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COMMISSION STAFF WORKING DOCUMENT

Guidelines on European Community Mine Action 2008-2013

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GUIDELINES ON EUROPEAN COMMISSION MINE ACTION 2008-2013

Content

Anti-personnel landmines and explosive remnants of war (including cluster munitions) continue to pose a significant threat, including - or even mainly - to socio-economic development and reconstruction, in many post-conflict countries. Since the early 1990s the international community has undertaken firm commitments and made considerable effort to reduce the impact mines have on affected countries and their populations. The European Community (EC) has been one of the major donors in the fight against landmines.

Following last year's changes in the EC's external assistance set-up, the need emerged for a revised approach to ensure effective implementation of EC mine action policy for the period 2008-13. This paper sets out to provide valid follow-up to the previous EC Mine Action Strategy 2005-2007 and to give new guidelines to steer Commission's Desk Officers and Programmers both at Headquarters and in EC Delegations in mine-affected countries in their mine action programming.

Introduction and background to European Commission mine action

This section describes the purpose of this document, and sets the general background to the landmine problem and EC mine action policy to date.

Practical guidelines in response to needs

Drawing on past experience and the lessons learned, this section identifies and analyses future needs and challenges in the area of mine action. It recommends a **three-step approach** to integrating EC mine action into development and cooperation policies: **1. Programming**: language insertion in Country/Regional Strategy Papers and the respective National/Regional Indicative Programmes; **2. Identification, formulation and implementation**: integration of mine action components within stand-alone or broader EC projects/ programmes; **3. Reporting**: effective reporting of implemented mine projects/ programmes. The headline objectives, geographic priorities and financial instruments are described.

1. INTRODUCTION AND BACKGROUND TO EUROPEAN COMMISSION MINE ACTION

This section describes the purpose of this document, the general background to the landmine problem and EC mine action policy to date.

1.1 Purpose of the document

In the light of the recent changes to the structure of EC external development and cooperation assistance, this Commission staff working paper sets out guidelines for implementation of the EC mine action policy for the period 2008-2013. These guidelines are a follow-up to the *EC Mine Action Strategy 2002-2004* and the *EC Mine Action Strategy 2005-2007*. They are in response to the call by State Parties to the Ottawa Convention to “*promote guidelines on how to more effectively link mine action with development*”¹.

In the period 2008-2013, the EC should seek to maintain its effort to provide financial assistance to communities and individuals affected by landmines through all available instruments. EC mine action must continue to remain in focus, given the high political pressure on international donors and the risk that passive reliance on “integration” may result in diminishing EC financial commitments in support of mine action. The guidelines are also intended to cover explosive remnants of war, including cluster munitions.

These guidelines seek to provide a basis for building synergy within the peace/security and development/cooperation nexus and to encourage integrating the principles of ownership and partnership that guide development cooperation into all interventions, in line with the *EU Report on Policy Coherence for Development, 2007*.²

1.2 The landmine problem

Anti-personnel landmines (APL) and explosive remnants of war (ERW) are the legacies of past or frozen conflicts that continue to inflict death and injury. These devices have serious secondary political, social and economic consequences. In post-conflict societies, APL and ERW impede the return of refugees and internally displaced people. They also hinder reconciliation, stabilisation and economic recovery. In addition to individual suffering, the high death toll and mutilation caused by APL and ERW place a heavy economic and social burden on poor countries around the world, as they deprive victims and their families of any means of ensuring self-reliant livelihoods. Their mere presence also affects the overall

¹ *Achieving the aims of the Nairobi Action Plan: The Dead Sea Progress Report 2006-2007*, adopted at the eighth Meeting of the State Parties to the Ottawa Convention (Dead Sea, Jordan, 18-22 November 2007) underlined *inter alia* the need for both mine-affected countries and donors to further integrate mine action into development strategies.

² SEC(2007)1202, Commission Staff Working Paper “EU Report on Policy Coherence for Development”, accompanying the Commission Working Paper COM(2007)545 final, September 2007.

community by preventing any agricultural or economic activity around contaminated areas. Moreover, the effects of anti-personal landmines are indiscriminate, as, once laid down, they do not distinguish between soldiers and civilians. For these reasons, the international community has taken steps to ban or restrict their use and set about addressing through development and cooperation policies the impact that these devices have on affected populations.

Initially, the response adopted by the EC was mainly focused on demining activities: identification of mined areas, marking and fencing of mined areas, followed by mine clearance operations and land release. Clearance was accompanied by local capacity building to ensure that mine-affected countries have adequate expertise and equipment to address the problem and avoid long-term reliance on external assistance. In 1997, the *Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction*, also known as the Mine Ban Treaty (MBT), was concluded. The Convention legally obliges all state parties to cease the production, transfer, stockpiling and use of APL. In addition to being the first convention to place a total ban on anti-personnel mines,³ the main characteristic of the Convention is its comprehensiveness, as it addresses all aspects of the landmine issue (i.e. ranging from demining to mine risk education, research and development). With the exception of Finland and Poland,⁴ all EU Member States are parties to the Ottawa Convention. The European Community is not a state party to the Convention, but has obtained an observer status and is a donor, in the same way as other international and regional organisations (such as the United Nations, the International Committee of the Red Cross and so forth).

