

RECOMMENDATIONS FOR ACTION

- Myanmar should accede to the Anti-Personnel Mine Ban Convention (APMBC) as a matter of priority.
- Despite not yet being a state party to the APMBC, Myanmar has obligations under international human rights law to clear anti-personnel mines in areas under its jurisdiction or control as soon as possible.
- The Myanmar army (Tatmadaw) and armed groups should stop all use of anti-personnel mines.
- Myanmar should accelerate non-technical survey, authorise international marking of hazardous areas, and permit accredited operators to conduct clearance and explosive ordnance disposal.
- Myanmar should establish a national mine action authority to plan and coordinate comprehensive humanitarian mine action.

UNDERSTANDING OF AP MINE CONTAMINATION

Myanmar is heavily mine-affected as a result of conflicts between the Tatmadaw and numerous non-state armed groups affiliated with ethnic minorities. There is no estimate of the extent of mine contamination but some 55 townships (out of a total of 325) in 10 states and regions are believed to suffer from some degree of mine contamination, primarily anti-personnel mines. While there is no systematic collection of landmine casualty data in Myanmar, of the recorded

incidents in recent years, Kachin and Shan States have among the highest number of landmine casualties, and numbers are increasing.¹

In 2018, MAG identified 671,244m² of anti-personnel mined area across 42 suspected hazardous areas (SHAs) and 21,126m² across 9 confirmed hazardous areas (CHAs) across Kayah, Kayin, and Shan states and the Tanintharyi region (see Table 1).²

Table 1: Anti-personnel mined area by township or state (at end 2018)³

Township/ State	CHAs	Area (m ²)	SHAs	Area (m ²)
Bawlakhae/Kayah	0	0	1	16,482
Hpasawng/Kayah	0	0	2	27,065
Hpruso/Kayah	1	14,819	14	28,428
Loikaw/Kayah	0	0	15	19,059
Mese/Kayah	0	0	1	27,028
Kawkareik/Kayin	1	2,400	0	0
Langkho/Shan(South)	0	0	1	500,000
Mongkaung/Shan(South)	0	0	3	51,225
Pekon/Shan(South)	7	3,907	5	1,957
Totals	9	21,126	42	671,244

In 2018, DDG conducted non-technical survey in Kayah state (in Hpruso and Hpasawng townships) visiting a total of 102 villages. A total of nine CHAs totalling 613,366m² were identified in nine contaminated villages.⁴

In addition, in 2018, The HALO Trust identified 163,832m² across 58 hazardous areas by non-technical survey in Kayin and Shan States. In 2019, as at August, a further 25 hazardous areas had been identified covering 550,287m². These contaminated areas indicate the presence of both mines and explosive remnants of war (ERW).⁵

The Independent International Fact-Finding Mission on Myanmar established by the United Nations Human Rights Council reported in September 2018 that “despite the signing of the Nationwide Ceasefire Agreement in October 2015, which committed all parties to end the use of landmines and cooperate on mine-clearance operations, new landmines continue to be laid.” It cited credible reports that the Tatmadaw and ethnic armed groups had laid mines and observed that “Tatmadaw soldiers lay landmines in villages they have attacked or after civilians have fled, or on roads frequently used by civilians. Civilians have also laid landmines in order to protect their property.”⁶

It was also reported that mines had been laid by the Tatmadaw soldiers along the border with Bangladesh in the lead up to and following the “clearance operations” intended to target fleeing Rohingya civilians and to prevent those who had already left from returning. In April 2017, it was reported that the Myanmar and Bangladesh governments had agreed to remove mines and improvised explosive devices (IEDs) from the border area. By August, however, the Tatmadaw was laying mines along the border, not removing them, and in September Bangladesh made a formal complaint with Myanmar regarding its use of mines.⁷

In September 2019, the Independent International Fact-Finding Mission on Myanmar reported that Northern Myanmar is “heavily contaminated with landmines” and that the parties to the conflict, including the Tatmadaw, the KIA, the SSA-S, and the SSA-N, all continue to lay landmines and use IEDs.⁸

The Tatmadaw uses anti-personnel mines most of which are produced in state-owned factories.⁹ Ethnic armed groups acknowledge use of anti-personnel mines of an improvised nature as well as a number of anti-vehicle mines, but unconfirmed reports have suggested groups in the north have also obtained Chinese factory-made Type 72 anti-vehicle mines.¹⁰

The violence in Myanmar started after the country’s independence in 1948. Mined areas are located in areas of Myanmar adjacent to borders with Bangladesh, China, and Thailand, and pose a particular threat in northern and eastern parts of the country.

