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## **Coping with Clandestine Structures in International Intervention: Landmine Clearance Agencies in Afghanistan, Bosnia and Sudan**

**Abstract:** Contemporary conflicts radically reorganize the political and economic systems of societies, empowering 'clandestine structures,' built by covert action, smuggling, war profiteering, black markets and organized crime. This 'underground', eschewing transparency and rule-based politics and economics, poses an enormous danger to international peacebuilding efforts. This essay examines how intervening international agencies interact with such structures, by drawing on fieldwork researching landmine clearance programs in Afghanistan, Bosnia and Sudan. Demining agencies offer telling insights into the nexus between international agencies and clandestine structures because they often employ significant numbers of demobilized soldiers, many of whom may have links to clandestine structures, and require information, access and goods that may be controlled by such networks. Using examples from the cases, this paper will show various attempted responses to this problem by international demining agencies, including collusion, avoidance, and building alternative structures.

### **1. Introduction**

The proliferation of civil conflicts in the developing and former Communist world has caused scholars to claim that in places like the Former Yugoslavia, Chechnya, Columbia, Rwanda, Somalia and Sudan, we are seeing an unprecedented kind of warfare. These "New Wars" are characterized by the targeting of civilians; powerful non-state actors; prolonged, seemingly intractable, hostilities; and exclusivistic ethnic, religious and sectarian ideologies.<sup>1</sup> These conflicts radically reorganize the political and economic systems of the societies in which they occur,<sup>2</sup> empowering what some have called 'clandestine structures,' built

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<sup>1</sup> Mary KALDOR, *New and Old Wars: Organized Violence in a Global Era*, Cambridge: Polity Press, 1999; Herfried MÜNKLER, *The New Wars*, Cambridge: Polity Press, 2005.

<sup>2</sup> David KEEN, *The Economic Functions of Violence in Civil Wars*, London: Oxford University Press, 1998; Mark DUFFIELD, *Global Governance and the New Wars: The Merg-*

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by groups involved in covert action, smuggling, war profiteering, black markets and organized crime.<sup>3</sup> The word 'clandestine', drawing on the work of Peter Andreas, is used here to illustrate that covert operators, paramilitary organizations, corrupt officials and organized crime bosses, often linked to each other, hold in common an aversion to the transparent and rule-based politics and economics needed for a peaceful and prosperous society.

However, due to their secrecy and violence, clandestine structures are difficult to study and much of the literature on post-conflict reconstruction avoids systematic study of their nature, how they operate and how they interact with intervening international agencies. Nevertheless, understanding post-conflict environments requires an understanding of the clandestine, for the formal structures of the state, business and even civil society may bear little relation to the actual systems of power and authority.<sup>4</sup>

Many intervening international agencies, whether political and diplomatic missions or aid organizations, fail to grasp fully the power and importance of these structures, partly due to problems understanding local languages and contexts, but also because their management often comes from countries in which clandestine structures play only a marginal, highly restricted role. As a result, they often find their agenda and programs resisted, hijacked or co-opted by vested interests. While intending to build peace and engage in humanitarian activities, agencies can find themselves funding or abetting the very political systems that are invested in the continuation of a violent and distorted political economy.<sup>5</sup> International agencies that lack military or policing power and in a

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*ing of Development and Security*, London: Zed Books, 2001; Michael PUGH ET AL. (eds.), *War Economies in a Regional Context: Challenges of Transformation*, London: Lynne Reiner Publishers, Inc., 2004.

<sup>3</sup> Peter ANDREAS, »Illicit International Political Economy: the Clandestine Side of Globalization«, in: *Review of International Political Economy*, 11 (August 2004) 3, pp. 641–652, available at <[http://www.brown.edu/Departments/Political\\_Science/documents/Illicit\\_International\\_Political\\_Economy.pdf](http://www.brown.edu/Departments/Political_Science/documents/Illicit_International_Political_Economy.pdf)>;

IDEM, »The Clandestine Political Economy of War and Peace in Bosnia«, in: *International Studies Quarterly*, 48 (2004) 1, pp. 29–52, available at <[http://www.brown.edu/Departments/Political\\_Science/documents/Clandestine\\_Political\\_Economy\\_of\\_War\\_and\\_Peace.pdf](http://www.brown.edu/Departments/Political_Science/documents/Clandestine_Political_Economy_of_War_and_Peace.pdf)>.

<sup>4</sup> IDEM, »The Clandestine Political Economy« (above fn. 3); cf. Patrick CHABAL/Jean-Pascal DALOZ, *Africa Works: Disorder as Political Instrument*, Oxford: James Currey, 1999.

<sup>5</sup> Alex DE WAAL, *Famine Crimes: Politics and the Disaster Relief Industry in Africa*, Bloomington, Indiana: Indiana University Press, 1998; Mary B. ANDERSON, *Do No Harm: How Aid Can Support Peace – or War*, Boulder, Col.: Lynne Rienner Publishers, 1999.

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place where there is no effective justice system to contest these networks, are then faced with three broad options, each with its own advantages and risks:

1. To collaborate pragmatically with such structures, in the interests of 'getting the job done,'
2. To chart a 'neutral' course, trying to avoid close interaction with clandestine structures, while maintaining dialogue with all political groups, or
3. To try to transform the system by building alternative institutions independent of such structures.

This paper explores these issues by looking at one particular sector, the clearance of landmines and other explosive remnants of war,<sup>6</sup> in three countries undergoing some sort of peace and reconstruction process: Afghanistan, Bosnia and Herzegovina (hereafter Bosnia) and Sudan. Demining is now considered a major component of international intervention for post-conflict reconstruction, contributing to the creation of a secure environment, assisting in refugee return, opening access to roads for commerce and aid, rehabilitating agricultural land and providing employment for demobilized soldiers. It is funded largely by international donors and implemented by a mix of international and local non governmental organizations (NGOs), commercial companies and government agencies.<sup>7</sup>

The premise of this paper is that studying mine clearance can offer particular insight into the nexus between international agencies and clandestine networks. Since the global mine problem is intimately connected to the rise of the "New Wars," demining agencies operate extensively in contexts where clandestine structures are strong. Moreover, the specific nature of their work means they often employ significant numbers of demobilized fighters, many of whom may maintain links to underground networks and require information, access, goods and services that may be controlled by such networks.

The paper draws on the author's wider research project into the political economy of foreign aid for demining in Afghanistan, Bosnia and Sudan. The following information was collected in fieldwork ranging from four to eight weeks in each of the three countries. The author gathered documents, collected

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<sup>6</sup> Hereafter, the terms 'landmine clearance', 'mine clearance', 'demining' and 'mine action' will be used interchangeably.

<sup>7</sup> For further background on mine action and demining, see Rae McGRATH, *Landmines and Unexploded Ordnance: A Resource Book*, London: Pluto Press, 2000; GENEVA INTERNATIONAL CENTRE FOR HUMANITARIAN DEMINING (GICHD), *A Guide to Mine Action*, Geneva: GICHD, July 2003; Stuart MASLEN, *Mine Action After Diana: Progress in the Struggle Against Landmines*, London: Pluto Press, 2004.

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statistics and, in over 100 interviews, spoke to key informants in most of the major demining institutions in each country, as well as in New York (at the UN), Washington DC, Oslo and Geneva. The three countries were selected because they are among the top recipients of mine action funding and involve a range of different implementing agencies, allowing for comparisons within, as well as across, countries.