The Ottawa Convention in a nutshell

- Article 4 of the Ottawa Convention (*Destruction of stockpiled anti-personnel mines*) obliges all States Parties to destroy APL stockpiles under their jurisdiction or control within four years of entry into force for a given State.
- Under Article 5 (*Destruction of anti-personnel mines in mined areas*), States Parties must make every effort to identify all areas under their jurisdiction or control in which APL are known or suspected to be placed. States Parties are also obliged to undertake or ensure the destruction of all APL in mined areas

³ The other international treaty addressing the issue of anti-personnel mines is the Protocol II 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 as amended on 21 December 2001*](#). Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (usually referred to as Amended Protocol II) only restricts the use of anti-personnel mines. It entered into force on 3 December 1998 and currently has 90 State Parties. Protocol V to that Convention, adopted on 28 November 2003, addresses the issue of explosive remnants of war. It entered into force on 12 November 2006 and currently has 43 State Parties.

⁴ Finland has not signed the Convention, whereas Poland has signed and is expected to ratify it in the near future.

under their jurisdiction or control. They are to do this as soon as possible and no later than ten years after the entry into force of the Convention.

- Article 6 (*International cooperation and assistance*) gives the European Commission the basis for helping State Parties to achieve their obligations under the Convention. Assistance can range from mine clearance and stockpile destruction to exchange of equipment, material and scientific and technological information concerning implementation of the Convention. Care and rehabilitation, social and economic reintegration of mine victims and mine awareness are other areas where assistance can be given to affected States Parties.

As of October 2008, 156 countries had ratified the MBT and many mine action programmes have been successfully implemented. According to the International Campaign to Ban Landmines (ICBL), the situation concerning victims has improved. However, action is still needed. ICBL estimates that there are still approximately 5 000 new casualties caused by landmines and ERW ordnance each year.

The international community, with the European Commission at the forefront, continues to encourage the remaining States not yet party to the treaty to accede to it. Initiatives aiming to universalise and promote the Ottawa Convention have flourished recently. The European Union's Council Joint Action in support of the universalisation and implementation of the Ottawa Convention⁵ – as part of the European Security Strategy – is a clear example of this.

1.3 EC mine action from 2002-2006

The EC was engaged in the fight against anti-personnel landmines long before the adoption of the Ottawa Convention in 1997. It had already committed itself in 1996 to the total elimination of anti-personnel mines. The overall goal was to promote action to eliminate mines and to resolve related economic and social problems. Financial efforts have been backed by a political commitment to universalisation of the Ottawa Convention since its inception.

Mine action has always been part of EC assistance and development programmes in third countries. Initially focused on de-mining, EC assistance has progressively included additional activities such as APL stockpile destruction, mine risk education, mine victim assistance, rehabilitation and socio-economic reintegration. In addition to assistance provided under the humanitarian aid governed by an EU regulation,⁶ EC action in this field has been based on two Regulations concerning action against APL in developing countries⁷

⁵ Council Joint Action 2008/487/CFSP of 23 June 2008, OJ L 165/41, 26.6.2008.

⁶ Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid, OJ L 163, 2.7.1996.

⁷ European Parliament and Council Regulation (EC) No 1724/2001 of 23 July 2001 concerning action against anti-personnel landmines in developing countries, OJ L 234/1, 1.9.2001.

and in third countries other than developing countries⁸ respectively, both of which entered into force in 2001.

Two Strategies were adopted on the basis of these Regulations:

1 - EC Mine Action Strategy and Programming 2002-2004

2 - EC Mine Action Strategy and Multi-annual Programming 2005-2007

Under the first mine action strategy, the Commission set itself a twofold objective: (i) to reduce the threat posed by APL through landmine clearance, stockpile destruction and mine risk education; and (ii) to build national capacity in affected countries to address this threat. In the second mine action strategy, EC assistance shifted from its initial goal of a “mine-free world” to a “zero-victim target”, thus concentrating on mine clearance, victim assistance and mine risk education besides demining.

The dedicated horizontal APL budget line for the implementation of the APL regulations accounted for less than one-third of the total EC contribution to mine action and was complemented by funding from geographic instruments. In total, about EUR 280 million was committed over the 2002-2007 period in mine-affected countries on all continents. Total EU support⁹ for the fight against APL over the period from 1997 to 2007 exceeded EUR 1.5 billion. This is more than half the worldwide financial assistance given to mine action in that period, making the EU the biggest donor worldwide.

The Commission's Directorate-General for External Relations (DG RELEX) has led the way as far as overall policy development and programming are concerned. Other Commission Directorates-General (DGs),¹⁰ namely the geographical directorates tasked with the relations with the ACP countries, DG Development (DG DEV), and EuropeAid (AIDCO), have also been actively involved, since the overall strategy was to complement annual and multi-annual commitments under the thematic budget line with action funded by the geographic instruments. This integrated approach has made for consistency and synergy between the policies and budget geared to achieving the MBT objectives and undertaking other humanitarian, security, socio-economic and development programmes in APL-affected countries.

In an effort to alleviate the impact of APL in third countries, especially developing countries, on the victims of natural disasters and man-made crises, such as wars and outbreaks of fighting, or exceptional situations or circumstances comparable to natural or

⁸ Council Regulation (EC) No 1725/2001 of 23 July 2001 concerning action against anti-personnel landmines in third countries other than developing countries, OJ L 234/6, 1.9.2001.

