

DISCUSSION PAPER 6

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PRIORITY-SETTING FOR ERW CLEARANCE PROGRAMMES

Background

Article 3 of Protocol V of the CCW Convention states that:

- “After the cessation of active hostilities and as soon as feasible, each...party...shall...
 - assess and prioritise needs and practicability...[and]
 - mark and clear, remove or destroy explosive remnants of war” (par. 3)
 - Areas...which are assessed...as posing a serious humanitarian risk shall be accorded priority...” (par. 2)

As well...

- “Each...party...shall...Protect, as far as feasible, from the effects of [ERW], humanitarian missions and organisations that are or will be operating in the area...” (Article 6, par. 1)

Thus, there is an obligation to set priorities but only modest guidance on how this should be done. It is reasonable that areas posing a serious humanitarian risk or a constraint to humanitarian assistance operations are accorded priority in the aftermath of hostilities. But if all the ERW contamination has not been cleared by the time the humanitarian emergency fades and humanitarian assistance operations cease, what criteria should guide priority-setting?

In fact, many ERW contamination problems take years or decades to resolve with current techniques. Intense, prolonged conflict between well-armed forces inevitably results in extensive contamination that no country has succeeded in clearing completely, even after decades (e.g. most of Europe following the two World Wars; South-East Asia). These constitute problems that cannot be ‘solved’: instead, they must be managed over the long term.

Basic Purpose, Features and Problems in Priority-Setting

In brief, we set priorities to determine which tasks, from a set of alternatives, will be done first. For ERW clearance, this normally means selecting which hazardous areas will be surveyed and/or cleared first. The basic aim is ‘getting the most bang for the buck’: more formally, we try to maximise the ratio of benefits to costs.¹ Obviously, this requires information on both costs and benefits.

Typical problems encountered include:

- Fog of war problems, such as:
 - poor or incomplete records on the locations of battles, artillery or aerial bombing strikes, stockpile explosions, etc.
 - poor data on the ‘dud’ rates for various munitions when used in different environments
 - poor or incomplete records on civilian casualties
 - insecurity, which makes certain areas inaccessible
- ‘Fog of peace’ problems in the immediate post-conflict period, such as:
 - poor or incomplete records on civilian casualties

- incomplete knowledge of population movements (returning refugees/IDPs)
- incomplete knowledge of community needs in conflict-affected areas
- incomplete knowledge of humanitarian assistance plans and operations
- the breakdown of basic public service functions and government 'reach' into conflict-affected areas
- Coordination problems, due to (for example):
 - 'inside the programme' coordination issues, such as:
 - multiple actors with somewhat different mandates involved in ERW clearance
 - lack of capacity in the national organ mandated to coordinate the ERW clearance programme
 - lack of a common strategy
 - poor communications among clearance operators
 - Linkage problems between the mine action programme and organisations in other arenas, such as:
 - core budget and planning units in the national government
 - sector ministries and sub-national governments
 - international donors
 - local and international development NGOs
 - Lack of consensus on what types of tasks should be accorded priority

This last problem may be a symptom of the various coordination problems listed previously, but it generally reflects honest differences in values as well.

Typical criteria used for priority-setting in ERW programmes

A criterion is a principle or standard by which something is judged. The following criteria are generally relevant when determining priorities for ERW clearance programmes:ⁱⁱ

'Cost-side' criteria

- technical – is the ERW task feasible to clear
- safety – will clearance pose unacceptable risks to deminers or the public
- financial cost

Benefits

- reduction in risk to lives and limbs
 - for civilians
 - for humanitarian aid workers (i.e. enabling delivery of humanitarian aid)
 - for security forces (e.g. mobility for peacekeeping forces)
- material benefits
 - potential benefits from safe use of land & assets
 - in terms of sustainable livelihoods/poverty reduction
 - in removing constraints to reconstruction and development
 - likelihood that the land/assets will be used as expected
- achieving international norms and obligations

Criteria and indicators

Criteria used in setting priorities are broad principles or standards (e.g. reduce risks; reduce poverty; promote agricultural production) and leave a great deal of discretion with the decision-maker. This means that different decision-makers might set different priorities even when they are using the same criteria. For reasons of consistency and transparency, priority-setting systems are often refined by specifying a number of more indicators for each criterion. For example:

