



PALAU

ARTICLE 5 DEADLINE: 1 MAY 2018
(UNCLEAR WHETHER ON TRACK TO MEET DEADLINE)

RECOMMENDATIONS FOR ACTION

- Palau should complete survey of all areas suspected to contain anti-personnel mines, as soon as possible, especially the caves in the Umubrogol mountains (Bloody Nose Ridge) area of Peleliu state, to determine if any anti-personnel mines remain.
- Palau should comply with its obligation to submit annual Anti-Personnel Mine Ban Convention (APMBC) Article 7 transparency reports, and do so in a timely manner.
- Palau should establish a national mine action programme and strategy, including a centralised national database to collate information on contamination from mines and explosive remnants of war (ERW), and record survey and clearance operations.

CONTAMINATION

The extent to which Palau remains contaminated with anti-personnel mines is unclear. Palau is contaminated by ERW and unexploded ordnance (UXO) on many of its 200 islands, left over from World War II,¹ when it was the scene of a number of land and naval battles between Japanese and American forces. An estimated total of 2,800 tons (2.8 million kg) of ordnance was dropped or fired on Palau.² Much of this ordnance failed to detonate or was abandoned after the war, and as a result, an unknown amount of UXO remains on the land or in the sea, including in sunken ships.³

1 Statement of Palau, APMBC Sixth Meeting of States Parties, Zagreb, 29 November 2005.

2 US military statistics included in the document provided to Landmine Monitor by email from Cassandra McKeown, Finance Director, CGD, 19 May 2010.

3 Draft document provided by Mats Anders Peter Hektor, Programme Manager, Norwegian People's Aid (NPA), 12 October 2016.

The non-governmental organisation (NGO), Cleared Ground Demining (CGD), conducted a community survey on Peleliu island in late 2009 which found that more than one-quarter of households or community infrastructure were contaminated with ERW.⁴ Local inhabitants are exposed to ERW while hunting, fishing, collecting shellfish, and engaging in agricultural activities.⁵ A follow-up survey of all households in Peleliu state and Angaur state was conducted in 2010, which led to further reports of contamination in agricultural areas, including taro fields and banana plantations, as well in traditional food gathering areas where the population collects land crabs and hunts fruit bats for food.⁶

Clearance efforts to date have included “a combination of ‘spot tasks’ in response to reports of UXO, visual battle area clearance of general areas and sub-surface clearance of specified areas, like walking tracks and around the power station.” The work has reportedly “been ‘complicated’ by the presence of UXO in caves, and also the presence of human remains and war artefacts in the areas where UXO are found.”⁷

In 2011, Palau stated for the first time in its APMBC Article 7 transparency report that it had mined areas on its territory. Contamination to date has included Japanese anti-vehicle and anti-personnel mines as well as sea mines, with anti-personnel mines reported in the Umubrogol mountains (Bloody Nose Ridge) and Death Valley regions of Peleliu State.⁸ In its earlier Article 7 reports, Palau had declared no known or suspected mined areas.⁹

Subsequently, in its Article 7 transparency report for 2011 Palau stated that clearance had been completed of all anti-personnel mines at the only two areas with confirmed contamination. It was also reported that areas containing sea mines remained to be cleared. Palau further reported that areas containing abandoned anti-personnel mines remained in caves at Bloody Nose Ridge in the Umubrogol mountains in Peleliu State, recording that: “Landmines have been found stored in the complex cave and tunnel systems of the former battlefield. A total of 608 caves exist – operations have only taken place in 34 caves to date.”¹⁰

At that time, CGD confirmed that anti-personnel mine contamination was only of abandoned stockpiled mines.¹¹ In December 2011, in its statement to the APMBC Eleventh Meeting of States Parties, Palau claimed that it was not “obligated under the AP Convention to destroy emplaced antipersonnel mines because it never produced, stockpiled, used, nor transported them.”¹²

In its Article 7 report for 2012, Palau reported that “AP Landmines have been found on Bloody Nose during the course of ERW clearance over the past three years. The AP landmines have been found emplaced and fused but unarmed in the ground as well as stored within defensive cave and tunnel complexes,” and that “ongoing clearance operations are removing these AP Landmines”.¹³ In addition, Palau also reported JE-type sea mines in two locations in Airai state, and affirmed that the mines had been used in both anti-boat and anti-personnel roles.¹⁴ Palau also reported that its contamination “was a result of a fiercest battle fought in the Pacific during WWII. With such circumstance, Palau is seeking assistance toward island wide survey to know its mine[d] areas and or suspected mine[d] areas.”¹⁵

Palau has not submitted any Article 7 reports for 2013, 2014, or 2015, as it is obligated to do by the APMBC. In December 2015, however, CGD reported having cleared laid and armed anti-personnel and anti-vehicle mines in Palau between January 2014 and November 2015. The location of clearance was not specified, but was believed to be Bloody Nose Ridge, Peleliu state.¹⁶

In its draft UXO plan 2016–18, Palau records that “A total of 43 anti-personnel landmines have been cleared”, and that “it has ‘cleared all known mined areas’ in compliance with the APMBC.”¹⁷

In October 2016, the Palau authorities confirmed they were in the process of applying Palau’s UXO Policy and would collect relevant data from clearance operators to build Palau’s understanding and awareness of contamination and for its submission of APMBC transparency reports.¹⁸

4 Draft document provided to the Monitor by email from Cassandra McKeown, CGD, 19 May 2010; and CGD, “Republic of Palau Project”, at: www.clearedground.org.

