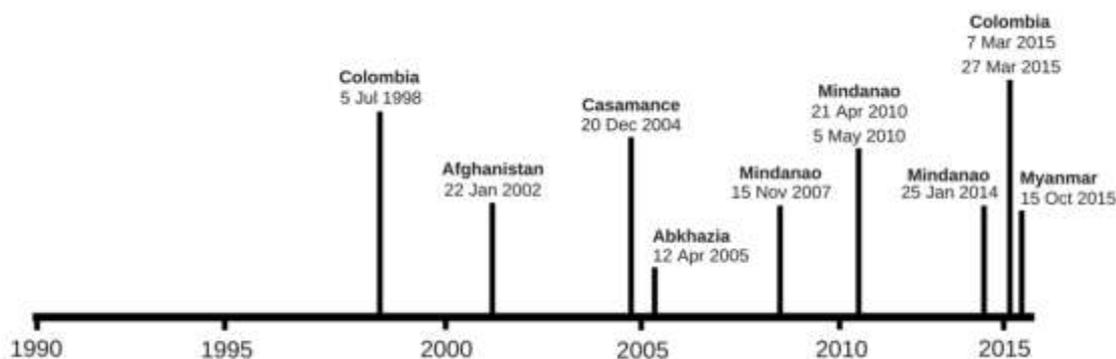


Figure 2: References to non-governmental organisations in relation to landmines in peace agreements, by conflict zone (1990-2015)

The most comprehensive of the landmine-specific agreements is the ‘Guidelines for the Implementation of the PCBL-FSD Project Pursuant to the Joint Statement of the GRP-MILF Peace Panels’, signed in May 2010, which includes the two NGOs, the Philippine Campaign to Ban Landmines (PCBL) and the Foundation Suisse De Deminage (FSD), as formal parties to the agreement. The Agreement begins by listing six previous peace agreements as the justification for moving ahead. Then, in addition to de-mining commitment, the agreement outlines the creation of a joint de-mining body under the supervision of the Joint Coordination Committee on the Cessation of Hostilities. Details for areas to be de-mined are not included in the agreement, but the initial timeline is two years with the possibility of extension. The agreement also expands into other aspects including the recognition of IDPs, the involvement of local governance actors, the ‘beneficiaries [...] of rehabilitation and development projects,’ and the public, businesses and other groups seeking normalization.

In Colombia, de-mining began in 2015, granting Colombian state actors access to marginalized communities, as well as building confidence as FARC committed ex-combatants to the effort (Jaramillo 2017). The four NGOs supporting the Instancia Interinstitucional de Desminado Humanitario – the government’s de-mining steering committee – with de-mining include Norwegian People’s Aid (NPA), the Danish Demining Group, Handicap International and HALO Trust, alongside the UN Mine Assistance Service (UNMAS). In the ‘Joint Communique #52’ of March 2015, the Colombian Government and FARC requested the NPA assist in de-mining and agreed on a process of site selection as well as information gathering. According to the agreement, the NPA would then begin with information gathering from knowledgeable local persons and through community questionnaires that formed the foundation of their clean-up plan. Multi-task teams were then assembled including a coordination and verification leader from the NPA, technicians from the Colombian military’s De-mining Engineers Battalion, and two members from both the Colombian Government and FARC. To inspire trust from local communities, the agreement stipulated an ongoing dialogue between the communities and NPA. Final de-mining verification would also be conducted by NPA and decontaminated lands would then be transferred back to the government and communities. In the ‘Joint Communique #53’ signed

later that month, the parties confirmed the selection of three sites in Antioqua and Meta and the creation of a Reference Group, a Lead Group, and a Project Management Group to implement the agreement.

<PULLOUT>What is striking with civil society involvement in all these agreements is the use of NGOs as confidence builders between warring parties in their role as actors with strictly humanitarian aims.</PULLOUT> This is particularly the case with the Philippines agreement that was one of a series of pre-negotiation documents between the Philippines government and MILF before signing the 2012 ‘Bangsamoro Framework Agreement’. On the other hand, Colombian mine action-specific agreements occurred as implementation agreements, signifying that the parties had a greater amount of trust in the other. These agreements also recognized the local aspect of de-mining as a central aspect to success, relying on local information, as well as attempting to build confidence in the de-mining process and peace process as a whole (Fabra-Mata et al. 2018; also see Bottomley 2003). Moreover, the Communique highlighted the gender and victims’ component of de-mining, in contrast to the almost complete absence of these aspects in relation to mine action in peace agreements elsewhere. Lastly, although international representatives hold the role of verifying de-mining progress, de-mining mechanisms also function as CBMs by committing an equal number of government and ex-combatants to each de-mining body and regularizing interaction between them. It remains too early to affirm whether these agreements are part of a larger trend in de-mining within peace processes, more generally. There is a great deal of anchoring bias involved in collecting peace agreements since the date when an agreement is signed greatly affects the access to such documents.⁹