This study required careful attention to methodology and research ethics. Traditional social science offers little guidance on systematically studying the political economy of conflict and falsifying the disinformation and half truths it generates.<sup>8</sup> This study heeds Mark Duffield's call for an ethnography of political economy<sup>9</sup> and uses participant observation and "thick description"<sup>10</sup> to understand complex systems of underground relationships. Due to the sensitivity of the topic, much of the primary documents and interview data will not be cited directly here. Moreover, information will sometimes be either discussed in general terms, or anonymized to avoid repercussions for the individuals and organizations involved. This causes potential problems of verifiability, especially when the qualitative data gathered through interviews was often unspecific, driven by personal, commercial and political agendas, and couched in hear-say or obtuse hints.<sup>11</sup> Therefore, this study 'triangulated' and corroborated the interview data with information available in the public record. Using the journalistic rule of thumb, claims were confirmed by at least two reliable sources, one of which published or official.

The paper begins by providing brief historical background into how clandestine structures came to play a major role in the political economies of Afghanistan, Bosnia and Sudan. The next section looks at the general ways in which demining agencies are forced to interact with such structures. This is followed by background on demining in Afghanistan, Bosnia and Sudan and then an examination of how international mine clearance groups managed interaction with clandestine elements, focusing on the three broad responses outlined above: collaboration, neutrality, or building alternatives. Finally, the paper will

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<sup>8</sup> Carolyn NORDSTROM/Antonius C.G.M. ROBBEN (eds.), *Fieldwork under Fire: Contemporary Studies of Violence and Survival*, Berkeley, Cal.: University of California Press, 1995; J. Christopher KOVATS-BERNAT, »Negotiating Dangerous Fields: Pragmatic Strategies for Fieldwork amid Violence and Terror«, in: *American Anthropologist*, 104 (March 2002) 1, pp. 208–222.

<sup>9</sup> DUFFIELD, *Global Governance* (above fn. 2), pp. 260–262.

<sup>10</sup> Clifford GEERTZ, *The Interpretation of Cultures*, New York: Basic Books, 1973.

<sup>11</sup> Anna SIMONS, »Rumor: The Beginning of the End«, in: NORDSTROM/ROBBEN, *Fieldwork under Fire* (above fn. 8), pp. 42–61.

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draw out implications for both mine action policy and international intervention in general, and offer some conclusions.

## **2. The Development of Clandestine Structures**

### **a. Afghanistan**

In the 1980s, Afghanistan was the site of the CIA's largest ever covert operation, which funneled millions of dollars to a loose coalition of insurgent groups, known as the *mujahideen*, fighting the Soviet occupation and its local puppet government. CIA funds were matched by Saudi Arabia and supplemented by countless donations from around the Islamic world. The rebel parties organized and sought haven in the large refugee camps that sprung up in the border regions of neighboring Pakistan. The primary conduit of US and Saudi funding to the *mujahideen* was the Pakistani Inter-Services Intelligence (ISI), which selected its primary recipients not according to levels of popular support among Afghans, but because of ideological and military reasons. The ISI favored militant groups over those more moderate and less inclined toward violence. Interested in revenge for the Vietnam War, the US backed this policy, aiming to humiliate the Soviet military machine. The US even integrated its 'humanitarian aid' into this system, aiming to build the political and logistical capacity of the rebel parties. As former senior employees of the USAID Afghanistan program said, USAID, the CIA and the ISI "were just one big happy family," with the ISI making the key decisions about "who got what" aid.<sup>12</sup> Unsurprisingly, significant aid resources were diverted by the parties and a large allocation went to the party of Gulbuddin Hekmatyar, who committed terrible atrocities in the post-Communist era and is now fighting the US-led coalition.

Following the Soviet withdrawal in 1989 and the collapse of the Afghan Communist government in 1992, the country disintegrated into civil war, fragmenting into fiefdoms ruled largely by violent neo-patrimonial 'warlords.' Long a major opium producer, drug traffickers found themselves their business hampered by a context of rampant warlord rent-seeking. They found common cause, along with other smuggling interests, with an Islamist student movement, the Taliban, which sought to rid the country of warlordism and install a reactionary fundamentalist regime. Traffickers rewarded the Taliban for abolishing the extensive network of arbitrary checkpoints, allowing smugglers to transport goods quickly and efficiently for export. As a result of their ideologi-

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<sup>12</sup> These quotes are from interviews with personnel of the 1980s USAID Cross-Border Humanitarian Assistance Program for Afghanistan.

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cal perspective and the weak nature of the state, the Taliban also played host to a range of terrorist networks including Al Qaeda.

In its operations following 9/11, the US made and bought alliances with many of the warlords that had been disempowered by the Taliban. The post-2001 order in Afghanistan has thus been characterized by a reemergence of these criminalized structures, which, despite the best efforts of President Hamid Karzai, have dominated local politics. Though the Taliban had eventually constrained the drug trade, the post-9/11 era has seen a massive boom in the opium trade, with Afghanistan now providing some 90% of the world's heroin. Moreover, aid agencies have sometimes been forced to collaborate with these 'warlord' systems, and even accept protection from private militias that have rebranded themselves as security companies.

In short, the legacy of covert action, warlordism and narcopolitics have left Afghanistan with a highly violent and criminalized political system, in which clandestine and 'underground' structures are actually the dominant forces. This poses an enormous challenge to intervening international agencies that seek to develop good governance, civil society and a productive formal economy.<sup>13</sup>

#### **b. Bosnia**

The clandestine structures of Bosnia's political economy derive from its 'double transition': from command to market economy and from war to peace. Prior to transition, the Communist former Yugoslavia faced the same problems as many command economies. Central planning meant the economy was unable to meet demand and thus economic life was dominated by shortages. This created strong incentives for black marketeering to meet unmet demand. Organized crime was thus well-placed to exploit the political economy of conflict following the outbreak of war in Croatia and Bosnia in the early 1990s.

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<sup>13</sup> For further details on clandestine structures in Afghanistan, see Steve COLL, *Ghost Wars: The Secret History of the CIA, Afghanistan and bin Laden, From the Soviet Invasion to September 10, 2001*, London: Penguin Books, 2004; George CRILE, *Charlie Wilson's War*, New York: Grove Press, 2004; Selig S. HARRISON, »Afghanistan«, in: Antony LAKE (ed.), *After the Wars: Reconstruction in Afghanistan, Indochina, Central America, Southern Africa and the Horn of Africa*, Washington DC: Overseas Development Council, 1990, pp. 45–76; Chris JOHNSON/Jolyon LESLIE, *Afghanistan: The Mirage of Peace*, London, Zed Books, 2005; Barnett R. RUBIN, *The Fragmentation of Afghanistan*, 2nd Ed., New Haven: Yale University Press, 2002; Ahmed RASHID, *Taliban: The Story of the Afghan Warlords*, London: Pan Books, 2001; Antonio GUSTOZZI, *Koran, Kalashnikov, and Laptop: The Neo-Taliban Insurgency in Afghanistan*, New York: Columbia University Press, 2007.