NATIONAL OWNERSHIP AND PROGRAMME MANAGEMENT

Myanmar has no functioning national mine action programme. The government set up a Myanmar Mine Action Centre (MMAC) under the Myanmar Peace Centre (MPC) in 2012 with NPA’s support, but the centre was never fully staffed. The MPC was dissolved at the end of March 2016 and replaced by a National Reconciliation and Peace Centre that reports to the head of government, State Counsellor Aung San Suu Kyi.¹¹ The Nationwide Ceasefire Agreement signed in October 2015 included a dedicated article on demining, but as at August 2019, the government had not formulated a clear direction for mine action or established a centre to coordinate it.¹²

The Ministry of Social Welfare, Relief and Resettlement and the United Nations Children’s Fund (UNICEF) co-chair the Mine Risks Working Group (MRWG), which was set up in 2012 and comprises 10 ministries, 41 international and national organisations, and four state-level coordination agencies (in Kachin, Kayah, Kayin and Shahn states).¹³ In 2018–19, the MRWG was guided by a strategic workplan whose six main priorities are: inter-ministerial and inter-agency coordination mechanisms; mine risk education (MRE); victim assistance; data collection and information management; advocacy; and land release operations, including non-technical survey.¹⁴ UNICEF hosts quarterly MRWG meetings at union and state level.¹⁵

MAG and NPA both reported that the Government of Myanmar, including the military, became more engaged with mine issues at state and union level in 2018.¹⁶ There

is a regular and well attended MRE working group, with active participation from state and union level government representatives. As at August 2019, the development of a non-technical survey working group was under discussion.¹⁷

The Government of Myanmar drafted a countrywide internally displaced person (IDP) camp closure strategy, which has identified a need for landmine clearance to enable IDPs to return to their villages of origin. While this strategy does not provide any further details of how and when such clearance will take place it has allowed mine action partners to engage in further discussions about clearance with key stakeholders such as the Minister for Social Welfare, Relief and Resettlement. Although further permissions are still needed from the Ministry of Defence before such humanitarian clearance can begin, this marks a positive change in engagement.¹⁸

In 2018, operators facilitated workshops and cooperative visits between government delegates from Myanmar and neighbouring countries. This included a study tour to Cambodia in collaboration with the ASEAN Regional Mine Action Centre (ARMAC) and the Cambodian Mine Action and Victim Assistance Authority (CMAA) where delegates learned about land release, national standards, Standing Operating Procedures (SoPs) and information management, as well as about Cambodia’s experience in adhering to the APMBC. A similar trip to Thailand was planned for 2019.¹⁹

LAND RELEASE SYSTEM

STANDARDS AND LAND RELEASE EFFICIENCY

Myanmar does not have standards and therefore operators have followed the International Mine Action Standards (IMAS) and their own SoPs.

In 2018, operators successfully advocated for the Government of Myanmar to include physical marking (with warning signs) of SHAs and CHAs as part of the non-technical survey process. The government now approves marking of polygons on a case-by-case basis dependent on approval from local authorities.²⁰ The HALO Trust has since marked two hazardous areas in Kayin state with the agreement of the authorities and local community.²¹

OPERATORS

Six international demining organisations have offices in Yangon and some provincial locations: DanChurchAid (DCA), Danish Demining Group (DDG), The HALO Trust, Humanity and Inclusion (HI), Mines Advisory Group (MAG), and Norwegian People's Aid (NPA). Tatmadaw engineers have reportedly conducted some mine clearance but operations are not systematic or recorded.

In 2018, MAG deployed a total of 12 community liaison teams and 44 community liaison staff. MAG also deployed a Community Liaison Manager, four Community Liaison Supervisors and three Community Liaison Team Leaders during 2018. In 2019, this was reduced by two community liaison teams and one Community Liaison Team Leader.²²

DDG employed three international staff and forty-two national staff in 2018 (four in their Yangon office, sixteen in Kayah for non-technical survey and MRE and twenty-two in Shan and

Kachin for MRE). In 2019, DDG increased capacity in its Kayah office by relocating staff from Yangon and hiring an additional staff member.²³

In 2018, NPA supported its local civil society partners in the activities of one non-technical survey team and two MRE/ community liaison teams. In 2019, NPA plans to support the deployment of three non-technical survey teams with its civil society partners, which will conduct non-technical survey and MRE primarily in the south-east of the country where there are ceasefires in effect.²⁴

The HALO Trust employed 49 staff in 2018 based between Yangon, Hpa-An (Kayin), and Lashio (Shan) states, deploying seven teams to deliver MRE, conduct survey, and assist victims in Kayin and Shan states. In addition, HALO Trust operates with two local partners in Shan state, which increases access to ethnic Kachin and Shan communities.²⁵

LAND RELEASE OUTPUTS

No land release has occurred in Myanmar as humanitarian mine action operators are not permitted to conduct clearance by either the government or ethnic minority authorities. Operators have conducted risk education and community liaison activities, which in recent years have included limited community mapping of hazardous areas in some locations. Operators were authorised to conduct non-technical survey in some locations in 2018. They have so far been unable to carry out surveys across an entire state (province) which would enable them to determine a baseline level of contamination.