Mine Action in ‘Local’ agreements from Sudan

The mainstreaming of mine awareness and reach of mine action programmes is evident in the emergence of mine action provisions in ‘local’ agreements from South Sudan. ‘Local’ agreements are defined here as the output of peace processes addressing a sub-area of the conflict zone, and often based on the people-to-people peacebuilding model that brings together representatives from groups commonly identified along ethnic, religious or agrarian/pastoral identities (USAID 2011: 6). The first appearance of mine action provisions among local agreements in the PA-X dataset was the 2002 ‘Declaration and Resolutions of the Chukudum Crisis Peace Conference’ signed in Namuronyang State in the far south of what was then Sudan. This agreement not only aims to ‘urgently remove all mines in the Chukudum area [...] to be completed before the next planting season’, but also that ‘this process is accompanied by mine awareness – especially for children.’ Other agreements include the ‘Terms of Reference for the Abyei Joint Committee’ of 2011 and the ‘All-Jonglei Conference for Peace, Reconciliation and Tolerance, held in Bor, 1-5 May 2012.’ Considering the impact of mines on the local level, it is unsurprising to see the inclusion of mine action provisions in such agreements, although inclusion is not consistent.¹⁰

⁹ The collection of agreements from conflicts related to Georgia/Abkhazia/Ossetia, for example, hit an obstacle when the OSCE-funded website <http://www.rrc.ge> was discontinued and not all documents remained recoverable through web caches.

¹⁰ A study on the demining and reopening of the A9 Highway in Sri Lanka linking the areas held by the Liberation Tigers of Tamil Eelam and the Sri Lankan Government, highlighted multiple positive outcomes, including enabling freedom of movement, cutting travel costs, facilitating trade, reuniting family and the return

On Mine Risk Education (MRE) and Victim's Assistance

<PULLOUT>Compared to other aspects of the IACG-MA Guidelines, mine action awareness and victim's assistance remains vastly underrepresented in peace agreement texts.<PULLOUT> Among the 133 agreements with mine action provisions, 42 make some mention of victims as part of the agreement, however, joint mention of mine action and victims' relief is rare. The exceptions to this is the 'Agreement on the Victims of Conflict, 'Comprehensive System for Truth, Justice, Reparation and Non-repetition, including the Special Jurisdiction for Peace; and Commitment on Human Rights'', signed December 2015 between FARC and the Colombian Government, which frames mine clearance as a restorative activity for victims. However, the lack of victim's participation – or local participation generally – is noticeable, and contrary to peacebuilding as it erodes the 'human face' of mine action (cf. Bolton 2010: 178–179). Otherwise, outside of the scope of mine action, victims are provided for in the same agreement texts through the provision of relief, medical care, counselling, truth and reconciliation processes, and material reparations. References to MRE, on the other hand, also only appear in seven agreements, 5% of the dataset, in conflicts from Angola (1994), Cambodia (1990/91), Colombia (2015), Mindanao (2010/14), and South Sudan (2002).

Landmine Provisions in Peace Agreements before and after the Ottawa Convention

The Ottawa Convention was a landmark moment for the anti-proliferation of landmines. The goal of the Process was to 'create an international standard on the legality of landmines' and the resulting treaty was signed a year later in 1997 (Rizer 2013: 47). The Ottawa Convention has had a remarkable effect on limiting mine use in warfare. Although China, India, Pakistan, Russia, and the United States are not parties to the treaty, international trade has plummeted following a moratorium on export by these states (Rizer 2013: 49).

Like United Nations Security Council 1325 that mandates the mainstreaming of women's involvement in security and peacebuilding (see Bell and O'Rourke 2010), the Ottawa Convention provided the necessary legislation for the mainstreaming of mine action in and beyond peace processes. The IACG-MA Guidelines provides further indication of such aims. However, regardless of such aims the inclusion of mine action provisions in peace agreement texts a surge in mine action awareness, meant that although there was a slight initial increase in references after the signing of the treaty, references were relatively stable across the 26-year period. **<PULLOUT>When the Ottawa Convention was ratified in 1999, there was an all-time peak of 10 peace agreements that included mine action provisions.<PULLOUT>** This trend continued into the new millennium and between 2002 and 2005, 13.4% of peace agreements included references to landmines, despite a lower number of agreements in real terms compared to a decade earlier (see Figure 3). However, from 1990 to 2001 the average rate of inclusion remained relatively even at 9%, to 8.8% during the period between 2005 and 2015. This relatively minor change is potentially a product of an over-representation of

of IDPs. Although, return of IDPs to mine contaminated areas also increased the number of mine-related incidents (see Hauge, 2004, 35–37).

references in agreements from the Yugoslavia conflict that includes 22% of agreements in the dataset. Wariness of including mine action provisions among mediators may also result in lower rates of references. Moreover, the mainstreaming mine action policies, including moratoriums on export, transfer and effective follow-up may also decrease the necessity of mine action provisions simply due to non-proliferation. However, further research is necessary to establish this.