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Organized criminal networks, the most famous being the paramilitaries of the Serbian criminal Željko "Arkan" Ražnatović, played a variety of roles in the Bosnian conflict that made them significant players in the post-war period. Ethnic cleansing strategies allowed criminal paramilitary groups to profit from looting the homes and businesses of the displaced. The international arms embargo meant the factions relied on criminal networks to smuggle weapons. The Serb forces' tactic of besieging Bosnian government-held cities created enormous shortages (akin to, but much worse than, those of the Communist era) that encouraged the development of black markets. Moreover, in Sarajevo, the Bosnian government, left desperate by siege and arms embargo, relied on a network of gangs to protect the city. The government also made deals with Islamist networks, many of which had been involved in the Afghan war, to finance weapons and operations. Finally, the massive influx of international aid created opportunities for diversion and corruption, such as outright looting or 'taxing' at checkpoints. As a result, the true winners of the Bosnian conflict were a class of ethno-nationalist 'war entrepreneurs.'

The Dayton Peace Accords, which ended the Bosnian war in 1995, represented both a strong-arming of the parties by the US and an accommodation of the ethno-nationalistic factions that had perpetuated the war. This basic tension shaped the international community's involvement in post-war Bosnia, which incorporated a combination of both conflict and collusion with nationalists and the criminal networks that supported them. Therefore,

*Nationalist, and in many cases criminal, politicians [became]... the key interlocutors for the international community and their principal entry points into local communities.<sup>14</sup>*

Moreover, the state set up by Dayton was extremely weak, characterized by overlapping and decentralized authority. The division of Bosnia into two largely autonomous 'entities' stymied cooperation among police and justice systems. Unsurprisingly, there have been few effective prosecutions of organized crime.

The result is a political economy dominated by ethnicized and criminalized patron-client networks. The imposition of neoliberal reforms – privatization, deregulation and liberalization – by the international community has actually strengthened these networks, allowing them to capture lucrative public assets

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<sup>14</sup> Vera DEVINE, »Corruption in Post-War Reconstruction: The Experience of Bosnia and Herzegovina«, in: Large, Daniel (ed.), *Corruption in Post-War Reconstruction: Confronting the Vicious Circle*, Beirut: Lebanese Transparency Association, 2005, pp. 56–65, p. 58, available at <<http://www.transparency-lebanon.org/2006/Publications/PWR/4.pdf>>.

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and reduce government oversight of their activities.<sup>15</sup> The UN has described the Bosnian privatization process as "chaotic," saying that "with large sums of cash available, organized criminals are in a position to bid for public tenders and contracts – often in collusion with corrupt officials."<sup>16</sup> Through both corruption and simply being well-placed (politically and financially) to act as contractors, they have also been able to profit immensely from the influx of foreign aid. By 1999, some \$1 billion of aid to Bosnia was reported to have disappeared.<sup>17</sup>

In short, the legacy of black marketeering in the days of a command economy was strengthened by opportunities for smuggling and looting during the war. The lawlessness of the post-war period and windfalls from privatization and international aid have entrenched the influence of clandestine political and economic structures in the Bosnian political system.<sup>18</sup>

#### **c. Sudan**

The expansive clandestine politics of Sudan are shaped by the decades of war that are both a manifestation and a result of a highly militarized and distorted political economy. The Sudanese government, whose powerbase lies in the Riverine region around Khartoum, is a bureaucratic authoritarian state dominated by its military, extensive secret services and intelligence agencies. Particularly in the 1990s, its Islamist character made it a welcoming host for a range of Islamist and Arab nationalist underground figures and movements, including Osama Bin Laden and 'Carlos the Jackal.' In fighting pervasive insurgencies in the south and Darfur, a key element of Khartoum's strategy has been to 'divide and rule' by exacerbating local conflicts and funding and arming proxy militias. These militias, known variously as  *Murahileen* or  *janjaweed*, are encouraged, or at least tacitly allowed, to attack, pillage and loot civilians. Khartoum has thus

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<sup>15</sup> Timothy DONAIS, *The Political Economy of Peacebuilding in Post-Dayton Bosnia*, London: Routledge, 2005.

<sup>16</sup> UNITED NATIONS, BOSNIA AND HERZEGOVINA (UNBiH), *Common Country Assessment (CCA)*, Sarajevo: UNBiH, December 2004, p. 16.

<sup>17</sup> Chris HEDGES, »Leaders in Bosnia Are Said to Steal Up to \$1 Billion«, in: *New York Times*, 17 August 1999.

<sup>18</sup> For details on clandestine networks in Bosnia, see ANDREAS, »The Clandestine Political Economy« (above fn. 3); DEVINE, »Corruption in Post-War Reconstruction« (above fn. 14); Hugh GRIFFITHS, »A Political Economy of Ethnic Conflict, Ethno-nationalism and Organised Crime«, in: *Civil Wars*, 2 (Summer 1999) 2, pp. 56–73; Michael PUGH, »Postwar Political Economy in Bosnia and Herzegovina: The Spoils of Peace«, in: *Global Governance*, 8 (October–December 2002) 4, pp. 467–482; Cees WIEBES, *Intelligence and the War in Bosnia 1992–1995*, New Brunswick: Transaction Publishers, 2003.

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sponsored the creation of highly violent interest groups in maintaining the political economy of war, which have even sometimes escaped their control. In a regional context, in which neighboring countries have sponsored or abetted the Darfuri and southern insurgencies, Sudan has a long record of covert action, including assisting rebel groups in Chad, Uganda and Ethiopia.

In the south, the Sudan People's Liberation Army (SPLA) is the primary authority. A highly militarized movement, in the 1980s it initially relied on the financing of the Marxist Ethiopian government, and the potential to 'farm' refugee aid in the camps along the Sudanese-Ethiopian border. With the fall of the Mengistu government, the SPLA turned to neighboring states such as Kenya and Uganda as patrons and also relied, to a certain extent, on 'taxing,' diverting and appropriating humanitarian assistance.

During the 1990s, the primary conduit for international aid to Sudan was the UN Operation Lifeline Sudan (OLS), which was required to coordinate all its activities with the northern government. To operate legally in Sudan, NGOs were supposed to operate under the umbrella of OLS and accept the restrictions on their movement, political positions and activities imposed by both Khartoum and the SPLA. However, several NGOs that objected to compromise with Khartoum operated outside the OLS framework. The non-OLS NGOs, notably Norwegian People's Aid, were far more likely to be close to the SPLA and take a pro-Southern, rather than neutral, stand on the conflict.<sup>19</sup> As a result, humanitarian aid, especially to non-OLS NGOs became a preferred method for outsiders to support the SPLA, while maintaining plausible deniability, tacitly understanding that this would indirectly support the SPLA both politically and financially, through fungibility and diversion.<sup>20</sup>

While the Comprehensive Peace Agreement (CPA) ended the war between Khartoum and the SPLA in 2005, the CPA is essentially a pact between two armed groups – the Government of Sudan and the SPLA – that guarantees their hegemony in their respective regions of strength, to the detriment of other groups in society.<sup>21</sup> The Khartoum government has been able to concentrate its counterinsurgency efforts on Darfur and the SPLA has consolidated its political control over the south. South Sudan is now dominated by a rent-seeking, rather

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<sup>19</sup> John C. DANFORTH, *Report to the President of the United States on the Outlook for Peace in Sudan*, 26 April 2002, p. 31, available at <[http://www.whitehouse.gov/news/releases/2002/05/outlook\\_for\\_peace\\_in\\_sudan.pdf](http://www.whitehouse.gov/news/releases/2002/05/outlook_for_peace_in_sudan.pdf)>.

<sup>20</sup> Séverine AUTESSERRE, »United States 'Humanitarian Diplomacy' in South Sudan«, in: *Journal of Humanitarian Assistance*, January 2002, available at <<http://www.jha.ac/articles/a085.htm>>.