⁹ European Community and EU Member States bilateral assistance to mine-affected countries.

¹⁰ As far as research and development of mine detection and demining technologies are concerned, DG Research (RTD), DG Information Society and Media (INFOS) and the Joint Research Centre (JRC) also played a role in EC mine action.

man-made disasters, the DG for Humanitarian Aid (DG ECHO) has also provided mine action assistance in crisis situations.

In 2007, as part of the reform of the Commission’s external policy instruments, the two EC Regulations concerning APL and the related horizontal APL budget line were repealed.

These regulations and the related horizontal budget line had significant added value. Firstly, they allowed the EC to support global initiatives such as the International Campaign to Ban Landmines, research and development activities and the development of International Mine Action Standards (IMAS). Secondly, they provided the EC with broad flexibility to respond to unforeseen needs and contingencies. Thirdly, thanks to the programming documents (strategy papers and indicative programmes), they ensured mine action was integrated into other cooperation instruments and eased coordination between them.

Hence, now that these specific instruments no longer exist, a revised approach as set out in these guidelines is needed.

Overview of EC Mine Action funding 2004-2007

Year	Horizontal APL budget line	Geographic budget lines (including EDF and Humanitarian budget line)	Total EC Mine Action Funding
2007	-	€40.5m	€40.5m
2006	€18.2m	€51.2m	€69.4m
2005	€14.8m	€39.0m	€53.8m
2004	€17.3m	€39.5m	€56.8m

1.4 EC Mine Action from 2007 onwards: where we stand now

2007, the first year after the repeal of the APL budget line, saw a significant drop in EC commitments compared with previous years: down to EUR 40.5 million¹¹ from around EUR 54 million in 2005 and more than EUR 69.5 million in 2006.

However, the repeal of the regulations did not coincide with the end of the *EC Mine Action Strategy 2005-07*, which was a year later, in December 2007. Projects included in the

¹¹ In 2007 EC mine action covered the following countries: Afghanistan, Belarus, Bosnia-Herzegovina, Cambodia, Cyprus, Ethiopia, Guinea-Bissau, Jordan, Lebanon, Senegal, Sudan, Myanmar, Nepal, Sri Lanka and Russia (Chechnya)

related *Multi-annual Programming 2005-2007* are still being implemented. A complete evaluation, as envisaged by the APL regulations, is being carried out and will be available in 2009.

1.5 Financial instruments and mine action

Given the range of instruments that can be deployed in support of mine action, it is important to enhance coordination within the Commission through regular inter-service meetings and reporting on mine action funding among the external services involved, so as to streamline the use of available instruments, ensure a smooth transition between the former and the new funding mechanisms, and integrate mine action.

1.5.1 Geographic instruments

Overall it follows that after the repeal of the two specific APL regulations, most European Community technical and financial assistance related to anti-personnel landmines and explosive remnants of war must be financed by other EC instruments for external assistance, namely the geographic instruments, such as the Development Cooperation Instrument (DCI)¹², the European Neighbourhood and Partnership Instrument (ENPI)¹³ and the Instrument for Pre-Accession Assistance (IPA)¹⁴. In ACP countries, assistance should be deployed under the European Development Fund (EDF)¹⁵. Thematic instruments such as the Humanitarian Aid Instrument and the Instrument for Stability can also be used, the latter, however, in only restricted ways as outlined below.

¹² Regulation (EC) no 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing Instrument for Development Cooperation. Article 5 of the Regulation No. 1905/2006 states that “*Community assistance (...) shall include actions within (...) post-crisis situations and fragile states. In this area of cooperation, as stated in Article 5(w), actions which can be supported by the EC include reconstructing and rehabilitating, in the medium and long-term, regions and countries affected by conflict, man-made and natural disasters, including support for mine-action, demobilization and reintegration actions, while ensuring the continuum between relief, rehabilitation and development (...)*”.

¹³ Regulation (EC) no 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument. Cfr. *Article 2 (c) promoting sustainable development in all aspect and Article. 2 (aa) providing support in post-crisis situations [...]*.

¹⁴ Council Regulation (EC) no 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance. Cfr. *Article 2 (f) “social inclusion”, Article 2 (g) “reconciliation, confidence-building measures and reconstruction”*. Under IPA mine action assistance can be programmed and implemented through the Human Resources Development component (assistance to, rehabilitation and re-integration of mine victims into their societies and communities) and Rural Development Component (mine clearance when mined field are an obstacle to rural and agricultural activities) laid down in *Article 3*.

¹⁵ Partnership Agreement between the Members of African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States on the part, signed on 23rd June 2000 in Cotonou. Cfr. *Article 11 on Peace-building policies, conflict prevention and resolution, §3 ...particular emphasis shall be given to the fight against anti-personnel landmines [...]*.

1.5.2 Thematic instruments

Humanitarian Aid

DG ECHO can use the Instrument for Humanitarian Aid to provide humanitarian aid to the victims of natural disasters and man-made crises in non-EU countries, on the basis of needs assessments. This may include funding for mine action, such as mine clearance, mine risk reduction and assistance to victims of anti-personnel landmines.