Criterion – risk to civilians

Indicator 1 – the hazard is within 500 m. of a community

Indicator 2 – there has been an ERW accident at that site in the past year

Indicator 3 – civilians are 'harvesting' scrap metal in that community

Criterion – agricultural production

Indicator 1 – crops were grown on the contaminated field before the conflict

Indicator 2 – there are no disputes over the ownership of the land

Indicator 3 – the household has access to the complementary inputs (seeds, oxen, family labour) needed to grow crops on the land

Adding indicators can enhance priority-setting by making the decisions clearer, more consistent, and 'wiser'. But some mechanism is needed to obtain the data required for each indicator, which often is a problem in fragile and conflict-affected states. Demining NGOs have developed a number of approaches to obtain such data (e.g. MAG 'community liaison' teams; NPA 'task impact assessment' teams).

Technical inputs from ERW clearance experts relate mainly to the 'cost-side' criteria. However, the more fundamental differences of opinion typically relate to the relative importance of the various benefits – most people would agree all the benefits listed are valuable, but may disagree on how much each should be valued, relative to the others. This may reflect either a general disagreement (different 'value systems') or a disagreement concerning which benefits are most relevant at a particular time and place.

The technical knowledge of ERW clearance personnel – and, particularly, of international clearance personnel – does not give them any special expertise in resolving such issues. Questions of values are not technical but rather the stuff of politics, and local people are better able to assess the relevance of alternative benefits at a particular place and time.

Dealing with extensive contamination

Lack of agreement over the relative weight accorded to different criteria may not be a significant problem when ERW contamination is limited and adequate resources are committed to resolve the problem quickly. In the immediate aftermath of a conflict, an emergency response ERW programme is normally organised on a 'campaign basis'.ⁱⁱⁱ Decisions are made in a top-down fashion using command-and-control management for efficient clearance. There is little advantage in devising an elaborate system for priority-setting: priority goes to obvious hazards to people and to the delivery of essential humanitarian supplies. The entire problem will be resolved quickly so little is lost if the 'ideal' priorities are not determined. As well, 'bottom-up' data (e.g. the preferences of those in affected communities; the likely use to be made of the land; the plans of humanitarian NGOs) is often difficult to obtain and unreliable due to 'fog of peace' problems.

Problems stemming from extensive contamination, however, cannot be resolved in the short- or even medium-term. A campaign model of programme management is not effective for the medium- or long-term, basically because the complexity of 'normal life' overwhelms centralised decision-making. Normal life leads to more and more 'bottom-up' demands for assistance to address ERW hazards that constrain an increasing variety of activities.

So ERW clearance programmes that start on a campaign basis during the immediate post-conflict emergency have to adapt once the crisis has passed. The system for setting priorities must also evolve, often a number of times. As accidents fall, casualties become a less valid indicator for setting priorities. The pattern of future accidents is increasingly determined by the pattern of current reconstruction and development projects, plus the expansion of the 'economic footprint' of communities as people return and growth resumes. More generally, the ERW burden stems increasingly from 'opportunity costs' – people, communities, firms, and government agencies foregoing opportunities to use land or invest in assets because of ERW contamination.

Over time, therefore, it is natural for the priority-setting system to evolve, with the relative weight accorded to the different criteria changing and, often, with new criteria added. In some cases, extensive ERW contamination may cause so many different types of problems that it is better to break the clearance programme into components,^{iv} each with a distinct method of setting priorities. For example, part of the clearance assets might be allocated to supporting infrastructure reconstruction,^v with other assets used to respond to 'bottom-up' priorities identified by communities, and still others to large tasks that have little current impact on people, but must be done eventually (e.g. contamination from exploded ammunition stores; battlefield contamination in remote areas). Demand for ERW clearance also emerges from private investors seeking to open mines, build hydro-electric dams under a public-private-partnership arrangement, etc.