<sup>21</sup> John YOUNG, »Sudan: A Flawed Peace Process Leading to a Flawed Peace«, in: *Review of African Political Economy*, 32 (March 2005) 103, pp. 99–113, pp. 103–104.

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than productive, economy. Informal traders in town markets exploit their ability to avoid taxes and customs. Soldiers and police supplement their income by extracting bribes along roads and in interactions with citizens. The local papers are regularly filled with stories of staggering levels of corruption among the South Sudanese authorities.

In short, decades of conflict in Sudan have contributed to the development of a highly militarized and distorted rent-seeking political economy.<sup>22</sup>

### **3. The Political Economy of Demining**

Having outlined the political economy of clandestine structures in the three above countries, the rest of this paper will look at how foreign assistance for landmine clearance has interacted with these systems. The following, drawing on the 'Do No Harm' and political economy of aid in war literature,<sup>23</sup> looks at some of the key ways in which demining agencies may be placed in a position where they must compromise with or confront vested clandestine interests. Later sections will then look in detail at how agencies dealt with these problems in the three case countries.

#### **a. Money**

Mine action is an expensive activity and thus requires large infusions of money into regions that are often quite poor. As with any form of international assistance, such a large influx of cash is guaranteed to attract significant rent-seeking behavior.<sup>24</sup> This can take many forms, from explicit theft and corruption, to

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<sup>22</sup> Larry MINEAR, *Humanitarianism under Siege: A Critical Review of Operation Lifeline Sudan*, Trenton, New Jersey: The Red Sea Press, 1991; David KEEN, *The Benefits of Famine: A Political Economy of Famine and Relief in Southwestern Sudan, 1983–1989*, Princeton: Princeton University Press, 1994; AFRICAN RIGHTS, *Food and Power in Sudan: A Critique of Humanitarianism*, London: African Rights, May 1997; William RENO, *Economies of War and their Transformation: Sudan and the Variable Impact of Natural Resources on Conflict*, August 2002, available at <<http://www.bicc.de/events/sudanws/5reno20august02.pdf>>; Douglas H. JOHNSON, *The Root Causes of Sudan's Civil Wars*, Oxford: James Currey, 2003.

<sup>23</sup> DE WAAL, *Famine Crimes* (above fn. 5); ANDERSON, *Do No Harm* (above fn. 5); Fiona TERRY, *Condemned to Repeat? The Paradox of Humanitarian Action*, Ithaca, NY: Cornell University Press, 2002.

<sup>24</sup> Anne O. KRUEGER, »The Political Economy of the Rent-Seeking Society«, in: *American Economic Review*, 64 (June 1974) 3, pp. 291–303; Jerker JOHNSON/Hans C. BLOMQUIST, *Development Aid – An Object for International Rent Seeking?*, Proceedings of the University of Vaasa, Discussion Papers 204 (1996).

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more subtle forms such as nepotism or favoritism in contracting and hiring. In a lawless conflict or post-conflict environment, mine action agencies may find it difficult to regulate such behavior effectively, and have little recourse to justice, when even the state is inhabited by predatory actors. Other forms of rent-seeking may include attempts to influence the prioritization of which areas should be demined first, either for personal gain (to increase the value of land) or for political purposes (such as maneuvering priorities away from clearing "minefields offering protection to strategic sites or territory"<sup>25</sup>).

#### **b. Information**

Information management is a key element of the mine clearance process, as it is impossible to begin demining without knowing where minefields are likely to be. Indeed, it is their very concealment, the secrecy of their location, which makes landmines effective weapons. Therefore, landmine survey includes locating and mapping former frontlines, persuading armed factions to give up minefield maps and speaking to local informants about the landmine situation. Unsurprisingly, this is an extremely sensitive task, and often leaves surveyors open to accusations of intelligence gathering. As Harpviken and Skåra note, armed groups may "be hesitant" about "information gathering" since it could "reveal to outsiders sensitive facts about the presence of landmines, and about which locations are seen as sufficiently important to warrant landmine placement."<sup>26</sup> As a result, demining agencies may have to engage in complex negotiations and even offer inducements to encourage cooperation from armed groups, including paramilitary factions, which may have little to gain from peace. Moreover, certain individuals may try to use their knowledge of the situation for financial gain, by attempting to sell information about the location of mines.

#### **c. Access**

In countries characterized by contested control over territory, demining agencies may find themselves having to negotiate access to roads and areas vital to their work. Mines are usually laid around the very frontlines and strategic locations that armed factions consider sensitive. In some cases, access to entire re-

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<sup>25</sup> Kristian Berg HARPVIKEN/Bernt A. SKÅRA, »Humanitarian Mine Action and Peace Building: Exploring the Relationship«, in: *Third World Quarterly*, 24 (October 2003) 5, pp. 809–822, p. 813.

<sup>26</sup> *Ibid.*, pp. 813–814.

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gions may be tightly restricted, either by the government or local strongmen. For instance, traveling to Darfur or parts of Eastern Sudan requires extensive paperwork and approval from Khartoum's military intelligence.

In addition to geographic access, demining agencies often require political access to visas, paperwork, licenses, courts and a sympathetic ear from the local authorities. Such access may be controlled by a variety of interlocutors, each with interests and agendas of their own. To facilitate their work, demining agencies, like many aid organizations, often have to hire 'fixers' with political connections, who are able to navigate both the formal bureaucratic systems and the clandestine structures behind them.

#### **d. Staffing**

Most deminers tend to be former soldiers. In fact, one often sees the organizational structure of armed factions reproduced within the demining organization, with officers acting as supervisors and footsoldiers acting as deminers. This means there are often significant connections between demining agencies and the security forces, former armed groups and paramilitary networks that developed during the conflict. Ex-military commanders and war profiteers – who have the financial assets to start an enterprise and have the security network connections needed to raise a workforce of local explosives experts – have much lower barriers to entry in creating local demining companies or NGOs than, for instance, a local farmers' association. This carries obvious risks, which some organizations handle better than others. On one hand, demining agencies have to face the potential of becoming 'captured' by the political (and/or economic) objectives of one armed group. On the other hand, when deminers are drawn from multiple sides of the conflict, there is the danger that they may 'import' the broader societal conflicts into the organization. Moreover, as noted above, without significant local knowledge, demining agencies may find it hard to detect nepotism in local staff hiring practices, and as a result may reproduce patrimonial networks within the organization.

#### **e. Goods and Services**

Demining agencies must purchase supplies and services in order to conduct their activities, but they often do so in an economy dominated by the black market. They may find it impossible to conduct even minor transactions without some interaction with the grey economy. The best exchange rates are often found on the street; going to an officially sanctioned bureau may mean losing

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thousands of dollars. Many commodities, including food, office furniture, building materials and equipment, may have been smuggled into the country, avoiding customs duties. Even formal businesses may fail to pay taxes or exploit their workers.

In addition, due to the nature of their work, demining agencies face risks of interaction with more nefarious interests. They require explosives, armored vehicles, body armor and equipment that may only be available from arms companies or local armed groups themselves.

#### **f. Security**

Mine clearance is a politically symbolic act. It represents a reclamation and pacification of territory in the aftermath of war and is the literal defusing of a violent menace to security. This can be deeply threatening to "spoilers"<sup>27</sup> who challenge the government's monopoly of violence and in a lawless environment, mine action agencies are at risk of attack, theft, looting or racketeering by criminal groups or armed factions. Therefore, like any actor in a conflict, demining agencies face a security dilemma.