In 2018, MAG submitted a concept note for clearance of a small number of tasks in Kayah state. The sites selected were not of military strategic importance and clearance will bring significant benefits for community safety and tourism. During 2019, MAG will continue to push for state and union level approval for this initiative. MAG has secured permission to conduct non-technical survey in Thanintharyi and Kayin state, which began in 2019.²⁶

DDG continued non-technical survey in 2018 and as well as identifying CHAs the survey teams also identified 26 items of unexploded ordnance (UXO) across 26 villages. In 2019, DDG was invited by the Kayah Government to seek authorisation to conduct explosive ordnance disposal (EOD) but before any such authorisation could be granted, the military stopped the process and asserted their responsibility over EOD. DDG provided the military with information about all the dangerous items identified during the survey process and encouraged the military to take action to remove and destroy those items.²⁷

NPA supported its civil society partners for the activities of one non-technical survey team in Mon state, but no CHAs or SHAs were discovered between November and December 2018. In 2019, NPA was focusing on three areas of work: national ownership and capacity development, non-technical survey and MRE with civil society partners, and emergency response by local and national partners.²⁸

1 "Report of the Detailed Findings of the Independent International Fact Finding Mission on Myanmar", UN doc. A/HRC/39/CRP.2., 17 September 2018, p. 94.

2 Email from Bekim Shala, Country Director, MAG, 16 August 2019.

3 Email from Bekim Shala, MAG, 16 August 2019.

4 Email from Pascal Simon, Head of Programme, DDG, 20 August 2019.

5 Email from Geoff Moynan, Programme Manager, HALO Trust, 3 September 2019.

6 "Report of the Detailed Findings of the Independent International Fact Finding Mission on Myanmar", UN doc. A/HRC/39/CRP.2, 17 September 2018, p. 94.

7 Ibid., pp. 285-86.

8 "Detailed findings of the Independent International Fact-Finding Mission on Myanmar", UN doc. A/HRC/42/CRP.5, 16 September 2019, pp. 155-58.

9 These locally manufactured mines include copies of Russian PMNs (locally designated MM-2), POMZ fragmentation mines (designated MM-1), and United States M14s. LTM-76 bounding fragmentation mines based on British or Indian designs have been found around electrical pylons.

10 Information provided by mine action stakeholders on condition of anonymity, 2018.

11 Roger Fasth and Pascal Simon, "Mine Action in Myanmar", Journal of Mine Action, Issue 19.2, July 2015.

12 Interviews with Aksel Steen-Nielsen, Country Director, Norwegian People's Aid (NPA); Greg Crowther, Regional Director, South and South East Asia, Mines Advisory Group (MAG), in Phnom Penh, 1 May 2017; and emails from Melissa Andersson, Programme Manager, NPA, Yangon, 27 September 2017; and Bekim Shala, MAG, 16 August 2019.

13 UNICEF, "Landmines and explosive remnants of war threaten children and communities across Myanmar", 4 April 2018.

14 UN Portfolio of Mine Action Projects, "Myanmar 2019".

15 Email from Bekim Shala, MAG, 16 August 2019.

16 Emails from Bekim Shala, MAG, 16 August 2019; and Kyaw Lin Htut, Programme Manager, NPA, 21 August 2019.

17 Ibid.

18 Email from Bekim Shala, MAG, 8 September 2019.

19 Emails from Bekim Shala, MAG, 16 August 2019; and Kyaw Lin Htut, NPA, 21 August 2019.

20 Ibid.

21 Email from Geoff Moynan, The HALO Trust, 3 September 2019.

22 Ibid.

23 Email from Pascal Simon, DDG, 21 August 2019.

24 Email from Kyaw Lin Htut, NPA, 21 August 2019.

25 Email from Geoff Moynan, Programme Manager, 3 September 2019.

26 Email from Bekim Shala, MAG, 16 August 2019.

27 Email from Pascal Simon, DDG, 20 August 2019.

28 Email from Kyaw Lin Htut, NPA, 21 August 2019.