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Non-state Actors and Mine Action: Complications and Solutions

The role of non-state actors in mine action is an important and complicated issue to consider. While the United Nations does not recognize NSAs as official representatives of countries or governments, NSAs can still play an active part in reducing landmine and weapons proliferation around the globe. This article discusses the complications surrounding NSAs and the efforts being taken to include them in mine-action discussions.

by Cory Kuklick and Zach Wall [Center for International Stabilization and Recovery]

As defined by Geneva Call, an armed non-state actor is “any armed actor operating outside state control that uses force to achieve its political/quasi-political objective. Such actors include armed groups, rebel groups, liberation movements and *de facto* governments.”¹ Many of the wars and conflicts being fought in the post-Cold-War environment involve actors outside of state control, and a rise in globalization has made financial and technical resources more available to these entities. Because the majority of conflicts today are fought with at least one party that does not acknowledge the legitimacy of the recognized government, complications arise with international humanitarian law on how to effectively engage and monitor these groups, as they are not bound by international treaties.

NSAs and Landmines

Due to their widespread availability and cheap cost, anti-personnel mines were the weapon of choice for many NSAs throughout the latter part of the last century. However, due to stockpile destruction and the provisions against the production and trade of AP mines included in the Ottawa Convention, the availability of factory-made landmines has been drastically reduced over the past decade. Nevertheless, from 2003–2005, at least 60 NSAs

used AP mines, including victim-activated improvised explosive devices.² The use of victim-activated IEDs, which are considered AP mines and prohibited by the Convention, account for most NSA mine use in recent years. (While NSAs frequently use command-detonated IEDs as well, these IEDs are not considered AP mines under the criteria of the Convention.) Only a handful of non-state actors, notably the



Anti-personnel mine.
PHOTO COURTESY OF MATT BOLTON

Taliban in Afghanistan and the Liberation Tigers of Tamil Eelam in Sri Lanka, emplaced new factory-made or self-produced AP mines during the past two years.^{3,4}



Radio-controlled improvised explosive device.

PHOTO COURTESY OF EJÉRCITO DE COLOMBIA – ESCUELA DE INGENIEROS MILITARES

While landmine use has been decreasing overall, the use of AP mines by NSAs still occurs more frequently than by government forces. During 2008 and 2009, for instance, NSAs used AP mines in at least seven countries, three of which are States Parties to the Ottawa Convention. By contrast, the government forces of only two nations did so during the same period.⁴ When states deploy landmines, they generally do so to defend an area or disrupt an enemy. On the other hand, NSAs usually deploy them indiscriminately. They are also more likely than states to lay landmines near civilian-dense areas, such as schools or well-traveled roads, to cause as much disruption and terror among the population as possible. NSAs often lay landmines without conventional patterns, and maps or indicators that specify landmine locations following the conclusion of combat generally do not exist.

The purpose for mine use varies among these armed groups: factors including whether or not the group controls an area or terrain

and the group's access to various mine types affect how NSAs use landmines. One constant, however, is that the mines used are usually cheap and easy to operate and modify (allowing them to be used as victim-activated IEDs). Over the past decade, due to the moratoria

on mine transfers imposed by the Ottawa Convention and other export bans, the global trade of AP mines has consisted mostly of low-level, illicit trafficking. As a result, AP mines have become less accessible to NSAs by traditional means, such as purchasing them from neighboring states. In some cases, NSAs will acquire landmines from the state in which they are fighting, whether through looting weapons caches or by removing landmines already laid by the state.² The black market is another source where NSAs can obtain landmines, as these mines are not under effective state control. A large black market began in Iraq following the start of the Iraq War (2003–present), with landmines belonging to the former Iraqi state now being sold and transferred throughout the country to insurgents.²



A looted Iraqi Army installation, containing 155mm rocket-assisted and 155mm boat-tail high-explosive artillery shells. Iraqi Army Ammunition Depot, Shaykh Na'im, Kumayt, Maysan governorate, south eastern Iraq.

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In most conflict zones today, however, NSAs are less likely to emplace factory-manufactured AP mines than they are to deploy victim-activated or command-detonated IEDs. IEDs are common among NSAs because the materials used to make the devices are readily available. For instance, NSAs can modify AP mines and other conventional ordnance to construct these devices. Due to the unpredictable nature of these weapons, and the way they can be easily disguised as commonly found items—such as piles of rocks or even as bags of candy—IED use can be harder to control. Because non-state armed groups use landmines and IEDs in unconventional ways that frequently target or endanger civilian populations, the necessity for monitoring and preventing their use is that much more pressing.

