

The Mine Ban Treaty and the Use of Land mines in Afghanistan

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*'We spend millions saving lives, we have to help them get their lives back'- Giles Duley**

(*Head of legacy of War Foundation and photographer victim of land mines in Afghanistan)

Everyone in the world seek peace. War always brings destruction as well as devastating effects on innocent people. International law governs rules of war. This includes how to stop torture, attack on civilians, limit the impact of warfare on women and children. Further it regulates treating detainees with humanity. Modern warfare destroys bodies, minds as well as lives. Though Geneva conventions prevent wars from getting worse, but the use of lethal weapons cannot be however stopped. The use of anti-personnel landmines violates the prohibitions on the use of indiscriminate weapons contained in the Geneva Convention (1949), Additional Protocols (1977, 2005) which set out how soldiers and civilians are treated during armed conflicts and also under customary International laws. Personnel mines are indiscriminate weapons and had been used by most armed forces globally till the nineties. Once planted, it would remain as a threat to communities for decades to come. A key characteristic of the weapon is that it is designed to maim rather than kill the enemy. There will be requirement of more resources for taking care of an injured soldier on battlefield than dealing with a soldier who has been killed in battle. The rules of mapping minefields are not being followed and many are placed to restrict community access, around strategic areas without any specific pattern. There won't be any cues to civilians, peacekeepers or soldiers when they enter a mined area. Further, over time natural calamities shift Mine fields and thus clearing up the mess after a conflict became tougher. For the past few decades the people of Afghanistan suffer from conflict and instability. People of Afghanistan already suffered due to civil war which further worsened after the onset of hostilities between US led coalition cum Afghan forces against the Taliban forces. Afghanistan has an estimated 10-15 million mines in place [1]

The Mine Ban Treaty² came in to effect in the year 1999. This treaty bans the production, stockpiling use, and transfer of anti-personnel landmines. Antipersonnel landmines are explosive devices designed to be detonated by the presence, proximity or contact of a person. Placed under or on the ground antipersonnel mines can lie dormant for years and even decades until an animal or a person triggers their detonating mechanism. It (the mine ban treaty) is the most comprehensive international instrument for eradicating landmines and deals with everything from mine use, production and trade, to victim assistance, mine clearance and stockpile destruction. There are 164 states which are party to the treaty (except 32 countries) which include the US, China, Egypt, India, Israel, Pakistan, Russia Greece and Turkey. The states party to the Mine Ban Treaty are obliged to destroy their stockpile of antipersonnel mines within four

years of entry in to force. They need to identify and clear mine areas under their jurisdiction or control, as soon as possible, but not later than 10 years after becoming a State party. Identify and provide assistance to mine victims and support for mine risk education. States Stockpiling on territory was also prohibited. The dual use objects like bridges, roads, Air ports which are essential for civilians as well as military, if attacked, harm could occur to civilians and would be disproportionate to the military advantages. Party to the treaty should submit reports on Mine Ban Treaty implementation activities

The casualties due to landmines in Afghanistan was severe, many children lost their lives and others had to go for artificial limbs due to maiming and amputations. Children caught in land mines are less likely to survive compared to adults and those who live may sustain serious injuries and became disabled for life. The Human Rights watch called on all parties to the Afghan conflict not to use anti-personnel landmines. According to the United Nations, the number of casualties in Afghanistan from landmines and other explosives has more than tripled since 2012. UN raised concern over prevention of land mines in Afghanistan and support of long-term care for survivors. Only around half of Afghanistan provinces which are under Government control, while provinces where there is intense conflict between Government forces and Taliban extremist, there is a significant increase in the number of mine fields. Data from [2]

UNMAS [3] revealed that 1,415 Afghan civilians were killed or injured by mines and the Explosive Remnants of War in the year 2018. The most shocking aspect is that children make up eight in 10 of casualties. Forty-one states have ceased production of antipersonnel mines including the US. While some non-state armed groups or rebel groups in various countries still produce antipersonnel mines. There is demand for mines from combatants but the most shocking reality is that many reputed companies around the world are still engaged in manufacturing and selling destructive devices. There is an urgent need to boycott business with such companies involved in the sale or production of such destructive materials. Land mines can be cleared but will be laborious and the expenses will be enormous. Sadly, the weapons which can cost up to US \$3 each to manufacture can cost up to US\$ 1,000 each to clear. UNMAS assisted the Government of Afghanistan to successfully request a ten-year extension to complete its clearance obligations under the Anti-Personnel Mine Ban Convention.

The ICBL [4] in partnership with ICRC⁴ and UN agencies works determinedly to promote universalization i.e., getting as many states as possible on board the Mine Ban Treaty. To achieve universal ban on landmines and cluster munitions, non-state armed groups must be encouraged to ban these weapons. At the same time Afghanistan's bid to be a landmine free country by 2023 is a huge task. According to UN increased funding is critical, noting that the Governments \$85.1 million appeal for clearance activities is only around fifty percent fulfilled. There is a need of increased international awareness and support. If there is no socio-economic rehabilitation of the war victims the development of the country will further deteriorate. The war victims need rehabilitation to live their life with dignity. [4, 5, 6]

References

- [1] Head of legacy of War Foundation and photographer victim of land mines in Afghanistan
- [2] UNICEF, Anti-personnel Landmines A Scourge on Children
- [3] The Mine Ban Treaty²(1999) bans the production, stockpiling use, and transfer of anti-personnel landmines.
- [4] United Nations Mine Action Service- UNMAS assisted in clearing hazardous areas, awareness as well as individual training sessions on explosive hazardous risk have been delivered since 1989
- [5] 22nd Meeting of Mine Action National Directors and United Nations Advisers in Geneva NDM-UN-February 2019
- [6] ICBL- International Campaign to Ban Landmines, a Nobel peace prize co- laurate 1997
- [7] ICRC- the International Committee of the Red Cross