Table 1 – Possible breakdown of clearance programme by component

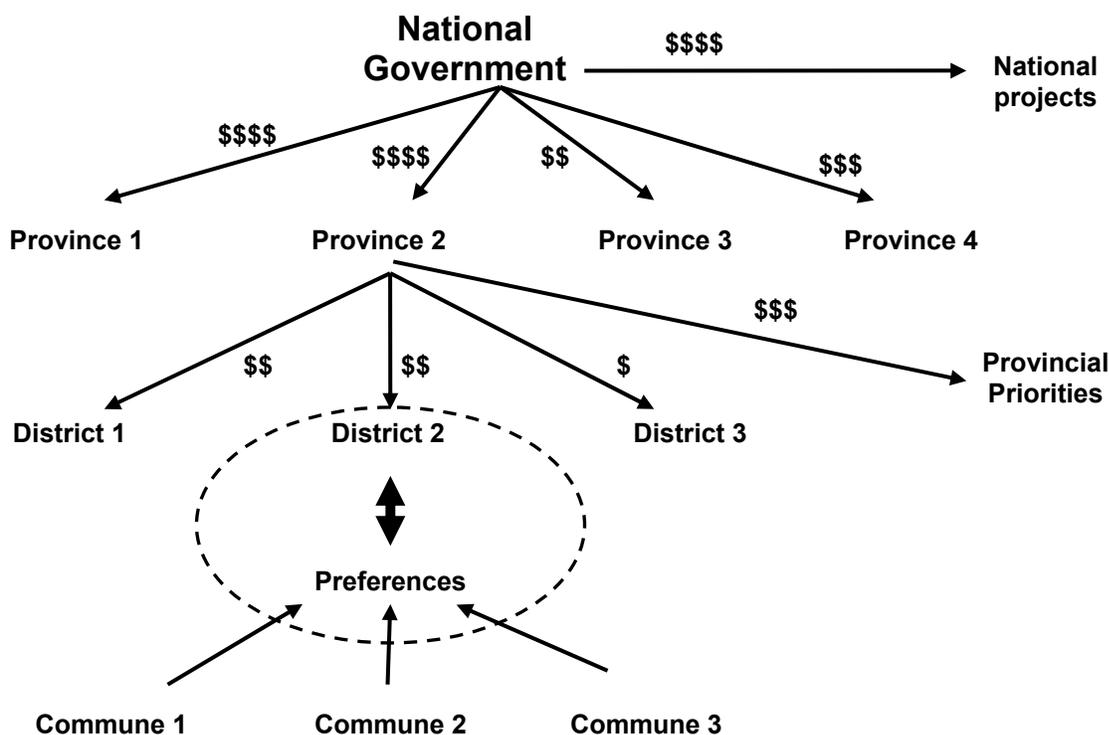
Programme Component	Heavy weight on these criteria...
Humanitarian (emergency)	<ul style="list-style-type: none"> risk to lives & limbs constraints on delivery of humanitarian aid
Priority reconstruction	<ul style="list-style-type: none"> constraints to reconstruction projects
Development	<ul style="list-style-type: none"> sustainable livelihoods constraints to development projects
Public safety (long term response capacity)	<ul style="list-style-type: none"> risk to lives & limbs constraints to public & private investments
Clearance of ERW hazards that pose no current risk or constraint to civilians	<ul style="list-style-type: none"> operational efficiency

When ERW clearance programmes are made-up of a number of components, then the allocation of resources among the different components becomes a critical issue. Priority-setting then must be done within a broader resource allocation and priority-setting system. (See the diagram on the following page for an example).

A national resource allocation & priority-setting system

Top down elements

Policies & resources



Local preferences & conditions



Bottom up elements

Another obvious feature of extensive ERW contamination is its geographic spread. In some countries, ERW affects a number of provinces, ethnic groups, agricultural zones, etc. In such cases, a precisely defined set of criteria established at the national level is unlikely to be suitable for all affected communities in a country – instead, broader policy direction is needed from the top that can be adapted at lower levels to meet local needs. For example, national programme managers might specify the criteria that must be used (without dictating how much weight should be given to each criterion), a list of optional criteria, and a list of possible indicators for each criterion. Each regional manager or operator would then develop a

system adapted to local requirements but in line with the national policy.

Transition to national ownership

Many ERW clearance programmes receive international assistance, and international personnel manage or serve as senior advisers in a number of these. In such cases, international donors come not only with assistance but also with their own views on priorities and how programmes should be managed. Sometimes, international donors directly finance operators who provide ERW clearance services as part of, parallel to, or (in extreme cases) in the absence of the government's national programme.

