



MAG Policy Brief

Why Principles Matter

Humanitarian Mine Action and Improvised Explosive Devices (IEDs)

May 2017

EXECUTIVE SUMMARY

Improvised Explosive Devices (IEDs) are an issue of growing global concern and policy priority, with their impact seen and felt in conflict as well as otherwise non-violent contexts. They remain one of the broadest of weapons categories and are associated overwhelmingly with the non-state armed groups that use them most.

Addressing the impact of IEDs has brought together a diverse range of stakeholders and agendas. This is most noticeable in the Middle East, where Daesh has systematically produced and deployed IEDs on an unprecedented scale. Locally-produced landmines, projectiles and light weapons have joined other improvised munitions in one of the world's most complex conflicts.

It is in this context that stakeholders with legitimate military and security objectives are in close proximity to humanitarian NGOs, with all working to respond to different parts of the IED 'problem'. The mine action community in particular has found itself at a crossroads of humanitarian and security agendas, where it is clear that different stakeholders respond to IEDs with different aims, perspectives and risks to manage.

The core premise of this brief is that humanitarian principles should be seen as an enabling framework for humanitarian action. They enable humanitarian actors to work in a way that achieves maximum impact for conflict-affected communities now and in the future.

The brief outlines some of the ways in which humanitarian principles have helped to navigate messy conflict and complex dilemmas and how they remain relevant and valuable for humanitarian mine action. It shows some of the ways in which humanitarian principles underpin approaches to survey and clearance, resonating with the International Mine Action Standards (IMAS) that are evolving successfully to meet the challenges of new conflict and humanitarian response to IED contamination.

The final section of the brief offers recommendations for policy and programming. The views and recommendations offer an unashamedly humanitarian perspective, while acknowledging other perspectives that are also legitimate. As always, we share this in a spirit of constructive dialogue and partnership.

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Addressing the Impact of IEDs – Trends, Debate and Diversity

Improvised Explosive Devices (IEDs) are without question a global issue of grave concern. This is clear from the UN General Assembly Resolution 71/72 – first introduced in 2015 – and the increasing awareness of IEDs and their impact on the part of the public, opinion formers and decision makers.

The priority given to IEDs in global discussions reflects the increasing frequency of IED use and the diversity of contexts in which they are deployed as a weapon. They are used in cities from Pakistan to Europe that are otherwise non-violent, in fragile and insecure locations and as a conventional weapon alongside any other in active, ongoing and complex hostilities. The use of IEDs to deliberately harm civilians or incite terror outside of conflict, along with responses to it is beyond the scope of this paper.

As a result, the 'IED issue' involves a broad range of legitimate stakeholders, all of which are concerned with different manifestations of IEDs' diverse impact. NGOs are as concerned about IEDs as military, intelligence and security entities, but they approach the issue from the perspective of clearing devices to ensure

humanitarian protection and from the view of the affected individual.

The fact that IEDs are defined by their non-conventional manufacture makes them a wide-ranging weapons group. For the purposes of this paper, IEDs are considered to be any explosive munition that has not been made through formal and regulated munitions production. Many IEDs also fall under other definitions and weapons categories, particularly pressure-plate IEDs which are landmines¹.

IEDs and humanitarian mine action

IEDs are not new to the mine action community, but the scale of their use in the Middle East has put mine action at a major crossroads of the security and humanitarian elements of the response to them. Dilemmas and discussions have spanned definitions of devices, the purpose, adequacy and application of standards, tensions between the multiple roles and mandates of the UN and the need to determine when a 'post-conflict' context exists at localised level amid broader ongoing conflict.

Significant efforts have been made to unravel the tensions that have arisen around the IED issue, drawing heavily on experience from Iraq (see Box 1.1). Progress has been made, especially in understanding the differences between counter-IED doctrine and humanitarian approaches. Yet efforts to develop policy around IEDs increasingly propose allocations of work and divisions of labour for military and security, commercial and NGO agencies based on the complexity of device and the intensity of conflict².

These concepts have prompted and aided debate, but have not taken into full account the difference in objectives and purpose between military or security and humanitarian goals. Many of the security, intelligence and military elements of IED response may well save lives or reduce harm, but that does not mean that they are the same thing as principled humanitarian action that is neutral, impartial and independent.

The varied legitimate aims of different organisations addressing IEDs affects how they work, how they manage risk and what it takes for them to be effective in achieving their objectives. For humanitarian organisations, humanitarian principles are vital to navigating the political and practical complexities of working in conflict. They can ensure the safe and effective protection of civilians and help to achieve the maximum possible humanitarian impact with finite resources.