Article 4 of the Humanitarian Aid Regulation states that Community aid may be used to finance:

“humanitarian mine-clearance operations, including campaigns to increase awareness of anti-personnel mines on the part of the local population”.

Instrument for Stability

The APL regulations have been only partially replaced by the new Instrument for Stability (IfS) as the latter can only be triggered in certain circumstances and with certain constraints. Funding of mine action under the Instrument for Stability¹⁶ is only possible in response to situations of crisis or emerging crisis under the Instrument’s short-term component.

Article 3(2)(h) – *Assistance in response to situations of crisis or emerging crisis* – of the IfS Regulation states:

“support for measures to address, within the framework of Community cooperation policies and their objectives, the socio-economic impact on the civilian population of anti-personnel landmines, unexploded ordnance or explosive remnants of war; activities financed under this Regulation shall cover risk education, victim assistance, mine detection and clearance and, in conjunction therewith, stockpile destruction”.

In the context of mine action, therefore, Community technical and financial assistance may be provided in response to a situation of urgency, crisis or emerging crisis through measures designed to alleviate the socio-economic impact on the civilian population of anti-personnel landmines, unexploded ordnance or explosive remnants of war.

Mine action *per se* is not covered by the provisions of Article 4 of the IfS (*Assistance in the context of stable conditions for cooperation*), the “long-term” component of this instrument. Article 4(1) provides the grounds for technical and financial assistance covering illicit trafficking of firearms and explosive materials. Article 4(1)(a) states further that assistance will cover:

¹⁶ Regulation (EC) No 1717/2006 of 15 November 2006 establishing an Instrument for Stability, OJ L 327/1.

“strengthening the capacity of law enforcement and judicial and civil authorities involved in the fight against terrorism and organised crime, including illicit trafficking of people, drugs, firearms and explosive materials and in the effective control of illegal trade and transit”.

Article 4(1)(a) of the Regulation also states the following:

“Priority shall be given to trans-regional cooperation, involving third countries which have demonstrated a clear political will to address these problems. Measures in this area shall place particular emphasis on good governance and shall be in accordance with international law, in particular human rights law and international humanitarian law”.

When conditions are stable, therefore, the IfS may only address the illegal transfer of explosive materials with priority given to trans-regional projects, meaning projects involving countries from at least two regions covered by different EC external cooperation instruments.

This provision must in fact be read in conjunction with Article 2(1) of the IfS, which is applicable to both short- and long-term components. Article 2(1) provides that:

*“...assistance under this instrument is complementary to that provided for under related Community instruments for external assistance and shall be provided only to the extent that an adequate and effective response cannot be provided under those instruments”.*¹⁷

Therefore, in order to counter any possible downward trend, more attention needs to be paid to integrating EC mine action into development policies. Besides the country-specific actions based on the geographic instruments outlined above, thematic programmes such as *Investing in People*¹⁸ or the *European Initiative for Democracy and Human Rights*¹⁹ should be considered to support mine action activities other than demining, such as mine risk education on mine victim assistance and rehabilitation.

2. PRACTICAL GUIDELINES IN RESPONSE TO NEEDS

This section presents an analysis of the identified needs and challenges that remain to be addressed, drawing on past experience and lessons learned. It suggests/recommends a **three-step approach, based on the Project Cycle**, to integrating EC mine action: **1. Programming:** language insertion in Country/Regional Strategy Papers and the respective National/Regional Indicative Programmes; **2. Identification, formulation and**

¹⁷ Idem, Article 2(1) under the title *Complementarity of Community assistance*.

¹⁸ The thematic programme “Investing in People” has its legal base in Article 12 of Regulation (EC) No 1905/2006 of the European Parliament and the Council establishing a financing instrument for development cooperation (DCI).

¹⁹ EIDHR is based on Council Regulations EC No. 975/1999 and EC No. 976/1999 of 29th April 1999, Official Journal L 120 of 8th May, 1999.

Implementation: integration of mine action components within stand-alone or broader EC projects and programmes; **3. Reporting:** effective reporting of implemented mine programmes/projects.

A fundamental step for effective integration is appropriate guidance to programmers and implementing parties of mine action from the relevant DG in the RELEX family and EC delegations in mine-affected countries. This should be achieved through increasing ownership and the appointment of a mine action focal point within each DG and delegation concerned.

2.1 Objectives of EC mine action 2008-2013

The EC will continue to help third countries to achieve their objectives under the Ottawa Convention. The overall goal remains to promote action designed to eliminate mines and to resolve related economic and social problems caused by these weapons. In particular, the EC remains committed to its zero-victim target and will therefore continue to address mainly immediate threats to mine-affected populations rather than so-called residual threats (i.e. mines located in remote areas, which therefore do not amount to a genuine threat to local populations). Financial efforts should continue to be backed by a diplomatic effort to universalise the Ottawa Convention and the Convention on Certain Conventional Weapons (CCW) through EC/EU political dialogue. EC delegations in countries not yet party to the MBT have a key role to play in promoting accession to the Ottawa Convention.

2.2 A three-step approach for effective mine action impact

The EC needs to continue including mine action in its development cooperation programmes in mine-affected countries to a larger extent than in the past, as the thematic budget line is no longer there to catalyse action and “fill the gaps”. Even where mine action has not been selected as a “focal sector” for a given country, it should still be supported by the EC by reserving a niche for it in broader development programmes.

