How we fail to meet the primary goal of the Ottawa Convention
The primary goal of the Ottawa Convention is….

“to put an end to the suffering and casualties caused by anti-personnel mines…”.

This is not only to “reduce risk”, it is to eliminate risk.

Eliminating risk may not be possible, but it is possible to do everything “reasonable” in pursuit of this.
Ottawa Convention, Article 6, paragraph 6....

Under the Convention, it is a requirement that:

“Each State Party undertakes to provide information to the database on mine clearance established within the United Nations system....”

No UN database was never established so the UN has failed to comply with the Ottawa Convention, but it is not a “states party” so it was not required to do so.

However, the UN did try...
A year after the UN Mine Action Service (UNMAS) was established it supported the establishment of GICHD.

One of GICHD’s tasks was to develop the Information Management System (IMSMA) and have all IMSMA data added to a hub database in New York, so providing the database mentioned in the Ottawa Convention.
The planned central hub database in New York was never developed partly because it would have been very expensive but also because...

...many MACs were suspicious of sharing data that they simply did not understand.

...and most demining organisations were also reluctant to share any data that might lead to criticism.... (sadly, most still are).
Two data-streams critical to anyone seeking to evaluate the performance of search and clearance efforts have not been adequately collected.

The missing data-streams are:

1) data about explosive hazards found after land is released as “clear”, and

2) the detailed records of accidents that occur during demining.
Need for more data

We rely on three main detection technologies:

• metal-detectors;
• area-excavation; and
• explosive detection dogs.

Everyone has an opinion, but we don’t really know how good they are or which procedures are safest.

Also, without accurate performance data, we do not have anything against which to measure the performance of new technologies or procedures.
Missed hazards

In some countries, hazards discovered after clearance are recorded but they are rarely investigated. Even when they are, there is no central dataset of these records so they are not easy to access.

Without the collection and sharing of this data, it is not possible to begin to objectively assess which methods work reliably and which do not.
As an example, I have 14 MAC records of submunitions missed during clearance in Lebanon.

The demining was conducted by INGO and commercial organisations using varied manual search SOPs.

The common feature was the use of a detector that is very cheap but not fit for purpose.

There were several severe civilian injuries and fatalities as a consequence – but that detector is still being used.
I also have MAC records of mines having been missed by dogs in Afghanistan, Sudan, Kosovo and Lebanon, sometimes with severe consequences for civilians.

The dogs were used by commercial and INGO organisations.

Common features appear to have been inadequate training and the use of a single dog.
Failure to gather “missed hazard” data and use it to discover which demining procedures and equipment do not result in land that is safe for civilian use is not only a failure to comply with the requirement of the Ottawa Convention to share data. It is also an inexcusable failure to do all that is “reasonable” to ensure that we clear land effectively for civil use.

The pictures show mines left behind after various flail machines were used.
Demining accident records

The incomplete accident data that we have is kept in two accident databases. The DDAS, first published and distributed by me in 1999, and the RAPID database, first published by GICHD in 2012.

RAPID uses summarised accident data to produce a broad-sweep analysis that allows managers and donors to gain a general view of the accident situation. RAPID results are published annually in a short report.
RAPID data entry can only be “rapid” by using drop-down lists of options in a simple spreadsheet.

<table>
<thead>
<tr>
<th>Accident ID</th>
<th>Accident cause</th>
<th>Date of accident</th>
<th>Time of accident</th>
<th>Device type</th>
<th>Device name</th>
<th>Ground composition</th>
<th>Soil compaction</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Staff negligence, Support failure</td>
<td>May 25, 2000</td>
<td>Afternoon 12 - 18</td>
<td>AP</td>
<td>PMA-3</td>
<td>Muddy</td>
<td>A (soft)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Area type</th>
<th>Mine action activity type</th>
<th>Land classification</th>
<th>Demining asset</th>
<th>Victim ID</th>
<th>PPE issued</th>
<th>PPE worn</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pasture land</td>
<td>Clearance</td>
<td>CHA</td>
<td>Manual excavation/Raking</td>
<td>victim1</td>
<td>Jacket, Half Face Visor</td>
<td>Jacket, Half Face Visor</td>
</tr>
</tbody>
</table>

Because the actual accident report is not submitted, there is no way to check whether the summary is accurate, so there is no Quality Control.
That example GICHD RAPID report was derived from a full accident report in the older accident database, the DDAS.

The DDAS is a real database (not a spreadsheet) so the records can include the accident report written at the time, and it has sophisticated search functions.

All the records in the DDAS have the names and identifiers removed before being published on-line for anyone to use.
The extensive DDAS report and photographs show that the deminer was not wearing a half-face visor or a PPE jacket and that he was excavating a metal-detector signal with a bayonet.

Other accident records in the DDAS show that he would have been very likely to have avoided all injury if he had been excavating the same metal-detector signal using REDs rakes.
The online DDAS is widely used by operations staff as both a source of information when seeking to understand and mitigate risk, and as a source of training material.

Some HMA organisations have given copies to field managers.

Other demining organisations have asked for all of their own accident records because they have mislaid their records.
When RAPID started, MACs were told to stop sending accident reports to the DDAS.

So today, with UNMAS approval, GICHD is not gathering accident reports and not studying them in order to identify risks that can be avoided or mitigated.

The DDAS does continue, but is unsupported and has collected very few accident reports for several years.
Failure to gather detailed demining accident data and use it to reduce the risk of severe deminer injury is not only a failure to implement the Ottawa Convention requirement to share data.

It is also an obvious failure to do everything “reasonable” to prevent deminer injuries like those shown here.
Responsibilities?

The failure of both UNMAS and GICHD to show any interest in gathering and analysing “missed hazard” and demining accident data is risky.

The UN has an internal UN requirement to protect human rights which it is apparently failing to uphold.

GICHD is subject to the law and has stated purposes to uphold, so could be risking both reputational and financial damage by promoting Quality Management while pretending that a spreadsheet database of accidents is of sufficient quality to inform field risk management.
Legal risks?

International Human Rights Laws can be applied to “missed hazards” and “demining accidents”, as can laws covering employment conditions and H&S.

Two international demining organisations have been sued for failing to do everything reasonable to prevent deminer injury. The cases were brought in the UK and the US where national definitions of what is “reasonable” were applied.

Both cases involved ex-pat deminers but there is a real risk that nationals will soon realise their right to seek redress through legal action in another country – no matter what contract they may have signed.
I have not heard of anyone making a legal claim for damages when explosive hazards are discovered on land declared clear.

When they do, the only defence will be the same as it is in a demining accident: the organisation must show that they have done everything “reasonable” to achieve a safe outcome.

Not gathering, sharing and acting upon “missed-hazard” and “deminer accident” data may be considered “unreasonable” in any well-informed court of law.
Failing to comply with the Ottawa Convention

Every time that unsafe land is released and every time that deminers are unnecessarily injured in their work, we are failing to meet the primary goal of the Ottawa Convention “to put an end to the suffering and casualties caused by anti-personnel mines…”

Whenever hazardous land is released as safe, and whenever a deminer is injured…

…if everything “reasonable” has not been done to avoid the event, the demining organisation is risking rather a lot.
But...

When you're already perfect, why learn anything new?