5 Document provided to Landmine Monitor by email from Cassandra McKeown, CGD, 19 May 2010.

6 Email from Cassandra McKeown, CGD, 18 July 2011.

7 Government of Palau, “Draft UXO Action Plan 2016-2018”, undated and awaiting Presidential approval.

8 APMBC Article 7 Report (for 2010), Form C.

9 Ibid. (for the periods 1 May to 14 September 2008 and 16 September 2008 to 16 September 2009).

10 APMBC Article 7 Report, Form C (for 2011).

11 Email from Cassandra McKeown, CGD, 18 July 2011.

12 Statement of Palau, APMBC Eleventh Meeting of States Parties, Phnom Penh, 1 December 2011.

13 APMBC Article 7 Report (for 2012), Form C.

14 Ibid.

15 Ibid.

16 Email from Steve Ballinger, Operations Director, CGD, to the Palau Authorities, 1 December 2015.

17 Government of Palau, “Draft UXO Policy 2016”, undated and awaiting Presidential approval.

18 Email from Eunice Akiwo, Director, Bureau of Domestic Affairs, Ministry of State, 20 October 2016.

PROGRAMME MANAGEMENT

Palau is in the process of establishing a mine action programme to address its ERW/mine contamination. Under the authority of Executive Order No. 335 of 14 May 2013, issued by the Office of the President, a UXO Advisory Committee was established. The Committee has reportedly met a number of times since it was established, and an informal working group established in 2010 had also met prior to the establishment of the Committee.¹⁹

In June 2015, during meetings between Norwegian People's Aid (NPA) and government officials from the National UXO Advisory Committee, it was decided that a series of capacity building workshops would be held with the government, facilitated by NPA. The aim of the workshops was to support Palau's development of a national UXO policy, a national UXO action plan, and draft national UXO standards. A first workshop was held in July 2015, a second in August 2015, and the third and final workshop in January 2016.²⁰

Strategic Planning

The UXO Advisory Committee has overseen the development of the draft "UXO Policy 2016" and draft "UXO Action Plan 2016–2018", which were expected to be endorsed and approved by Palau's president towards the end of 2016.²¹

The draft UXO policy outlines Government coordination measures and assigns responsibilities to the relevant ministries. It also formally documents the role of the UXO Advisory Committee, which is composed of government ministries, states, agencies, and organisations. The Director of the Bureau of Domestic Affairs within the Ministry of State acts as the secretariat.²²

Furthermore, a UXO Technical Working Group, consisting of representatives at working level from each ministry, Palau's states, and other concerned organisations, has been established by the Advisory Committee. The UXO Technical Working Group assists the Advisory Committee with its work, particularly on the technical aspects of UXO destruction.²³

Palau, in conjunction with international partners including NPA, CGD, and JMAS, is planning, coordinating, and implementing a nationwide, non-technical survey (NTS), referred to in the UXO Action Plan as a "general UXO survey", to confirm the UXO-affected areas of the

country. NPA is conducting the NTS, which "will gather documentary information from a variety of sources, such as previous surveys, NGO progress reports, other ministries, states, police, construction agencies, dive operators and historical records. All data collected during the general survey is to be stored in IMSMA [the Information Management System for Mine Action]."²⁴

Standards

The UXO Advisory Committee is also tasked to determine rules and regulations for the quality and standard of work performed by agencies like the National Safety Office (in the Ministry of Infrastructure, Industries and Commerce), the police, international organisations, NGOs, and foreign militaries. These rules and regulations, known as 'Palau UXO Standards', are in the process of being drafted.²⁵

NPA is currently supporting the Palau Safety Office in the drafting of the Palau UXO standards, based on the International Mine Action Standards (IMAS).²⁶ An initial workshop in August 2015 identified a list of 21 UXO standards needed in Palau – this included adopting certain IMAS in full, tailoring other IMAS to the situation in Palau, and developing some standards for situations unique to Palau. According to Palau's draft UXO Action Plan 2016–18, "This should not become a long and drawn-out process, and standards should be issued in draft form as soon as possible and then reviewed after six months of application."²⁷

Operators

CGD has been conducting ERW and UXO clearance operations in Palau, both on land and in the sea, since 15 September 2009.²⁸ The clearance project is focused on Peleliu and Angaur – two southern islands of Palau, and aims to reduce the immediate risk of ERW on local communities and tourists.²⁹

In 2012, the Japan Mine Action Service (JMAS), a Japanese demining NGO, commenced work in Palau, with a focus on under-water UXO clearance. Their activities to date have included sealing depth charges on the 'Helmet Wreck' off Malakal, Koror, and undertaking underwater surveys.³⁰

19 Draft document provided by Mats Anders Peter Hektor, NPA, 12 October 2016.

20 NPA, "Humanitarian Disarmament in Palau", accessed 16 October 2015, at: <https://www.npaid.org/Our-Work/Humanitarian-Disarmament/Where-we-work/Humanitarian-Disarmament-in-Palau>.