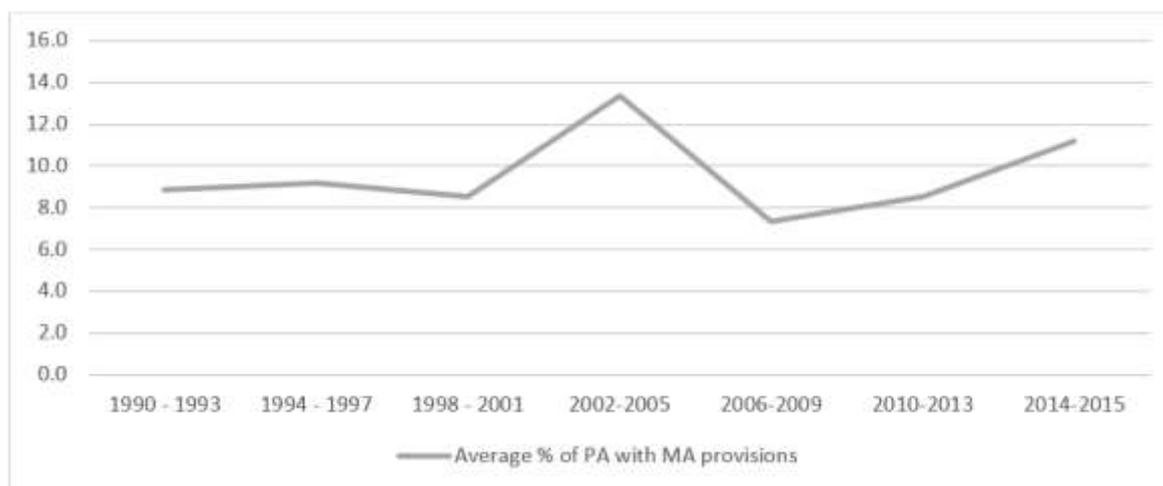


Figure 3: Average percentage of peace agreements with landmine references (1990-2015)

Trends in mine action inclusion on the conflict level, however, may shed more light on the success and failure of mine action inclusion in peace agreements. Of the 45 conflict areas, peace agreements in 21 of the areas included mine action provisions during the 1990 to 1998 period, whereas 29 of conflict areas included such provisions in the 1999 to 2015 period. 14 of these conflicts had peace processes that extended between the two time-periods of 1990-1998 to 1999-2015. Further analysis of these 14 conflicts indicates that seven conflict areas encompassing Afghanistan, Burundi, Mindanao (Philippines), Sierra Leone, South Sudan, Sri Lanka, and Uganda, did not include mine action provisions before 1999, but did afterwards. Five of the conflict areas encompassing Abkhazia, Angola, Colombia, Liberia and South Sudan/Sudan showed the inclusion of mine action provisions both before and after 1999. A final two conflict areas encompassing Bougainville and the Philippines/National Democratic Front conflict included mine action before, but not after 1999. Overall, this highlights a positive trend in the inclusion of mine action provisions by the number of processes.

Conclusions

The Ottawa Convention does not appear to have had a great effect on the overall inclusion of mine action provisions in peace agreements which has remained steady since the use of peace agreements became more prevalent in post-Cold War era. The continuity of mine action inclusion provides some indication that the foundation for the ICBL campaign – often hailed as a miraculous and meteoric process – was already partially established among the community of persons involved in peace processes. <PULLOUT>**What has changed over the**

past 25 years is the way in which mine action is incorporated, with an increase of provisions, as well as a greater detail in these provisions.<PULLOUT> The items included nonetheless highlight the pragmatic and immediate nature of mine action, although some agreements use humanitarian concerns to frame the issue of de-mining. The prohibition of laying landmines as part of a ceasefire arrangement, as well as committing to de-mining activities, assigning responsibility for them and providing targeted goals are the most common forms of provision, followed by disclosure of locations and technical information. The findings of Moser-Puangsuwan and Zeller and Maspoli in relation to normative areas essential for long-term peacebuilding efforts such as victims' assistance and MRE, are re-confirmed: namely these items are incorporated to a far lesser extent and in less targeted ways, and would benefit from greater focus among drafters. Other provisions dealing with implementation mechanisms and anti-proliferation including prohibition on sale, can be negotiated beyond the scope of a peace agreement and are included in texts haphazardly. The citation of treaties including the Ottawa Convention or the 1981 Convention on Conventional Weapons to justify mine action is not an established practice in peace agreement texts, and are most likely to appear in pre-negotiation agreements.

Inclusion of mine action provisions in peace agreements may signify a willingness of the conflict parties to commit to de-mining. Nonetheless, the overall rate of inclusion is likely tempered by the associated risks, including politicization of mine action. Moreover, over the course of negotiations, agreements may be drafted on areas not linked to mine action. <PULLOUT>**The practice of mine action-specific agreements is mirrored in other peace processes where agreements may range in focus on concrete issues from the restoral of services, drug trafficking, banking, or the exchange of mortal remains.**<PULLOUT> In recognising these practices, mine action provisions provide an interesting lens through which to observe the growing complexity and variation in peace process structures and the number of actors. The growing role of non-governmental de-mining organisations in peace processes is another such indicator. Hence, in recognition of this, mine action provisions in peace agreements are not a particularly effective means of measuring the implementation and uptake of mine action policy, of which it is more prudent to transfer to the unit of analysis from the agreement to the process level.

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