Humanitarian action and political context

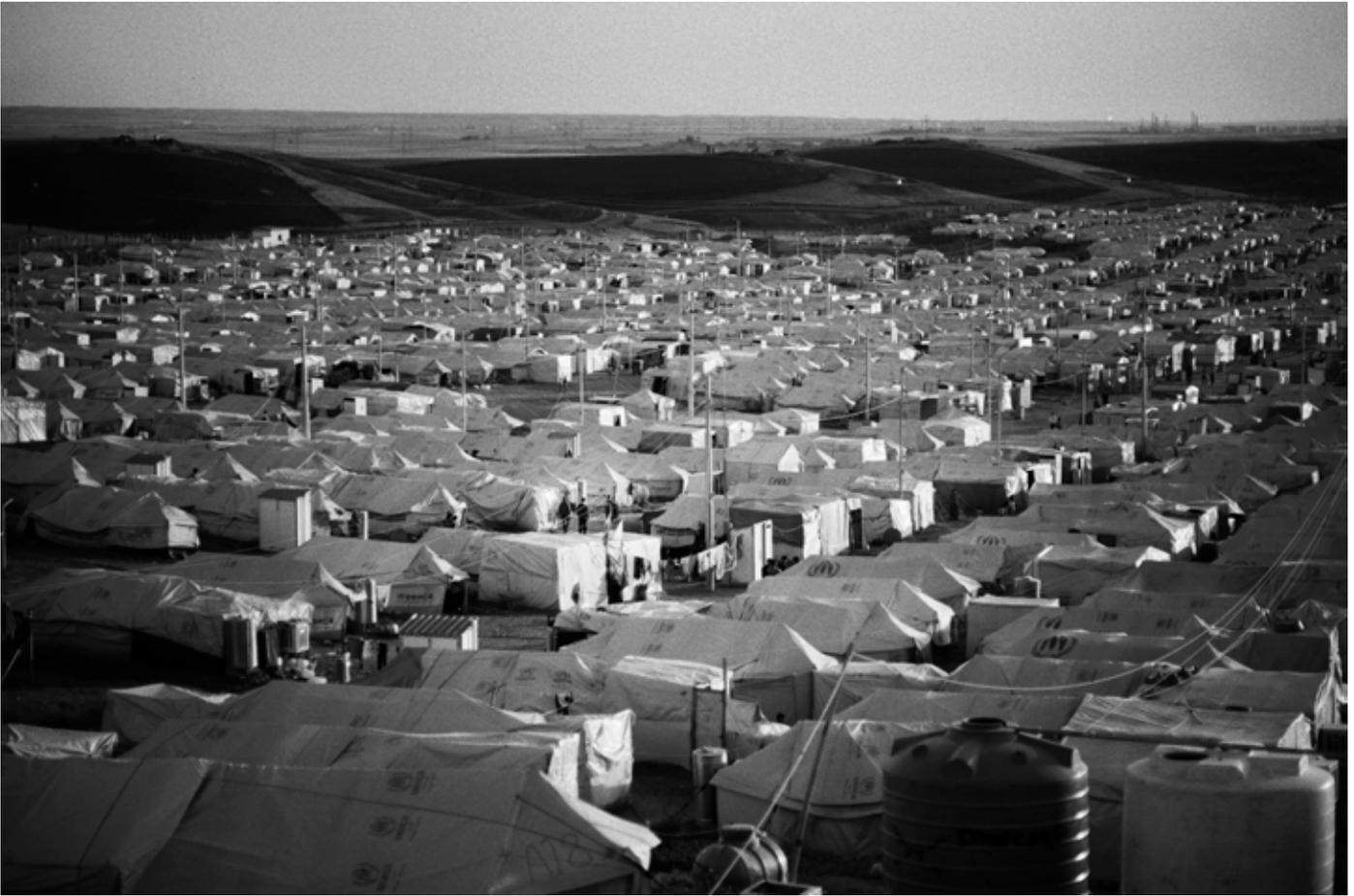
There is also an emerging perception that the response to IEDs by humanitarian actors is inherently political in a way that responding to other weapons or other humanitarian action is not. The reasons given are that IEDs are used primarily by non-state armed groups or against the international community. Drawing on broader experience, this perception must be abandoned as principled humanitarian action – including mine action – always takes place in a political context, without making it political.