2.2.1 First stage – Programming: language insertion in strategic documents

As noted above, the entry into force of new financial instruments for EC external assistance and the repeal of the APL horizontal budget line entail that action in the area of APL and ERW can now only be funded by geographic or thematic programmes within the above-mentioned financial instruments or, in specific cases and to some extent, by the Humanitarian Aid Regulation and the Instrument for Stability (IFS).

Mine action therefore needs to be integrated into the Country Strategy Papers (CSP) – or Regional Strategy Papers (RPS) – and their respective National Indicative Programmes (NIP) – or Regional Indicative Programmes (RIP).

At this first stage, the main tasks should focus on:

(i) Assessing the impact of mine/ERW contamination on affected countries or regions. The presence of mines or of a large community of mine victims in a given country is a factor to be taken into account, as it inevitably impacts on development strategy. Particular attention is needed where mine-affected countries do not give high priority to mine action because the impacted communities are politically powerless (minorities, remote areas, etc.);

(ii) Aligning mine action with national or regional development priorities and plans. Some countries have set a mine action institution and/or developed a specific national mine action strategy or have integrated mine action into their wider national development strategy. The EC should tackle the APL threat on the basis of these documents.

Based on a needs assessment, NIPs/RIPs should reflect the response to the identified needs by: (i) supporting, where necessary, stand-alone mine action programmes and projects; and (ii) integrating action into broader development programmes or projects, particularly where mine action is not identified as a priority.

It is essential for desk officers and programmers to assess the impact of APL contamination on the recipient countries. The degree of contamination by APL and ERW is well documented in the yearly publications of the Land Mine Monitor ([http:// www.icbl.org/lm/](http://www.icbl.org/lm/)²⁰). The impact of mines can either be physical, social, political or economic.

In focusing EC mine action geographically, the following criteria should be applied:

1. High humanitarian and developmental need:

The socio-economic impact of mines and ERW on the affected EC partners also influences the implementation and results of EC cooperation and assistance in general.

2. Commitment to the MBT:

The European Community supports State Parties to the MBT by providing assistance and helping to implement the Treaty.

3. Sustainability, coherence and complementarity with broader assistance programmes.

4. Strategic importance for the EU's external relations policies.

²⁰ The International Campaign to Ban Landmines (ICBL) is an institutionalised network of more than 1 400 NGOs in 90 countries working for a global ban on landmines. It has been the driving force in the adoption of the Ottawa Convention. In recognition of its successful campaigns, the ICBL was awarded the Nobel Peace Prize in 1997. The Land Mine Monitor, ICBL's yearly publication, is therefore a trustworthy source of information on the mines problem, including the level of mine contamination in a given country.

5. Proven commitment of non-state parties to mine action and the principles of the MBT:

The EC encourages ratification by offering assistance throughout the process leading to Treaty accession to states that show a clear willingness to accede to the MBT.

6. Proven efficiency and effectiveness of local/national mine action institutions and related planning and programmes or proven commitment to develop or improve them:

Evaluation and reporting of past EC-supported programmes/projects should be used to make a better assessment of the level of local/national capacity that mine-affected countries have developed as a result of EC financial and technical assistance.

7. Possibility of establishing regional cross-border programmes:

Experience has shown that regional mine programmes have the potential to be more cost-effective than individual national programmes and provide useful confidence-building measures between neighbouring countries or regions.

Annex I provides an analysis of mine-affected countries and areas where assistance might be required, including a short description of their position vis-à-vis the MBT and their main mine-related problems.

Furthermore, integration of specific or related mine action (e.g. mine awareness) into the relevant thematic strategy papers or cross-border programmes should be explored.

Given that the programming exercise for the period 2007-2013 is at its final stage, attention should focus on the Mid-Term Review exercise (starting in 2009 for countries covered by DG RELEX and in 2010 for countries under the 10th EDF), which provides a unique opportunity to tackle the APL issue and “fill the gaps” left over from the first phase of the programming exercise for 2007-13.

This should of course be in line with the priorities defined by the beneficiary countries. The underlying principles of this new set-up for mine action are the principles of ownership and alignment set out in the *Paris Declaration on Aid Effectiveness*.²¹ However, the role of the EC might be instrumental in shedding light on these needs, which might otherwise be overlooked by the relevant authorities where APL and ERW affect discriminated minorities, for example.

²¹ Endorsed on 2 March 2005 within the OECD framework, the Paris Declaration on Aid Effectiveness is an international agreement to which over a hundred Ministers, Heads of Agencies and other Senior Officials have acceded and committed their countries and organisations to continuing to increase their efforts to harmonise, align and manage aid against a set of monitorable actions and indicators.

Even where there is no language on mine action included in the CSP/NIP, EC-internal case studies have shown that there is still some flexibility after adoption of the CSP and the related NIP. If new political circumstances increase the political priority of mine action (for instance, through higher pressure brought to bear by authorities from mine-affected countries) funds should be reallocated from one of the focal sectors. The EC's assistance to Jordan for mine action is a good example. Whilst there was no provision for mine action in the NIP, at the request of the Government the EC Delegation adjusted the NIP and identified a EUR 4.5 million project in 2007.