Engaging NSAs through Geneva Call

Because they are not recognized as states, NSAs cannot become signatories to international legal instruments such as the Ottawa Convention, even if they choose to adhere to the ban's principles and initiatives. In order to bring NSAs to the mine-ban table, Geneva Call established the *Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action*, which encourages NSAs to follow the guidelines put forth in the Ottawa Convention. The Deed of Commitment also enables NSAs to declare adherence to a set of humanitarian principles and in turn project themselves in a more positive light within the international community for not using AP mines. Furthermore, including NSAs in disarmament discourse also encourages them to pursue legitimate avenues for reaching their political goals, rather than organized violence. By promoting dialogue and transparency, Geneva Call ultimately hopes to persuade these groups to adhere to the same basic humanitarian standards expected of states.

Since 2001, 41 NSAs from Burma/Myanmar, Burundi, India, Iran, Iraq, the Philippines, Somalia, Sudan, Turkey and Western Sahara have signed the Deed of Commitment.⁵ Signatory actors commit themselves to 10 pillars of mine action, including banning AP mine use, cooperating and taking part in stockpile destruction, allowing the monitoring and verification of their commitment by Geneva Call, and treating the commitment as a step toward international humanitarian law.

Last year four new members signed the Deed of Commitment, and 40 signatories met in June 2009 at Geneva Call's Second Meeting of Signatories to the Deed of Com-

Geneva Call is a Swiss-based NGO established in March 2000 that works with and engages NSAs to respect international humanitarian law. Since international humanitarian law focuses on states, and consequently, NSAs cannot become members to international treaties, Geneva Call was established to create dialogues and encourage NSAs to change their behavior and respect certain humanitarian norms, including a ban on all AP mines. While Geneva Call focuses on the landmine issue, it also engages NSAs on subjects such as small arms and light weapons, child soldiers, and gender.

mitment, where participants discussed landmine issues as well as other topics such as protection of women and children in armed conflict. Geneva Call continues to reach out to nonsignatories in the hopes of persuading them to join the Deed of Commitment and plans to continue following up with signatories to guarantee their commitment to ban AP mine use.

In April 2010, two new actors—the Kurdistan Democratic Party–Iran and the Free Life Party of Kurdistan/Liberation Forces of Eastern Kurdistan—added their signatures to the Deed of Commitment. As a result, all Iranian and Kurdish armed NSAs have banned AP mine use.

However, one downside to negotiating with NSAs is that it potentially lends legitimacy to insurgent and terrorist organizations that they do not necessarily warrant. In effect, these groups may capitalize on that credibility and transform it into popular support and new recruitment. When international organizations recognize and engage with NSAs, the latter may enjoy a new bargaining position that they may in turn use to advance their international standing. NSAs can



Improvised landmine with trip-wire activation.

PHOTO COURTESY OF EJÉRCITO DE COLOMBIA-ESCUELA DE INGENIEROS MILITARES

then use that momentum to their advantage by recruiting new members or securing new resources from interested sponsors. Furthermore, just because NSA's have abandoned the use of AP mines does not guarantee that they will not continue campaigns of violence against government and civilian targets using other tactics and different varieties of lethal force. In fact, they may substitute their former weapons of choice with innovative, more effective alternatives.

Conclusion

The complications surrounding NSAs and including them in a mine ban, mine clearance initiatives or

disarmament campaigns illustrate the need to continue engaging NSAs in dialogue. Over the past decade Geneva Call has shown the possibility to successfully include NSAs in such activities, although much work remains. Many NSAs still do not adhere to international humanitarian law and continue to indiscriminately place landmines and deploy IEDs, illustrating that their continued use remains a major obstacle in mine action and weapons mitigation. †

See Endnotes, Page 81



Cory Kuklick graduated from James Madison University in May 2010 with a Bachelor of Science in print journalism. In addition to his work for the Center for International Stabilization and Recovery, Kuklick wrote for JMU's student newspaper, *The Breeze*, and was an editor for *Curio Magazine*.

Cory Kuklick
Editorial Assistant
The Journal of ERW and Mine Action
Center for International Stabilization and Recovery
James Madison University
E-mail: maic@jmu.edu



Zach Wall is an Editorial Assistant at the Center for International Stabilization and Recovery. He graduated with a Bachelor of Arts in sociology from James Madison University in 2009, and he will enter law school in the fall.

Zach Wall
Editorial Assistant
The Journal of ERW and Mine Action
Center for International Stabilization and Recovery
James Madison University
E-mail: maic@jmu.edu