

Survey Action Centre Multi-country Mission and Workshop

Presented to the National Directors
and Programme Managers Meeting

By

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14 April 2008

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Countries visited:

Albania

Azerbaijan

Jordan

Cambodia

Lao PDR

By:

Bob Eaton & Alistair Craib

Noel Mulliner (last 2)

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Aim

To understand how the countries visited approach the issue of putting land back into productive use without clearance and to identify some ideas that might be useful more widely.

NB: clearance has been ‘parked’.

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Approach

We recognise the interests of and work done by UNMAS, GICHD, NPA and the national authorities.

It was and is the intention that SAC's work will be complementary to that of the agencies above and the needs of the national institutions.

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Terminology

- Current terms in use may not be the best.
- 'Land Cancellation' is used to describe this process.

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As a result of our visits we see
4 core issues

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Core Issue 1: Non-Intrusive Information
Collation and Analysis

- Already being done to some extent.
- Good survey and documentation is vital.
- Land classification happens at this stage.
- There is a general consensus that this process should start with land reclaimed by local initiative.

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Core Issue 2: The Intrusive Information

Collation and Analysis

- Some countries have established intrusive procedures that lead to cancellation.
- Other have established procedures that have lead to significantly lowered classification and have deferred the process of dealing with them to some later time.

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Core Issue 3: The Ethical Issue

- We may be paralysed by this issue to the extent that:
 - we want to do the best for those who will use the land.
 - thus few are willing to accept any residual risk.
- ALARP may have a role to play by providing an internationally recognised process.

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Core Issue 4: the Legal Dimension

- This and the ethical issue overlap, but not entirely.
- There is uncertainty over the legal implications of an accident after land has been cancelled.
- Problem has been largely overcome for clearance through the creation of international norms (e.g., IMAS).

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So What?

- Non-intrusive information collation and analysis broadly OK.
- Intrusive information collation and analysis needs more work.
- Problem is land which locals still fear but for which clearance is not technically justified.
- Most national authorities seeking guidance on the moral and legal issues.

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What Can Be Done?

- Need for an internationally recognised, technically valid and transparent process providing the best outcome for all interested parties including the end user, the national authorities and the donors.
- There are not unlimited funds so hard choices have to be made.

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How Can This Be Achieved?

ALARP

As Low As Reasonably Practicable

A risk is ALARP when the cost of reducing it further is disproportionate to the benefit.

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ALARP

The ALARP decision is a judgement call but:

- It is internationally recognised.
- The process used must be technically sound, possibly using sampling (other options?).
- It must be transparent to all the interested parties.

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What About The End Users?

- As those accepting the risk, end users should be central to the process.
- Hopefully the process will be accepted and SHAs cancelled. If not, possibly more sampling to build confidence.
- Eventually the hard decision may be needed to cease any further work (increased residual liability?).

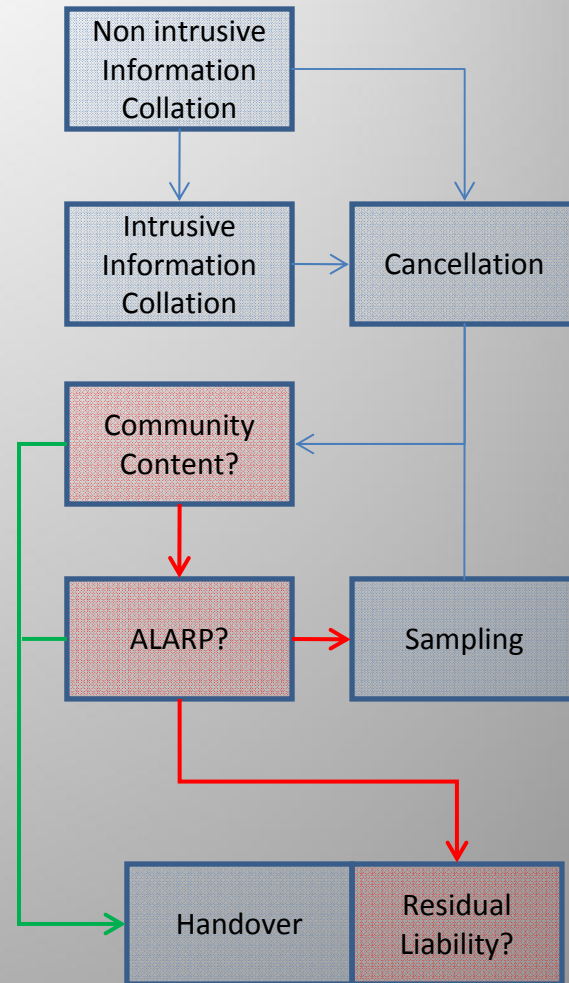
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What about the ethical and legal issues?

- No one reasonably expects zero risk – we live with it daily, often by choice.
- That is accepted by Health & Safety authorities.
- The requirement is an accepted process (best practice) to reduce risk that is technically sound and transparent.
- That is acceptable in most courts.

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A very simplified schematic of
how the ethical and legal
issues can be managed



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What Next?

- We need an 'acceptable process'.
- We need to document best practice.
- We need to identify and work on problem areas
- IMAS is the internationally accepted medium with quazi-legal status

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Workshop

Ljubljana

10-11 April 2008

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What is there to build on? (1)

- Recognition of village reclaimed land.
- Increasing willingness to go beyond reclassification to cancellation of land.
- Good national authority/IP co-operation on non-intrusive cancellation and reclassification.
- Emerging acceptance of liability by national authorities.
- Very positive community involvement in the process.

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What is there to build on? (2)

- Transparency.
- Good QA and QC.
- Sharing international experience.
- Examples of community control of the analysis and decision process.
- So far, non intrusive cancellation is not too complicated.

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Challenges (1)

- Definition of criteria (in IMAS or NMAS).
- National institutional capacity to accept a risk-based logic.
- Finding the balance of responsibility between national authority, IP and users.
- Creating a justifiable, technically sound and defensible process to allow authorities to release land.

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Challenges (2)

- Achieving global acceptance of the process in its correct context.
- Harmonisation of process with Article 5.
- How to extend the process without a mine action mine action programme.
- Legal and liability dimension poorly understood and need clarification.
- Terminology!

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Challenges (3)

- Need to consider specialised issues: UXO, route verification etc.
- QA and QC critical part of process.
- Building global consensus to get on with the process of an integrated and phased approach to release through non-intrusive, intrusive processes and clearance.

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Thank you for your attention.

Documentation can be seen on SAC website at:

www.sac-na.org