As a result, demining agencies may have to seek protection from a variety of sources. Some try to rely on their reputation as representatives of the international community and a humanitarian mission. For others, however, this is not enough. They may accept protection from the local police or military, employ local guards or hire the services of a private security contractor. Many demining agencies are themselves private security companies and so source guards internally. However, there are several risks when accepting protection from another actor. First, protection may be a form of control, in which an armed group gives an escort to an agency but then controls its access to certain areas or people. Second, local guards or security companies may have links to militias or clandestine networks and may even be linked to the very groups threatening the agency. Finally, international private security companies may also be involved in military or covert operations that are either inimical to the agency's agenda or make it a politically polarized actor actually more vulnerable to attack.

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<sup>27</sup> Cf. Stephen John STEDMAN, »Spoiler Problems in Peace Processes«, in: *International Security*, 22 (Autumn 1997) 2, pp. 5–53.

#### **4. Background on Demining in Afghanistan, Bosnia and Sudan**

Before examining the specific responses to clandestine structures by demining agencies, the following provides background to the historical development and organizational structures of mine action in Afghanistan, Bosnia and Sudan.

##### **a. Afghanistan**

Afghanistan is considered the birthplace of humanitarian mine action. In addition to being the oldest operation, the Mine Action Program for Afghanistan (MAPA) is also the biggest, employing almost 10,000 people at its peak a few years ago. One of the most heavily mined countries in the world, the majority of its mine problem dates back to the Soviet occupation, with further layers of contamination the result of the 'warlord era' and fighting between the Taliban and its opponents, the Northern Alliance.<sup>28</sup>

Demining began in Afghanistan in the late 1980s with programs set up by the United Nations, the British NGO HALO Trust and USAID. Throughout the 1990s, the UN Mine Action Center for Afghanistan (UNMACA), headquartered in Pakistan, coordinated demining activities conducted by a network of UN-created local NGOs and the HALO Trust. Following the post-9/11 international intervention in Afghanistan, there was a massive increase in funds for demining, and UNMACA relocated to Kabul. UNMACA has gone through an extensive reform process, to make it more accountable and localize its leadership. This period has also seen the influx of commercial demining contractors, including private security companies, largely conducting clearance on US, NATO or Afghan military bases and airfields.<sup>29</sup> However, in 2006, USAID decided to

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<sup>28</sup> For more details about the landmine situation in Afghanistan, see SURVEY ACTION CENTER, *Landmine Impact Survey – Islamic Republic of Afghanistan*, Takoma Park, MD: Survey Action Center, 2006.

<sup>29</sup> For background on Afghan demining, see Robert EATON ET AL., *Afghanistan: The Development of Indigenous Mine Action Capacities*, New York: UN Department of Humanitarian Affairs Lessons Learned Unit, 1997; Kristian Berg HARPVIKEN, »Breaking new ground: Afghanistan's response to landmines and unexploded ordnance«, in: *Third World Quarterly*, 23 (2002) 5, pp. 931–943; GICHD, *A Study of Local Organisations in Mine Action*, Geneva: GICHD, November 2004, pp. 91–130, available at <[http://www.gichd.org/fileadmin/pdf/publications/Local\\_Organisations.pdf](http://www.gichd.org/fileadmin/pdf/publications/Local_Organisations.pdf)>; Arne STRAND, »Transforming Local Relationships: Reintegration of Combatants through Mine Action in Afghanistan«, in: Kristian Berg HARPVIKEN/Rebecca ROBERTS (eds.), *Preparing the Ground for Peace: Mine Action in Support of Peacebuilding*, Oslo: PRIO, 2004, pp. 40–54; UNITED NATIONS MINE ACTION CENTER FOR AFGHANISTAN (UNMACA), *Mine Action Programme for Afghanistan: 1384 (2005–*

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channel its demining support to infrastructure projects through prime reconstruction contractors to commercial companies, instead of through the UN and local NGO system.<sup>30</sup> This is likely to expand the commercial sector considerably.

## b. Bosnia

At the end of the Bosnian war in 1995, the former frontlines were littered with extremely high levels of mine and ordnance contamination.<sup>31</sup> The Dayton peace agreement required the armed factions to clear all their minefields in 30 days,<sup>32</sup> a ludicrous deadline considering the massive contamination and dearth of accurate minefield maps. Following a chaotic start-up period, mine clearance was coordinated first by a UN Mine Action Center (UNMAC), which then handed control to the government's Bosnia and Herzegovina Mine Action Center (BHMIC) in 1998. Bosnia's demining programs have been characterized by an unusually diverse set of actors and funding modalities. On the government side, there are local Civil Protection (integrated into the emergency services) and military demining units. There is also a large private sector, involving local and international commercial companies and local NGOs that bid for competitive tenders, first offered by the World Bank and USAID, and now let by the International Trust Fund for Demining and Mine Victim Assistance (ITF), based in Slovenia. The ITF is the primary conduit for a wide array of bilateral donors,

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2006) *Progress Report*, Kabul: UNMACA, 2006; INTERNATIONAL CAMPAIGN TO BAN LANDMINES, »Afghanistan«, in: *Landmine Monitor 2007: Toward a Mine-Free World*, 2007, available at <<http://www.icbl.org/lm/2007/afghanistan>>; Matthew BOLTON, *Goldmine? A Critical Look at the Commercialization of Afghan Demining*, Centre for the Study of Global Governance (LSE) Research Paper 01/2008, available at <[http://lse.ac.uk/Depts/global/Publications/ResearchPapers/RP\\_0108.pdf](http://lse.ac.uk/Depts/global/Publications/ResearchPapers/RP_0108.pdf)>.

<sup>30</sup> UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID), *USAID Awards \$1.4 Billion Contract for Infrastructure in Afghanistan*, Press Release, 22 September 2006, available at <<http://www.usaid.gov/press/releases/2006/pr060922.html>>; USAID, *Strategic Provincial Roads-South & East Afghanistan (SPR-SEA)*, 6 February 2007, available at <<http://www.grants.gov/search/search.do?oppId=12485&mode=VIEW>>.

<sup>31</sup> For details on Bosnia's mine problem, see SURVEY ACTION CENTER (SAC)/HANDICAP INTERNATIONAL, *Landmine Impact Survey: Bosnia and Herzegovina*, Takoma Park, Maryland: SAC, 2003, available at <[http://www.sac-na.org/pdf\\_text/bosnia/BiH\\_FinalReport.pdf](http://www.sac-na.org/pdf_text/bosnia/BiH_FinalReport.pdf)>; Darvin LISICA, *Risk Management in Mine Action Planning*, Sarajevo: Ministry of Civil Affairs/Norwegian People's Aid, 2006, pp. 42–45, 62–94.

<sup>32</sup> *General Framework Agreement for Peace in Bosnia and Herzegovina*, Annex 1A: *Agreement on the Military Aspects of the Peace Settlement*, 14 December 1995, Article IV, paragraph 2(e), available at <[http://www.ohr.int/dpa/default.asp?content\\_id=368](http://www.ohr.int/dpa/default.asp?content_id=368)>.

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especially the US State Department. Finally, there are several international NGOs, with their own funding channels, most notably Norwegian People's Aid.<sup>33</sup>

#### **c. Sudan**

Sudan has a currently undefined landmine and ordnance contamination problem, caused largely by fighting between the Northern government and Southern rebels. Most of this problem is concentrated in the South, around former government garrison towns and along major roads. The level of contamination appears initially to have been dubiously overestimated, and the ongoing Landmine Impact Survey (LIS) suggests the level of contamination is probably much lower than previously expected.<sup>34</sup>

Limited mine action efforts by SPLA-sponsored NGOs began in southern Sudan in the 1990s and in the north the Sudanese Red Crescent Society and the Sudan Campaign Ban Landmines (SCBL) successfully lobbied the government to sign, though not ratify, the mine ban treaty in 1997. However, large scale international funding of demining was prevented by the ongoing conflict.