21 Ibid.

22 Government of Palau, "Draft UXO Policy 2016", undated and awaiting Presidential approval.

23 Ibid.

24 Government of Palau, "Draft UXO Action Plan 2016–2018", undated and awaiting Presidential approval.

25 Government of Palau, "Draft UXO Policy 2016", undated and awaiting Presidential approval.

26 Ibid.

27 Government of Palau, "Draft UXO Action Plan 2016–2018", undated and awaiting Presidential approval.

28 CGD, "Republic of Palau Project", accessed 12 October 2016, at: http://www.clearedground.org/projects_palau.aspx; and M. L. Poso, "Team removes WWII ordnance in Palau", *Palau Horizon*, 3 May 2010, at: www.eastwestcenter.org/pacific-islands-development-program/about-pidph; and B. H. Carreon, "Clearance of landmines, UXO starts in Peleliu", *Palau Horizon*, 7 October 2009, at: www.mvariety.com.

29 CGD, "Republic of Palau Project".

30 Pacific Islands Report, "Team From Japan Removes Depth Charges From Palau Wreck", 22 December 2015, at: <http://www.pireport.org/articles/2015/12/22/team-japan-removes-depth-charges-palau-wreck>; and Government of Palau, "Draft UXO Action Plan 2016–2018", undated and awaiting Presidential approval.

In 2015, NPA received a grant to assist Palau to strengthen national capacity to manage and coordinate the UXO sector, and to help with undertaking surveys and UXO clearance; NPA subsequently initiated a programme of support. This included NTS, which began on 15 September 2016, with the aim of completing a survey of all Palau's states by April 2017.³¹

All three NGOs rely on direct funding from foreign donors, which as at October 2016 included the Governments of Australia, Japan, and the US.³²

In addition, mines were also believed to have been encountered during a "last Human Remains Mission" undertaken in 2015 by Japan in an operation involving the Palau Historic Preservation Office (HPO), also known as the Bureau of Cultural and Historic Preservation, under the Ministry of Community and Cultural Affairs (MCCA).³³ The Government of Japan will reportedly clear caves on Peleliu as part of the programme to repatriate human remains from World War II.³⁴

Information Management

At present, no centralised database contains historical information or data relating to, for example, the location of UXO, past disposal of UXO, or the location of sunken ships, and which can be retrieved for planning and prioritisation purposes.³⁵ NPA is supporting the Palau Safety Office to establish a national UXO database for the purpose of coordinating survey and clearance of UXO and mine contamination. The database uses IMSMA.³⁶

LAND RELEASE

In December 2015, CGD reported having cleared five type 93 HE blast anti-personnel mines, which were laid and armed, in two separate caves, between January 2014 and November 2015.³⁷ CGD also reported clearing during the same period: one yardstick anti-vehicle mine, found on a beach; three JB spherical anti-vehicle mines, found in three separate locations, underwater and in mangroves; 12 JE HE blast mines, found in nine different locations (in mangroves and residences); and one improvised mine (using modified aircraft bomb components), found on a beach.³⁸ According to CGD, these mines can "be classed as anti-vehicle or anti-personnel (as both of those types deployed in World War II in Palau can be activated by people)".³⁹ These mines are covered by the APMBC.

NPA started NTS on 18 September 2016, in the state of Koror, and as at 12 October, had not found any evidence of anti-personnel mines in that state.⁴⁰

ARTICLE 5 COMPLIANCE

Under Article 5 of the APMBC, Palau is required to destroy all anti-personnel mines in mined areas under its jurisdiction or control as soon as possible, but not later than 1 May 2018.

Until recently, it was not believed that Palau had mined areas containing anti-personnel mines, other than a residual risk of contamination. Rather, it was thought the remaining mines were in abandoned stockpiles, which fall under Article 4 of the APMBC.

However, in December 2015, CGD reported clearing a number of emplaced anti-personnel mines between January 2014 and November 2015.⁴¹ The mines should be reported by Palau in an Article 7 report and survey conducted of areas where anti-personnel mines may remain.

31 NPA, "Humanitarian Disarmament in Palau", accessed 16 October 2015, at: "<https://www.npaid.org/Our-Work/Humanitarian-Disarmament/Where-we-work/Humanitarian-Disarmament-in-Palau>."

32 Government of Palau, "Draft UXO Action Plan 2016–2018", undated and awaiting Presidential approval.

33 Email from Steve Ballinger, CGD, to the Palau Authorities, 1 December 2015.

34 Government of Palau, "Draft UXO Action Plan 2016–2018", undated and awaiting Presidential approval.

35 Ibid.

36 Ibid.

37 Ibid.

38 Ibid.

39 Ibid.

40 Email from Mats Anders Peter Hektor, NPA, 12 October 2016.

41 Email from Steve Ballinger, CGD, to the Palau Authorities, 1 December 2015.