If a mine action project (be it mine clearance, mine risk education, victim assistance or stockpile destruction) is essential for the smooth implementation of a comprehensive assistance programme, then possible derogation from the NIP can be explored.

Finally, more attention should be devoted to mine action in terms of coordination, complementarity and division of labour between the EC, Member States and international donor agencies.

2.2.2 Second stage – Identification, formulation and implementation: mine action as stand-alone activity or integration of mine action into broader development projects and programmes

After language has been inserted into the strategic documents and the respective indicative programmes, it is crucial to identify programmes or projects on a case-by-case basis and against related indicators: (i) as a stand-alone activity when a mine action programme has been specifically foreseen in the programming document or can be seen as component of a security programme or (ii) as part of broader development programmes, such as rural development, infrastructure, education and health programmes, when it appears to be necessary for implementing such a broader programme.

i) Mine action as stand-alone activity

The main potential assistance areas that can be tackled as stand-alone activities are as follows:

- **Stockpile destruction**
- **Mine clearance**
- **Mine victim assistance, rehabilitation and reintegration**
- **Mine awareness**
- **Mine risk education**

Special attention needs to be paid to **victims of mines**. The relevance of this kind of assistance is likely to increase, for example, in the light of the growing concern for victims

of cluster munitions raised by the Oslo Process. An example of this is an EC-funded project in Colombia in the field of victim assistance (EC contribution: EUR 675 000 - 2006 budget), which aims at improving the socio-economic conditions of the victims of mines and their relatives through psycho-social, legal and economic support.

Moreover, in countries that are not State Parties to the MBT and therefore receive less international assistance, mine clearance, victim assistance and mine risk education can provide the answer to preventing affected populations from being ignored. Laos is a case in point.

Responsibility for addressing the medical and societal problems faced by landmine victims rests in the first instance with the authorities of the mine-affected countries themselves. However, it is often a huge challenge for the most severely affected countries to acquire the necessary materials and institutional resources to help mine survivors and address their needs.

Much of past international mine action has focused **on landmine threat reduction** – as a primary priority – in an effort to prevent further landmine casualties as far as possible. As significant progress has been made in this area, and continues to be made, there is a strong need to address the ongoing problems faced by both the landmine victims and the authorities that have to care for them.

Integrated medical capacity building and socio-economic rehabilitation and reintegration should be key components of the EC response, which will, wherever possible, be integrated into wider health sector development programmes and social rehabilitation programmes to **ensure long-term sustainability**.

ii) Integration of mine action into broader development projects and programmes

Mine action does not necessarily have to be translated into specifically dedicated programmes or projects. Indeed, mine action may appear to be an important activity as part of a wide range of areas, including but not limited to:

- peace-building and support;
- humanitarian aid and assistance;
- post-conflict reconstruction;
- development.

Even when not specifically provided for in the NIPs or RIPs, mine action can be part of a wider development project or programme. The EC's primary objectives in the fight against APL are humanitarian and development more than disarmament. This means that

eliminating anti-personnel mines is not an end in itself but only a means of alleviating human suffering and fostering the economic development of affected countries.

This new approach ensures better integration of EC action in the poverty reduction and development plans of EC partners, and hence more coherence with their security and development needs.

Case studies have made it clear that programmers should pay more attention to integrating mine action into development programmes when such action is essential for the successful implementation of such a broader programme. This can range from mine clearance in infrastructure or agricultural programmes, victim assistance in health programmes, mine risk education in education programmes, and rehabilitation of victims in economic programmes.

Development experts and mine experts with a development background should work side-by-side. In practical terms, this means that in those cases Commission's programmers should more clearly link mine action to development when drafting terms of reference for technical assistance projects. A specific lot could be dedicated to mine action activities in calls for proposals launched under assistance or rehabilitation programmes or in the context of specific initiatives (e.g. human rights, food security, awareness raising, etc.).

Some EC Delegations have already managed to integrate mine action by reserving a niche in wider development programmes. A case in point is EC assistance to Angola, where mine action is part of rural development and food security. Another example is the specific call for proposals recently launched by the EC Delegation to Laos for projects in any relevant sector that contributes to poverty alleviation. Although financed through non-state actors and local authorities under development programme budget lines, priority for project proposals under this call includes mine clearance in addition to food security and environment.

2.2.4 Third stage – Reporting as a means of building knowledge and disseminating best practices

There are two main implications in this new approach integrating mine action, including Explosive Remnants of War (ERW):

- (i) the daunting challenge of coordinating EC and EU instruments, policies, strategies and stakeholders;
- (ii) the complex relationship with EC partners and beneficiaries, which requires better coordination on the ground and an enhanced partnership with recipient countries.

If it is to rise to this challenge, the EC needs a better picture of EC mine action as a whole, to draw on lessons learnt and to disseminate best practices.

DG RELEX is responsible for reporting the total overview of EC mine action to the Council and the European Parliament and also to international stakeholders such as the UN, NGOs and civil society active in the field. Accurate information on EC support for mine action is therefore indispensable. This complete overview of EC mine action is also a fundamental part of DG RELEX's responsibility for EC representation in international *forums*. The Annual Meeting of States Parties to the Ottawa Convention is just one of the numerous examples that require a comprehensive overview of total EC mine action commitments in political and financial terms.