In 2002, a ceasefire in the Nuba Mountains region was seen by the international community as a major opportunity to build confidence between the two parties. The Joint Military Commission (JMC), created to monitor compliance with the ceasefire, saw mine survey and clearance of roads as critical to its mission and a possible means to build cooperation across lines. As a result, two NGOs, Landmine Action and DanChurchAid set up programs working on both

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<sup>33</sup> For background on Bosnian mine action, see: GICHD, *The Role of the Military in Mine Action*, Geneva: GICHD, June 2003, pp. 23–56, available at <[http://www.gichd.ch/fileadmin/pdf/publications/Role\\_Military\\_MA.pdf](http://www.gichd.ch/fileadmin/pdf/publications/Role_Military_MA.pdf)>; GICHD, *A Study of Local Organisations* (above fn. 29), pp. 131–184; Matthew BOLTON/Hugh GRIFFITHS, *Bosnia's Political Landmines: A Call for Socially Responsible and Conflict-Sensitive Mine Action*, London: Landmine Action, September 2006, available at <[http://www.landmineaction.org/resources/Bosnias\\_Political\\_Landmines.pdf](http://www.landmineaction.org/resources/Bosnias_Political_Landmines.pdf)>; LISICA, *Risk Management* (above fn. 31); INTERNATIONAL CAMPAIGN TO BAN LANDMINES, »Bosnia and Herzegovina«, in: *Landmine Monitor 2007* (above fn. 29), available at <<http://www.icbl.org/lm/2007/bosnia>>.

<sup>34</sup> SURVEY ACTION CENTER (SAC) ET AL., *Landmine Impact Survey Sudan: Kassala, Red Sea, Gadaref and Sennar States*, September 2007, available at <[http://www.sac-na.org/pdf\\_text/sudan/ES\\_Report\\_Sep07.pdf](http://www.sac-na.org/pdf_text/sudan/ES_Report_Sep07.pdf)>; SAC ET AL., *Landmine Impact Survey Sudan: Blue Nile State*, March 2007, available at <[http://www.sac-na.org/pdf\\_text/sudan/BN\\_Report\\_Mar07.pdf](http://www.sac-na.org/pdf_text/sudan/BN_Report_Mar07.pdf)>; SAC/MINES ADVISORY GROUP (MAG), *Landmine Impact Survey Sudan: Eastern Equatoria*, March 2006, available at <[http://www.sac-na.org/pdf\\_text/sudan/EE\\_Report\\_Sep06.pdf](http://www.sac-na.org/pdf_text/sudan/EE_Report_Sep06.pdf)>.

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sides of the lines, and RONCO, a commercial contractor, provided demining support to the JMC.

The trend toward internationalization of demining, started in the Nuba Mountains, has continued following the Comprehensive Peace Agreement, which allocated primary responsibility for demining coordination to a UN Mine Action Office (UNMAO), with weak local counterparts in both the north and south. The vast majority of demining in Sudan is now managed or conducted by international agencies. Both UNMAO and the UN World Food Program (WFP) let large competitive tenders, which have drawn several international commercial companies to the country. Bilateral donors have tended to fund international NGOs, some of which work in partnership with local NGOs.<sup>35</sup>

## 5. Demining Agencies' Responses to Clandestine Structures

By the very nature of the context in which they did their work, demining agencies operating in Afghanistan, Bosnia and Sudan were forced to interact with clandestine structures, one way or another. The choice of conflicting with them directly was rarely on the table, as the demining agencies had little access to military or police powers and the justice systems in the case studies were rarely effective at countering the clandestine. Therefore, the following examines three broad responses taken by organizations: to collaborate, to avoid or to build alternatives. These are, of course, ideal types and often agencies incorporated aspects of several approaches, or responded in different ways in different situations. The intention here is merely to illustrate the possible policy responses available to international agencies, and the resultant risks and consequences.

### a. Collaboration

The easiest approach to clandestine structures is to accept them as a given part of the political and economic system, and compromise with them. When there are strategic or commercial interests in getting a job done quickly, or donor demands to maintain targets, agencies may feel additional pressure to act expeditiously, accepting and colluding with the status quo and borrowing the power of

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<sup>35</sup> For background on Sudanese mine action, see Peter MOSZYNSKI, »Mine Action in the Midst of Internal Conflict: The Case of Sudan«, in: GENEVA CALL (ed.), *Mine Action in the Midst of Internal Conflict*, Geneva: Geneva Call, 27 November 2005, pp. 29–39; INTERNATIONAL CAMPAIGN TO BAN LANDMINES, »Sudan«, in: *Landmine Monitor 2007* (above fn. 29), available at <<http://www.icbl.org/lm/2007/sudan>>.

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existing social structures. Indeed the people who are able to 'get things done' in a post-conflict environment, those who have political and economic power, are the people linked to clandestine structures. Some have argued that by working with such groups, it may be possible to co-opt them into the agenda of the intervening international agencies. By encouraging potential spoilers to engage in demining instead of violence, they may be able to contribute to, rather than threaten, the reconstruction process. For instance, the former vice-president of one international demining company said there was an awareness that some of their local subcontractors in Bosnia were "thugs," but

*the fact was we were able to get some demining done through those thugs. What do you do at the time? If you want to wait till you can get a missionary-type group to be formed that you can work with, you might be waiting for a long time and the mine-fields stay out there and nothing happens.<sup>36</sup>*

Early US support for demining in Afghanistan was structured in the context of the 1980s USAID program mentioned above, which sought to strengthen the capabilities of the *mujahideen*. Mines were recognized as a threat to the logistical pipelines supplying the *mujahideen* and thus US-funded demining efforts focused on roads and airstrips and collaborated closely with the *mujahideen*. While this program was eventually handed over to UN control, its roots lay in the logic of US covert action in Pakistan and Afghanistan. It was part of a broader program in which,

*Dependence on Afghan resistance leaders [...] compromised much of the humanitarian response [...] giving rise to widespread diversion of resources, and strengthening the new, armed elite at the expense of more traditional structures.<sup>37</sup>*

However, the most well-documented examples of collaboration between international demining agencies and local clandestine networks were in Bosnia and Sudan.

In Bosnia, investigations by the author and Hugh Griffiths revealed that many of the local demining companies initially funded by international donors, and acting as subcontractors to international companies, had extensive links to illicit networks.<sup>38</sup> For instance, the Bosnian Serb company, UNIPAK, which won many international demining tenders until 2003, may have begun as a front "for

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<sup>36</sup> Interview with author, 1 July 2006.

<sup>37</sup> Christine JOHNSON, »Aid and Recovery«, in: Edward GIRARDET/Jonathan WALTER (eds.), *Afghanistan*, 2nd Ed., Geneva: CROSSLINES Publications, 2004, p 22.

<sup>38</sup> BOLTON/GRIFFITHS, *Bosnia's Political Landmines* (above fn. 33).

