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BRIEF: CIVILIAN CASUALTIES OF EXPLOSIVE REMNANTS OF WAR ACCIDENTS RELATED TO INTERNATIONAL MILITARY FORCES ABANDONED SITES IN AFGHANISTAN THIRD VERSION (AUGUST 2014)

1. The issue: increased number of civilian victims of explosive remnants of war (ERW) in abandoned sites

The United Nations Assistance Mission in Afghanistan (UNAMA) reported a 14% increase in civilian casualties caused by ERW¹ during the first 6 months of 2014 compared to the same period in 2013 (206 civilian casualties in total; 76% of which were children)². This follows a dramatic 63% increase in 2013 compared to 2012 (343 casualties in total, 83% of which were children). The UN Mission attributes this “sharp increase” to both “an increase in ground engagement causing civilian casualties, and the escalated pace of ISAF [International Security Assistance Force] base and firing range closure with concerns that high explosive firing ranges had not been sufficiently cleared of unexploded ordnance prior to closure”³.

Additionally, the Mine Action Coordination Center of Afghanistan (MACCA) confirmed that “Afghan civilians are being killed and injured because of ERW and UXO left behind on ISAF vacated sites”. “These incidents saw a sharp rise in 2013” as more International Military Forces (IMF) firing ranges and bases are being closed down and are “not properly cleared before land is being handed back to communities”⁴.

MACCA’s data on civilian casualties resulting from ERW accidents in former international military sites between 2010 and 2014 are the following:

- 114 casualties: 32 deaths and 82 injuries,
- 75% of them being children (86),
- 88% of the total incidents happened in the past three years, 38 in 2012; 48 in 2013 and already 15 by mid-2014; clearly indicating a growing problem that coincides with the withdrawal of IMF,
- Those reported incidents have been recorded in at least 19 out of the 34 provinces.

The **Protocol V on Explosive Remnants of War of the Convention on Certain Conventional Weapons (CCW)** stipulates that parties to armed conflicts are obligated to provide after the cessation of active hostilities, technical, financial, material or human resources assistance to facilitate the marking and clearance, removal or destruction of explosive remnants of war. It also stipulates that parties to armed conflict which have used or abandoned explosive ordnance which may have become explosive remnants of war shall make available such information to the party in control of the affected area and to relevant organisations. Most countries currently operating in Afghanistan through IMF ratified the CCW Protocol V.

2. What is being done about it

MACCA and UN actors working in Afghanistan (notably the UN Humanitarian Representative, the United Nations Mine Action Service and the UNAMA) have been engaging in discussions with IMF which, after some time acknowledged the problem. ISAF’s Standard Operating Procedures (SOP) pertaining to closures and clean-up of firing ranges have been reviewed with the support of MACCA to systematically include ERW clearance operations.

Throughout 2014, ISAF and troop-contributing nations undertook several initiatives to clear ranges no longer used by their forces and Afghan national security forces. In 2014, ISAF put policies and measures in place regarding effective management of high-explosive ranges and munitions disposal areas.

One of the key remaining challenges is to obtain precise data from IMF (location of the contaminated sites, status of clearance work, etc.). The current lack of data hinders a comprehensive estimation of the clearance cost or of the exact surface to be cleared⁵. At the moment, 80 firing ranges in 18 provinces, covering more

¹ ERW include UXO (Unexploded Ordnance) and AXO (Abandoned Explosive Ordnance).

² UNAMA Mid Year Report 2014, Protection of Civilians, pp. 66-67.

<http://www.unama.unmissions.org/Portals/UNAMA/human%20rights/English%20edited%20light.pdf>

³ UNAMA Annual Report 2013, Protection of Civilians, pp. 64-65.

http://www.unama.unmissions.org/Portals/UNAMA/human%20rights/Feb_8_2014_PoC-report_2013-Full-report-ENG.pdf

⁴ OCHA’s Humanitarian Bulletin, July 2013 and UNAMA’s Mid-Year Protection of Civilians Report, July 2013.