Recent internal exercises required by EC reporting obligations have shown that there is a need to consolidate institutional memory through the use of harmonised methodologies and dedicated information systems that monitor, report on, evaluate, archive and make available information on mines-related projects and programmes. Commission DGs and services should develop and maintain a comprehensive matrix on EC mine action projects, thus providing an overview of specific activities.

For the purpose of better tracking, all directly APL-related actions should thus be encoded in the Common RELEX Information System (CRIS) with the DAC code 15250, including those actions which cover other mine-related activities than just demining, such as educational or training programmes (mine risk education and mine awareness) as well as victim assistance, rehabilitation and reintegration.²²

Commission DGs and services should also manage knowledge by providing timely, useful and validated information and analyses to other services (including Delegations), the Council and the European Parliament, using the best available resources (networks and tools). These measures should aim to make integration, programming and project identification at the various levels both easier and better targeted.

When mine action is integrated into other development projects (e.g. rural development), the amount committed to mine action should be clearly indicated and DAC code 15250 should be included in CRIS as a sub-code under the main applicable DAC code, so as to allow a better tracking of such projects. This is fundamental in terms of both reporting obligations and better visibility of EC mine action.

DG RELEX will be responsible for co-ordinating the reporting exercise by gathering all relevant information and data received from AIDCO', ECHO' and ELARG's focal points. A template to facilitate this reporting is available in *Annex III* to this working paper. Focal points within each DG should ensure that accurate information on EC assistance to mine action is provided and remains available. On the basis of the data received, DG RELEX

²² As already notified in 2007 by the European Commission to the OECD DAC, the current description and clarifications of DAC code 15250 are too narrowly focused on demining and thus unsatisfactory for reporting purposes. However, until its next revision by the OECD DAC this code allows best to capture all mine-related actions (i.e. stockpile destruction, mine clearance, mine victim assistance, rehabilitation and reintegration, mine awareness and mine risk education)

will draft an annual progress report in April/May each year. The draft annual report will be circulated within the network of mine action focal points for its consolidation and approval.

The annual report should clearly list all EC mine action projects/programmes financed by the EC in a given year. The project title, objectives, indicators, name of the contractor, contract dates and duration and the main results attained should all be clearly marked. As regards financial management-related issues, reporting should be based on the individual commitment made for each relevant project and programme. Details of payments should not be included.

Reports should take account of all EC mine action that is implemented as stand-alone projects or as part of larger programmes/projects. They should consist of two distinct sections: one containing all projects that have been financed in a given year and another section on activities that are in the pipeline, where financing decisions are planned and about to be launched.²³

Once finalised and approved by the relevant services, reports will be transmitted to EC Delegations as a source of information, European Institutions and relevant external partners. Furthermore, reports will be published on “The European Union in the World” Portal.

2.3 Further information

AIDCO has commissioned an operational guide for donors on how to set up, monitor and evaluate mine action. This will help to solve or avoid some of the problems that delegations, headquarters and other donors may encounter when planning, implementing, monitoring and reporting on mine action programmes/projects. The booklet *Advice for Donors on Setting up and Running Mine Action Programmes* covers the whole project cycle of mine action. This booklet is available on RELEX website.²⁴

An EC-funded database containing research and evaluation reports on mine projects is available on the website of the Geneva International Centre for Humanitarian Demining.²⁵

For general policy mine-related issues, you can contact the focal point for mine action in DG RELEX. For programming mine-related issues you can contact the focal point for mine action in RELEX, DEV and ELARG. For mine-related issues in the context of identification, formulation and implementation of projects/ programmes you can contact the focal point for mine action in AIDCO, ELARG and ECHO.

²³ The information delivered has to be based on signed contracts.

²⁴ http://ec.europa.eu/external_relations/mine/news/index.htm

²⁵ <http://www.gichd.org/links-information-database/research-and-evaluation-reports/>

Regular information exchange on geographical needs, definition of integrated policies, operational and complementary activities will be coordinated via the Mine Action Co-ordination Group (MACG)²⁶.

Whereas DG RELEX (Unit A4) will have the overall lead and coordination role, it is to each DG (RELEX, DEV, ELARG, ECHO and AIDCO) to monitor the effective integration of EC mine action into development policies throughout the three different stages outlined above in the geographic and thematic areas under their responsibility.

²⁶

http://intracomm.sg.cec.eu.int/i/gis/index.php?lang=fr&id=95&src=data_show

ANNEX I

Analysis of mine-affected countries and areas where development or cooperation assistance might be required

Below is a list of priority countries for possible EC mine action. It includes a short description of their position vis-à-vis the Ottawa Convention (MBT) and the main mine-related problems. Note that this analysis is mainly based on information from the *Landmine Monitor* from the ICBL²⁷ and *the Dead Sea Progress Report 2006-2007*.²⁸

Country	Position vis-à-vis MBT	Potential assistance areas			
		Stockpile Destruction	Mine Clearance	Victim assistance	Mine awareness
Belarus	MBT State Party Art.4 deadline: 1 March 2008	X			
Bosnia and Herzegovina	MBT State Party Art.5 deadline: 1 March 2009. Bosnia indicated that it would not meet its Article 5 deadline and started preparing an extension request.		X	X	X
Croatia	MBT State Party Art.5 deadline: 1 March 2009. Croatia indicated that it would not meet its Article 5 deadline and submitted an extension request.		X	X	X

²⁷ <http://www.icbl.org/lm/>

²⁸ *Achieving the aims of the Nairobi Action Plan: The Dead Sea Progress Report 2006-2007*, adopted at the Eighth Meeting of the State Parties to the Ottawa Convention (Dead Sea, Jordan, 18-22 November 2007) underlined *inter alia* the need for both mine-affected countries and donors to further integrate mine action into development strategies.