International assistance is unlikely to fully resolve extensive ERW problems, and a transition to national ownership is the only long-run alternative to a collapse of ERW clearance services. As well, parallel service delivery by internationally financed organisations may be necessary in some situations, but is never an ideal situation. Firstly, it fails to accord with the basic principle underlying Protocol V – that “*Each High Contracting Party and party to an armed conflict shall bear the responsibilities...with respect to all explosive remnants of war in territory under its control.*” (Article 3, par. 1) Secondly, no parallel service delivery system can meet the needs of large numbers of people in many communities across large and varied areas of a country: national coverage requires a the ‘reach’ that can only be provided by a government system.^{vi}

A significant part of any successful transition to national ownership is alignment with national systems.^{vii} For ERW clearance programmes, this implies that national officials assume responsibility for the resource allocation and priority-setting system, which will become part of the overall state apparatus. In some cases, they will require international support for capacity development to discharge this responsibility, which can take some years. Therefore, international actors in an ERW clearance programme should develop an exit strategy early on and agree this with national officials. This will then provide a framework for joint planning on transition and capacity development. The resource allocation and priority setting system should be an important element of the overall transition plan.

Conclusions

Protocol V requires parties to set priorities, but the guidance it provides for doing so is incomplete except in cases where the ERW contamination can be resolved in the short-term following the cessation of conflict.

Many ERW contamination problems will take a decade or more to resolve, and more sophisticated systems for resource allocation and priority-setting need to be developed. In addition to humanitarian risk, the potential for economic growth and poverty reduction, the likelihood that land will be used to its potential, and the need to meet international disarmament norms and obligations should generally be used as criteria, although the relative weight accorded to each will vary from one country to another, and over time within a country. Other criteria such as environmental impact and the potential contribution to security/peace-building will be relevant in many situations.

The longer an ERW contamination takes to resolve, the more it is necessary to incorporate systems to obtain ‘bottom-up’ information into the priority-setting system, including the views of people living in contaminated areas.

When ERW contamination is extensive, it causes many different types of problems, which evolve over time in response to broader socio-economic developments. It may be best to break programmes into components, each with a distinct priority-setting mechanism, and to have a clear system for allocating the total available resources among those components.

Where ERW contamination is extensive and international assistance is provided, a plan to transition to national ownership needs to be agreed between the national government and its international partners. Increasingly over time, the resource allocation and priority-setting system for ERW clearance should be embedded into national systems planning, budgeting and delivering public services.

ⁱ Obtaining a high ratio of benefits to cost means priority-setting is effective. Ideally, a priority-setting system should also be consistent (different decision-makers would set the same priorities), responsive (priorities reflect the needs of those affected), transparent (people know why certain tasks were designated priorities), comprehensive (all alternative tasks were considered), and cost-effective. See Chapter 5 in *A Guide to Socio-*

Economic Approaches to Mine Action Planning and Management, GICHD, November 2004

<http://www.gichd.org/gichd-publications/socio-economic-approaches/>

ⁱⁱ Other criteria that may be relevant in certain contexts include: environment benefit or cost; contribution to security/peace-building (e.g. employment of demobilised combatants); equity (e.g. targeted employment of women or minorities); and local employment (e.g. employing people from ERW-affected communities).

ⁱⁱⁱ The distinguishing feature of a 'campaign model' of management is that all units, which may normally form part of different departments or organisations, are put temporarily under a single command for clear 'command and control' until a clear objective is achieved. Such an approach is often adopted in the wake of a natural disaster or to make a 'big push' to achieve a clear objective in a limited time frame (e.g. annual vaccination campaigns in countries where the public health system has broken down).

^{iv} Different components of a clearance programme tend to emerge over time as a country moves from conflict to stability and the focus of international assistance shifts from humanitarian emergency to stabilisation, reconstruction and, ultimately, 'traditional' development. See Chapter 3 in *A Guide to Socio-Economic Approaches...* op. cit.

^v Critical infrastructure (e.g. national trunk roads) is normally restored in a 'big push' post-conflict reconstruction programme, but reconstruction of tertiary roads, clinics in remote communities, etc. may take a decade or more in poor countries that have experienced large-scale conflicts (e.g. Mozambique, Lao PDR, Cambodia). Infrastructure often represents a particular problem for ERW clearance programmes because (i) it is targeted by combatants and (ii) because it is normally far less costly to reconstruct than to construct replacement infrastructure.

^{vi} This does not imply that the public services themselves must be provided directly by public servants. Alternative service providers (e.g. NGOs, firms, religious bodies) can deliver public services as part of a government managed or, at least, designed and regulated system.

^{vii} See *Paris Declaration on Aid Effectiveness*. <http://www.aidharmonization.org/ah-overview/secondary-pages/editable?key=205>