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Box 1.1 Focus on Iraq
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The Iraq component of the wider regional conflict has made it the crucible in which practical policies and strategies around IEDs are developed and tested. Three key factors have caused this:

- The scale and manner with which Daesh has produced and deployed improvised munitions is vast. Devices range in complexity from improvised rockets and mortars, landmines and booby traps deployed in rural and urban areas, to complex devices used in urban combat.
- The scale of the complex regional humanitarian emergency and the number of actors is equally broad. This involves states, national authorities, national and local military and militia, international military coalition members, the UN, commercial organisations and the national and international humanitarian NGO community.
- Daesh's disregard to date of many fundamental human rights and the principles on which humanitarian assistance depends has prevented almost all humanitarian access to areas under their control. Assistance has therefore focussed almost entirely on areas outside of their control.

The differences between IED stakeholders and the diversity of their aims is most notable in conflict settings, where military, security and humanitarian actors are all in the same physical space.



Humanitarian Principles, Conflict and the Middle East

Humanitarian principles have never been as necessary or more useful than in the current conflicts in the Middle East. It is an environment which is messy and chaotic, characterised by multiple actors with competing interests and the absence of functioning state structures in numerous locations.

They provide a framework to enable those who need assistance and protection – and those who offer it – to do so as equitably and safely as possible. Humanitarian principles are rooted in international humanitarian law and based on the rights of the individual. Put simply, they help to get things done.

Current conflict can be a messy and chaotic environment. Humanitarian principles provide a framework that helps to get things done.

Box 2.1 What are humanitarian principles?

Humanity

Human suffering should be prevented and alleviated wherever it is found.

Impartiality

Assistance and protection should be given without discrimination as to nationality, race, religious beliefs, class or political opinions. Priority should be given according to the most urgent needs.

Neutrality

In order to continue to enjoy the confidence and trust of all, those offering assistance and protection should not take sides in hostilities of a political, racial, religious or ideological nature.

Independence

In order to be able to apply these principles, those offering assistance and protection should maintain independence from non-humanitarian interests and actors.

Based on *The Fundamental Principles of the Red Cross, Commentary*. Jean Pictet, 1979.

Enabling impact

Humanitarian principles can help all humanitarian organisations, especially NGOs, to work effectively. This includes mine action NGOs working to address the humanitarian impact of IEDs. The benefits are felt in different ways, many of which are interrelated but all are enabling. Humanitarian principles help organisations to work effectively because they enable them to:

- **Build trust and acceptance** by communities who know that agencies are not there to promote a particular political viewpoint, or represent a party to the conflict.
- **Give access** to geographical areas under the control of different groups and parties.
- **Deploy scarce resources** most effectively as they will be allocated to those areas where they are needed most.
- **Avoid unintended consequences** of their actions as far as possible by having a clear framework for what we are doing and how we are doing it.
- **Support humanitarian and development partners** to access the areas in which people are in the greatest need.
- **Work globally** – if an organisation acquires a reputation for being partisan or partial in one part of the world then this information spreads rapidly in a connected, digital world.

Humanitarian Space

The use of humanitarian principles promotes the existence of 'humanitarian space', a term and concept that is often misunderstood. While there are multiple definitions of this term, all are clear about the thing that it is not – it is not a physical, defined area where 'humanitarian activity takes place.'

Humanitarian space is an environment in which people and communities can access the help they need in the way they need it, and where those who are competent to offer assistance can do so in a way which is going to have the greatest impact. Humanitarian space is never easy or straight forward.

Achieving a constant and stable state of affairs for 'perfect humanitarian space' to be created and agreed between stakeholders is almost impossible. This is precisely because it has to be created in contexts where there are complex and constantly changing political, military and legal disputes and dilemmas. The only thing that humanitarian agencies can control is how they themselves behave and conduct their work, which requires constant review and repositioning.

Of course agencies don't always make the right judgements and there are many examples of when humanitarian organisations have become embroiled in disputes and have been perceived by different sides as being less than neutral.

However, the existence of a humanitarian architecture and approach which delivers life-saving and life-sustaining assistance to millions across lines of conflict demonstrates that it is possible. Humanitarian mine action is a critical part of this system.

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Implications of Humanitarian Mine Action Policy and Programming

The last section showed how humanitarian principles have provided an enabling framework for the delivery of humanitarian assistance, and why that should be seen as beneficial to all stakeholders. This section explores how this can assist in programming and policy for humanitarian mine action in complex conflict. While this brief focusses on IEDs, the issues here are as applicable to humanitarian clearance of landmines, cluster munitions and explosive remnants of war (ERW).