⁵ According to a partial estimation by ISAF, firing range covers at least 850 sq km (see MACCA Brief from September 2013).

than 600 square kilometers have been surveyed in by MACCA; but the surveying process remains ongoing and many sites' coordinates have not yet been shared with MACCA.

At the moment, the U.S.A is the only troop-contributing nation funding clearance operations of sites contaminated by IMF's ERW. The United States Army Corps of Engineer (USACE) currently funds a firing ranges clearance project, which is currently being implemented by one of MACCA's implementing partners in 10 provinces (Balkh, Farah, Ghazni, Hirat, Kandahar, Khost, Paktika, Paktya, Uruzgan and Zabul). So far, 21 firing ranges have been cleared and 13 are under clearance operations; resulting in 34,423 ERW and 12,959 Small Arms Ammunitions that have been cleared from a surface covering more than 128 square kilometers. However, it remains insufficient since activities of marking ERW as well as mine risk education and victim assistance activities are not funded. Moreover, without proper and larger scale clearance by all troop-contributing nations (in accordance with humanitarian demining standards) the collective demining effort of the past 25 years in Afghanistan would be undermined and progress in terms of cleared surfaces and reduction of casualties reversed.

3. Handicap International's key messages

- ➔ Members of ISAF which are State Parties to the CCW Protocol V have the **legal obligation**⁶to provide technical, financial, material or human resources assistance to facilitate the marking and clearance, removal or destruction of ERW resulting from their operations in the past 13 years. They also have the legal obligations to share all related information that will facilitate the marking and/or removal of ERW with all interested parties, including the MACCA and its implementing partners. In addition, all mine/ERW's actions taken upon by troop-contributing nations must be coordinated with the MACCA.
- ➔ ISAF troop-contributing nations should systematically include ERW clearance operations while closing or transferring firing ranges in accordance to ISAF's Standard Operating Procedures.
- ➔ When International Military Forces have been evacuated from the concerned areas and cannot carry out clearance activities anymore, troop-contributing nations have the **responsibility to support the marking of contaminated areas, clearance operations and mine/ERW Risk Education activities** that are to be conducted by the MACCA and its implementing partners.
- ➔ The victims of ERW (survivors, their families and affected communities) need support and therefore it is the responsibility of troop-contributing nations to finance **Victim Assistance activities targeting ERW victims and other people with disabilities**, as per the provisions of the Mine Ban Treaty (MBT), the Convention on Cluster Munitions (CCM), the CCW Protocol V and the UN Convention on the Rights of People with Disabilities (UNCRPD).
- ➔ NATO should include resources, equipments and training for ERW marking and removal and training for mine education activities in its assistance mission to Afghan National Security Forces post 2014.

4. In the press

4th of June 2014, Le Monde: http://lemonde.fr/international/article/2014/06/04/des-civils-afghans-victimes-de-la-negligen- de-l-otan-avant-son-depart-du-pays_4431765_3210.html

19th of April 2014, VICE News, Online: <https://news.vice.com/article/departing-troops-are-leaving-behind-an-explosive-mess-in-afghanistan>

9th of April 2014, The Washington Post: http://www.washingtonpost.com/world/a-rising-number-of-children-are-dying-from-us-explosives-littering-afghan-land/2014/04/09/da709ae-b900-11e3-9a05-c739f29ccb08_story.html

27th of November 2013, Radio France International, Radio: <http://t.co/eRJSI8J6ze>

15th of November 2013, France 24, TV: <http://www.france24.com/en/20131115-afghanistan-civilian-casualties-from-nato-explosives-on-the-rise-landmines-bombs>

22nd of July 2013, ToloNews, Online: <http://www.tolonews.com/en/afghanistan/11301-unexploded-ordnances-causing-a-steep-rise-in-civilian-casualties-unmas>

21st of July 2013, The Daily Star, Lebanon, based on an AFP wire:

<http://www.dailystar.com.lb/News/International/2013/Jul-21/224495-unexploded-nato-ordnance-killing-afghan-civilians-mine-group.ashx#axzz2ZmoYBdTu>

18th of July 2013, Anchorage Daily News, Online: <http://www.adn.com/2013/07/18/2979942/un-unexploded-ordnance-killing.html>

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