Cyprus (Turkish part)	N/A		X		
Kosovo	N/A		X	X	
Ukraine	MBT State Party Art. 4 deadline: 1 June 2010 Art. 5 deadline: 1 June 2016	X	X		
Afghanistan	MBT State Party Art. 4 deadline: 1 March 2007 Art. 5 deadline: 1 March 2013		X	X	X
Cambodia	MBT State Party Art. 5 deadline: 1 January 2010	X	X	X	X
Laos	Non-Signatory. In recent years the Lao government has expressed its intention to join the MBT, but has still not done so, mainly because it apparently cannot meet the time limits for clearing the mines		X	X	X
Sri Lanka	Non-Signatory. Sri Lanka has not acceded to the MBT. Government representatives have stated that Sri Lanka's accession is dependent on progress in the peace process. It has linked its position on accession to agreement by the Liberation Tigers of Tamil Eelam to		X		

	foreswear the use of such weapons				
Tajikistan	MBT State Party Art. 5 deadline: 1 April 2010		X	X	X
Vietnam	Non-Signatory		X		X
Angola	MBT State Party Art. 5 deadline: 1 January 2013		X	X	X
Chad	MBT State Party Art. 5 deadline: 1 November 2009		X	X	X
Democratic Republic of Congo	MBT State Party Art. 5 deadline: 1 November 2012		X	X	X
Ethiopia	MBT State Party Art. 4 deadline: 1 June 2009. Ethiopia is overdue in providing its report as required under the AP MBC. The information in this report would provide clarity on all stockpiled APL owned or possessed, on the status of programmes for destroying these mines and on the types and quantities of mines destroyed after entry into force. Art. 5 deadline: 1 June 2015		X	X	X
Guinea Bissau	MBT State Party		X	X	

	Art. 5 deadline: 1 November 2011				
Malawi	MBT State Party Art. 5 deadline: 1 March 2009		X	X	
Mauritania	MBT State Party Art. 5 deadline: 1 January 2011			X	
Mozambique	MBT State Party Art. 5 deadline: 1 March 2009		X	X	X
Rwanda	MBT State Party Art. 5 deadline: 1 December 2010		X	X	X
Sudan	MBT State Party Art. 5 deadline: 1 April 2014		X	X	
Senegal	MBT State Party Art. 5 deadline: 1 March 2009		X	X	
Uganda	MBT State Party Art. 5 deadline: 1 August 2009		X	X	X
Zambia	MBT State Party Art. 5 deadline: 1 August 2011		X	X	X
Zimbabwe	MBT State Party Art. 5 deadline: 1 March 2009		X	X	X
Colombia	MBT State Party		X	X	X

	Art. 5 deadline: 1 March 2011				
Nicaragua	MBT State Party Art. 5 deadline: 1 May 2009		X	X	
Peru	MBT State Party Art. 5 deadline: 1 March 2009		X	X	X
Iraq	MBT State Party, acceded 15-12-07	X	X	X	X
Jordan	MBT State Party Art. 5 deadline: 1 May 2009		X		X
Lebanon	Non-Signatory		X	X	
Yemen	MBT State Party Art. 5 deadline: 1 March 2009		X	X	

ANNEX II (Revised April 2010)
EC Mine Action Contact Points

The focal points for mine action within the 5 European Commission DGs concerned are as follows:

Directorate General for External Relations (DG RELEX):

RELEX A.4: Security Policy,

Ms María Cruz Cristóbal

Directorate General for Development and Relations with Africa, Pacific and Caraïbes (DG DEV):

DEV C.2: Peace and Security Sector,

Ms Nastascha Wessel

Directorate General for Enlargement (ELARG):

ELARG C.1: Albania, Bosnia & Herzegovina, Regional Security Policy

Mr Giulio Venneri

Directorate General for Humanitarian Aid (ECHO):

ECHO 01: Policy Affairs, Strategy, Evaluation,

Mr Daniel Descoutures

EuropeAid Office (AIDCO):

AIDCO E.4: Governance, Security, Human Rights and Gender,

Mr Corrado Scognamillo

ANNEX III
Proposed template for reporting EC Mine Action Projects/Programmes²⁹

20XX APL-RELATED PROJECTS													
Country	Decision No	Contract No	(1)Stand-alone project (2)Broader programme	Project/ Programme Title	Contractor	Amount committed	Project duration	Start-End of operations (month/year)	Managed by (HQ, Del or other?)	EC Contact person	Short description	Objectives	Progress
CALL FOR PROPOSALS													
TOTAL Call for proposals													
TARGETED PROJECTS													
TOTAL Targeted projects													

²⁹ Delivered information should be based on **commitments and signed contracts**.