Prioritisation of limited resources based on humanitarian need

The scale of new contamination from IEDs, landmines and ERW in Iraq and Syria is vast and will only increase as the conflict intensifies and continues. Conflict is dynamic, with front lines often moving quickly. This can lead to rapid and extensive population movements away from fighting, and also back to areas where hostilities have ceased. Returning communities are especially at risk from explosive hazards in both urban and rural areas, especially when returns are spontaneous.

Like any form of humanitarian action, clearance of IEDs, landmines and ERW in such a complex and rapidly changing environment must take into consideration how and where limited resources need to be prioritised. In other words, where they will have the most life-saving impact on conflict-affected communities. This must be done based on evidence, and linked to broader humanitarian protection strategies and plans.

Being impartial in the delivery of humanitarian mine action in areas of diverse and mixed ethnicities, religion or political affiliation is not achieved by spreading resources equally. It has to be based on need, expressed primarily through vulnerability to injury or death from devices, and the impact of contamination on the delivery of humanitarian assistance. Humanitarian mine action NGOs should strive to be as accountable as possible to the communities they are working to support.

Consent, perception and participation

The participation and consent of people and communities affected by landmines and IEDs is vital, as is clarity to all stakeholders around the aim of organisations clearing them. Mine action NGOs need to be clear and transparent to communities and responsible authorities that clearance is delivered solely to save lives and address humanitarian need, and prioritised on that basis.

This applies to *de jure* authorities, but also *de facto* authorities with corresponding obligations under international humanitarian law. This may not be possible, or important to organisations and stakeholders working to clear IEDs for other aims, but it is a defining element of action that is 'humanitarian'.

Continued access and trust for mine action NGOs will depend on dialogue with communities and authorities around need, including explaining why all needs cannot be met, and where other priorities may lie. This can be achieved through long-standing community liaison approaches. These have been developed and refined by mine action NGOs over the last two decades, and include participation in all stages of activity, including project design and prioritisation.

In operational terms, dialogue with communities has also proven critical to non-technical survey. This is vital to understanding the extent and type of contamination – including from booby traps, improvised landmines and abandoned IEDs – and forms the basis of efficient and effective operational planning.

All of this depends on a clear understanding and perception that mine action NGOs are acting solely to meet humanitarian need, striving to do the most with limited resources. Task orders and letters from authorities are never enough on their own. Any perception that a mine action NGO's work is part of a broader political or military aim could jeopardise safety of staff and communities, but also confidence and trust on which future clearance depends.

International Mine Action Standards

Humanitarian principles, survey and community liaison are key components of the International Mine Action Standards (IMAS). MAG and other NGOs have been able to draw heavily on these elements of IMAS as well as sections on clearance, which cover the overwhelming majority of improvised devices found during humanitarian operations in the Middle East.

Planned improvements to IMAS – the latest in its evolution and developed in consultation with all stakeholders – will ensure that it remains

relevant and the main guiding operational framework for the humanitarian response to IEDs, landmines and ERW.

Risk management for humanitarian mine action NGOs

Much of the dialogue around IEDs and mine action to date has focussed on the complexity of devices, and differences in risk appetite for addressing IEDs in areas of ongoing or very recent conflict.

Broad characterisation has described military and security actors (and the commercial organisations contracted to support them) as being willing and able to work in areas of ongoing or proximate conflict, and NGOs being less able or willing to do so. Similarly, IEDs in areas where fighting is ongoing or is waning have been viewed as more complex, particularly when they are command-operated, and therefore requiring additional skills, approaches and equipment.

There is truth in both of these general trends, especially in terms of NGOs like MAG only working in areas where active hostilities have ceased. But types of risk and the way in which they are mitigated also varies depending on the aim of different stakeholders' work with IEDs.

For humanitarian mine action NGOs, effective risk management includes security management, oversight, competence and equipment to respond to contamination. However, it also takes into account the way that an NGO and its actions are understood and perceived, the level of consent by communities and their participation in decision making, and the way in which resources are prioritised according to need.

Dialogue and building trust with communities is a key responsibility of humanitarian clearance teams. It is integral to MAG's humanitarian operations.