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the purpose of financing war activities" during the war.<sup>39</sup> Its owner, Radomir Kojić, had commanded a unit shelling Sarajevo<sup>40</sup> and supervised torture centers.<sup>41</sup> In 2003 and 2004, the EU and US imposed travel bans and asset freezes on Kojić, accusing him of supporting the network protecting Radovan Karadžić, one of the most wanted war crimes fugitives.<sup>42</sup> While Kojić has so far avoided conviction for any of the above alleged offenses, he was arrested in August 2006 for money laundering, tax evasion, and abuse of office.<sup>43</sup> He was still awaiting trial at the time of writing. Several other local demining companies had similar, though less well-documented connections to criminal or ethno-nationalist political organizations.<sup>44</sup>

In Sudan, the potential for links between clandestine structures and mine action was most clearly demonstrated by the fact that Ahmed Haroun, the Humanitarian Affairs Minister and Secretary General of the National Mine Action Committee, has been indicted by the International Criminal Court for crimes against humanity in Darfur.<sup>45</sup> He has been a key liaison between Khartoum and the UN Mine Action Office, the UN paid for him to go on a 'capacity building' trip to Jordan<sup>46</sup> and he represented Sudan at annual review conferences of the

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<sup>39</sup> COURT OF BOSNIA AND HERZEGOVINA, *Custody Decision against Radomir Kojić and Radislav Ilić*, No. X-KRN-06/250, 22 November 2006, p. 2.

<sup>40</sup> Ian TRAYNOR ET AL., »Serbs' Retreat Ruffles NATO: UN Says Pullback Is Going Ahead«, in: *The Guardian*, 19 February 1994, available at <<http://www.nexis.com>>; J. MOJSILOVIC , »If NATO Bombs, 'The People Will Kill Those Frenchmen' With Yugoslavia«, in: *Associated Press Worldstream*, 12 February 1994, available at <<http://www.nexis.com>>; ABC, »Transcript 3483«, in: *Nightline*, 28 September 1994, 11:30 pm ET, available at <<http://www.nexis.com>>.

<sup>41</sup> UNITED NATIONS HUMAN RIGHTS COMMITTEE, *Document Submitted in Compliance with a Special Decision of the Committee: Bosnia and Herzegovina*, 27/04/93, CCPR/C/89, 27 April 1993, paragraph 54, available at <<http://www.unhchr.ch/tbs/doc.nsf/0/333378630589b6d680256674005bc280?Opendocument>>.

<sup>42</sup> EUROPEAN COUNCIL, *Council Decision 2003/484/CFSP of 27 June 2003 Implementing Common Position 2003/280/CFSP in Support of the Effective Implementation of the Mandate of the International Criminal Tribunal of the Former Yugoslavia (ICTY)*, 27 June 2003, available at

<[http://europa.eu.int/eur-lex/pri/en/oj/dat/2003/l\\_162/l\\_16220030701en00770079.pdf](http://europa.eu.int/eur-lex/pri/en/oj/dat/2003/l_162/l_16220030701en00770079.pdf)>; UNITED STATES DEPARTMENT OF THE TREASURY, *Operation Balkan Vice III: Treasury Designation of Thirteen Individuals Obstructing the Dayton Peace Accords in Bosnia*, 9 February 2004, available at <<http://www.treas.gov/press/releases/js1162.htm>>.

<sup>43</sup> COURT OF BOSNIA AND HERZEGOVINA, *Custody Ordered for Radomir Kojić*, 28 August 2006, available at <<http://www.sudbih.gov.ba/?id=218&jezik=e>>; COURT OF BOSNIA AND HERZEGOVINA, *Custody Decision* (above fn. 39).

<sup>44</sup> For details, see BOLTON/GRIFFITHS, *Bosnia's Political Landmines* (above fn. 33).

<sup>45</sup> »Prosecutor Demands Sudan Arrests«, in: *BBC News*, 21 September 2007, available at <<http://news.bbc.co.uk/2/hi/africa/7006180.stm>>.

<sup>46</sup> SUDAN MINE ACTION PROGRAMME, *Capacity Building*, 2006, available at

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Mine Ban Treaty.<sup>47</sup> Following the indictment, senior officials in the UN are now limiting their interaction with him to avoid negative publicity.

The issue is not only at the top, however. Donors and local authorities have pressured several international NGOs to work with local partners. This means they must struggle with the implications of working with local NGOs that often have close ties to the security structures of the government or the SPLA. While this has sometimes facilitated access and a sympathetic hearing from authorities, it also has the potential to backfire. The possible problems of such partners were illustrated by the dramatic melt-down of the HALO Trust's relationship with its local partner Sudan Landmine Response (SLR). Protected by powerful political patrons, SLR tried to use the partnership as a means to extract resources from HALO and its donors. SLR employees hired out security services, in the form of vehicles with SPLA soldiers acting as armed guards; tried to seize money in the HALO bank account; and threatened and assaulted HALO staff. Finally, SLR leaked to the South Sudan Demining Commission (SSDC) some confidential internal HALO documents, which portrayed the political authorities in South Sudan unfavorably and reported unconfirmed hearsay about the personal behavior of the SSDC's director. This maneuver led to HALO's expulsion from the country, and SLR refused to allow HALO to recover donor-funded equipment from the compound. Following a direct appeal to the head of the SPLA by several embassies, the UN was finally able to recover some of the equipment, but HALO estimates \$500,000 worth of equipment was not recovered. Despite numerous protests from HALO and bilateral donors, at the time of writing the SSDC appeared not to have done any significant investigation into the possibility of corruption or abuse of office by SLR. Indeed, SSDC had hired the former deputy director of SLR and had rented facilities from them in Yei.<sup>48</sup>

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<http://www.sudan-map.org/CapacityBuilding.html>.

<sup>47</sup> CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION, Sixth Meeting of the States Parties, Zagreb, Croatia, 28 November – 2 December 2005, »List of participants«, available at [http://www.apminebanconvention.org/fileadmin/pdf/mbc/MSP/6MSP/6MSP\\_List\\_of\\_participants.pdf](http://www.apminebanconvention.org/fileadmin/pdf/mbc/MSP/6MSP/6MSP_List_of_participants.pdf).

CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION, Seventh Meeting of the State Parties, Geneva 18–22 September 2006, »List of Participants«, available at [http://www.apminebanconvention.org/fileadmin/pdf/mbc/MSP/7MSP/7MSP\\_List\\_of\\_Participants.pdf](http://www.apminebanconvention.org/fileadmin/pdf/mbc/MSP/7MSP/7MSP_List_of_Participants.pdf).

<sup>48</sup> This paragraph on the HALO-SLR affair is drawn from extensive review of internal HALO, SLR and UN emails and documents, given to the author by HALO Trust, as well as interviews with UN, HALO and SLR employees. Because of the

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The HALO-SLR debacle illustrates the key problem with the collaboration approach: that clandestine structures will ultimately have their own agendas and may not easily be co-opted by international agencies. Indeed, the Kojić affair shows that individuals may actually invest their earnings from demining into strengthening illiberal and illicit networks, such as those protecting Karadžić.

## b. Neutrality and Avoidance

Some demining agencies felt it necessary to limit their interaction with clandestine structures to the bare minimum, either out of moral objection or to avoid the potential dangers listed above. For example, in Sudan, some commercial companies have tried to avoid local politics and potential issues of nepotism by using new technologies (that reduce the need to hire labor) and bringing staff from other countries, notably Mozambique, Zimbabwe and South Africa. (However, they have now been required by local authorities to hire local staff.)