Implications for approaches to coordination

To meet and enable a response to humanitarian need, NGOs must coordinate directly with the people and communities with whom they are working to support, as well as the appropriate authorities and duty-bearers in areas where they work. To be most effective, they should aim to develop stronger coordination between their activities and NGO assistance delivered by their colleagues in the broader humanitarian sector, including through the UN-led cluster system.

Experience in Iraq and elsewhere has shown that there is scope for greater cooperation and coordination between mine action NGOs and others in the mainstream humanitarian sector. This could achieve greater collective humanitarian impact.

Coordination and dialogue between mine action NGOs and relevant authorities is also vital to ensuring that standards, approaches and good operational practice evolve. This is especially important for IEDs - while Daesh has produced improvised munitions on a systematic and industrial scale, the nature of IEDs means they evolve more dynamically than other munitions.

Technical working groups have proved to be valuable fora for exchanging learning between humanitarian actors. There is still work to do, but

they have promoted more coherent reporting and information management while helping to ensure that humanitarian organisations and their staff can work as safely and effectively as possible. This is, and must remain, materially different to providing information to broader stakeholders in support of military and security objectives, which is not compatible with principled humanitarian action.

On a practical and pragmatic level, there is a collective benefit from an open and constructive dialogue between NGOs, commercial organisations and other stakeholders involved in the response to IEDs. With interests spanning multiple and varied aims, national authorities, states and multilateral organisations are well-placed to facilitate dialogue. Coordination will be most effective and of mutual benefit when it is conducted in a spirit of partnership that involves an understanding of different aims, values and principles behind them.



Conclusions and Recommendations

- 1. Addressing global issues related to IEDs involves a diverse range of stakeholders, with varied aims and perspectives that add value in different ways.** Many military, security and intelligence stakeholders have mandates to undertake activity which saves lives, reduces harm and protects infrastructure. This is legitimate activity but it is not the same thing as principled humanitarian action that is neutral, impartial and independent.
- 2. Humanitarian principles are an integral part of humanitarian response, including for humanitarian mine action NGOs responding to IEDs and other explosive hazards.** Humanitarian principles have significant enabling effect and ‘get things done’, doing so in a way that contributes to ensuring a continued ability to meet humanitarian need in the future.
- 3. Humanitarian space is not defined solely by the physical location in which aid is offered and received.** It is an environment in which people are able to access assistance in the way they need it, in a way that they choose, and where those competent to offer assistance can do so in the way that will have the greatest humanitarian impact.
- 4. The humanitarian response to IEDs is not unique as all humanitarian action – including mine action – takes place in a political context.** Humanitarian response to IEDs can draw on the mine action community’s significant experience responding to landmines and ERW in other complex conflicts.
- 5. The International Mine Action Standards (IMAS) continue to provide a solid basis for humanitarian mine actions response to IEDs, landmines and ERW in areas where active hostilities have ceased.** Taking into account humanitarian principles, their scope includes approaches to ensure the participation of conflict-affected communities and prioritisation based on humanitarian need. With planned updates, they should remain the foundation of humanitarian mine actions response to IEDs, landmines and ERW.
- 6. Humanitarian mine action NGOs should establish more systematic approaches to prioritisation, based on humanitarian impartiality.** They should act as a basis for increased accountability while remaining pragmatic.

7. **NGO independence is an established part of the international humanitarian aid system, including partnerships with state donors.** This contributes to the effectiveness of humanitarian assistance, and is to the benefit of those offering and those receiving it.
8. **There is scope for greater and direct partnership and coordination between humanitarian mine action NGOs and the mainstream humanitarian community.** Field-level cooperation should aim to ensure that mine action is included in humanitarian response plans. This can be complemented by dialogue at regional and headquarters levels.
9. **Coordination between humanitarian NGOs can ensure coherent humanitarian response to IEDs, landmines and other explosive hazards.** Coordination will be most effective when it is conducted in a spirit of partnership that acknowledges independence, but aims to achieve maximum collective humanitarian impact.
10. **NGO coordination can be complemented by dialogue with commercial and other non-humanitarian stakeholders, especially around evolving technical and operational approaches.** National authorities, states and multilateral organisations have demonstrated that they are often well-placed to facilitate such dialogue. Dialogue should not extend to sharing of intelligence by humanitarian NGOs.

1. This was also covered in MAG's Policy Brief *Humanitarian Response, Improvised Landmine and IEDs* (2016).

2. GICHD's publication *An Initial Study Into Mine Action and Improvised Explosive Devices* (2017) has been of significant value in provoking discussion and debate.

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