This response is indicative of a range of strategies taken by mine action agencies trying to chart a neutral course among armed groups and avoid interaction with clandestine structures. Such responses ranged from carefully cultivated political neutrality, to blacklisting certain organizations. Neutrality is, of course, the traditional stance of humanitarian actors, particularly the Red Cross.

After the Communist government in Afghanistan fell in 1992 and the *muja-hideen* parties began to fight each other, the UN-funded demining NGOs quickly learned to mitigate potential conflict by cultivating an image of "impartiality and neutrality"<sup>49</sup> and dialogue with all factions. Later, by keeping open lines of communication to the Taliban and the Northern Alliance, the demining NGOs were able to avoid becoming drawn into conflict with either group. However, trying to maintain a neutral image only works if one is actually perceived as neutral by all political factions. This is extremely difficult to do and in the post-9/11 period, the resurgent Taliban has begun to associate demining with the new regime, and thus a worthy target.<sup>50</sup> This may partly be due to commercial

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sensitivity of the situation, the author has decided not to cite the documents nor the interviews directly.

<sup>49</sup> Interview with a senior Afghan demining official, 23 November 2006.

<sup>50</sup> See, for example, »7 Die in Taliban Raid on Mine-Clearing Team«, in: *The New York Times*, 8 April 2007, available at <<http://www.nytimes.com/2007/04/08/world/asia/08afghan.html>>; David FOX, »Taliban Seize 18 Afghan Mine Clearing Experts«, in: *Reuters*, 24 June 2007, available at <<http://www.reuters.com/article/featuredCrisis/idUSL24706480>>.

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demining companies working closely with the US and NATO, and the poor public image of private security companies.<sup>51</sup>

In Bosnia, the US State Department's mine action funding office tried a slightly different approach following the revelations about Kojić's connections to Karadžić. To avoid funding Kojić's network they quietly 'blacklisted' any demining companies linked to Kojić or his relatives. The trouble with this approach was that it was essentially a reactive process, and it took some time before links between companies were fully understood, meaning that MEDECOM and Terra-Prom, companies owned by Kojić's brother-in-law, continued to receive US funding until 2005. The blacklist ran into criticism because it was non-transparent; there was no way to publicly determine the reasoning behind placing a company on the list, which did not officially exist. It was also controversial because it seemed to focus solely on those companies linked to Serb organized crime networks, neglecting those operated by other ethnicities.<sup>52</sup> As a result, in 2007, the State Department decided a more institutionalized and proactive process of determining eligible contractors was necessary and conducted thorough investigations and organizational audits of the local Bosnian demining organizations. In April 2007, they released a shortlist of organizations eligible "to perform as prime contractors on U.S.-funded projects."<sup>53</sup>

In short, charting a neutral course, or avoiding close contact with clandestine structures can give an organization some security from potential problems. However, maintaining a neutrality or avoidance strategy should not be mistaken as simply indifference to the political context; it actually requires a detailed knowledge of the actors and connections between them. In a polarized political context, maintaining a perception of neutrality may be extremely difficult. Finally, some observers object to neutrality and avoidance as an acceptance of the status quo, in which forces inimical to peace are deeply embedded. They believe the third approach of building alternatives, outlined below, is a more ethically responsible option.

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<sup>51</sup> Lisa RIMLI/Susanne SCHMEIDL, *Private Security Companies and Local Populations. An exploratory study of Afghanistan and Angola*, Bern: SwissPeace, November 2007, p. 6, available at <[http://www.swisspeace.ch/typo3/fileadmin/user\\_upload/pdf/PSC.pdf](http://www.swisspeace.ch/typo3/fileadmin/user_upload/pdf/PSC.pdf)>.

<sup>52</sup> BOLTON/GRIFFITHS, *Bosnia's Political Landmines* (above fn. 33).

<sup>53</sup> UNITED STATES DEPARTMENT OF STATE, *United States Funding Support for Humanitarian Demining in Bosnia and Herzegovina*, Fact Sheet, 11 April 2007, Washington, DC: Bureau of Political-Military Affairs, available at <<http://www.state.gov/t/pm/rls/fs/82833.htm>>.

### c. Building Alternatives

In his analysis of economic policy in post-conflict Bosnia, Timothy Donais argued that

*The challenge of peacebuilding [...] lies not only in laying the foundations for a peaceful and prosperous post-conflict order, but in finding ways to dismantle the very structures that prevent such a post-war order from taking root, and which in many ways replicate and reinforce the logic of conflict.*<sup>54</sup>

Thus instead of re-establishing and strengthening the power structures most associated with the politics of violence, Donais argued that intervening agencies must resist clandestine structures, establishing in their place institutions that "progressively replac[e] the rule of coercion and violence."<sup>55</sup> In the three case studies, several demining institutions tried to adopt this strategy, attempting to build organizations based on inclusive, cosmopolitan and non-violent values.

For instance, in addition to their neutral stances, the local demining NGOs and the HALO Trust in Afghanistan developed an ideology of demining as a form of 'nonviolent jihad' that helped them gain widespread legitimacy from all sectors of society, including the Taliban and Northern Alliance. Drawing on a passage from the *Qu'ran* (5:32) that states "if any one saved a life, it would be as if he saved the life of the whole people," demining is framed as an extension of the struggle for liberation from the Soviet occupation, an act of service to the Afghan people and a struggle against "the enemy of everyone."<sup>56</sup> This passage was quoted by most of the Afghan UN and NGO demining personnel interviewed by the author. It is also often displayed on banners in NGO offices and at meetings. Deminers killed in demining accidents were considered martyrs. A senior Afghan official in UNMACA said that many Afghans became disillusioned with the *mujahideen* that fought the Soviets "when they started to fight each other, they destroyed Kabul city and did a lot of bad things."<sup>57</sup> In contrast he said many Afghans call the deminers "the real *mujahideen*" because their work benefits everyone, and unlike the armed factions, they have maintained contacts with local communities.<sup>58</sup> This is an incredibly powerful idea, and largely protected the demining agencies during the 1990s. It also represents a counter-hegemonic discourse that was able to successfully pose an alternative

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<sup>54</sup> DONAIS, *The Political Economy of Peacebuilding* (above fn. 15), p. 81.

<sup>55</sup> *Ibid.*, p. 44.

<sup>56</sup> Interview with a senior Afghan demining official (above fn. 49).

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*

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form of service, masculinity and sacrifice, to the violent discourses of the *muja-hideen* and Taliban factions. The NGOs had projected a masculinity of nonviolent protection and of restoring the earth to safety.

While most Bosnian demining organizations were de facto ethnically exclusive and, at least initially, worked largely in 'their' communities, the international NGO Norwegian People's Aid (NPA) focused on the areas of Bosnia which have the highest levels of mine contamination and on cities with multiethnic populations. It also made a point of working on both sides of the former separation lines, claiming that "Any effort of reconciliation [...] must include assistance to both entities."<sup>59</sup> While most of NPA's demining staff was drawn from people who fought on the Bosnian government side, many of whom are Bosniak (Bosnian Muslim), it has been more multiethnic than most other demining organizations, especially the local companies and NGOs. In 2000, it also incorporated a team from the Bosnian Serb entity, transferred from a UNHCR demining project. It is thus one of the few multiethnic institutions in the country – no small achievement.

In Sudan, NPA and Mines Advisory Group (MAG) have developed teams of women deminers in Southern Sudan. Women have often been excluded from significant public roles in South Sudan and have suffered the effects of the war disproportionately. The SPLA, now the ruling group in the South, is an overwhelmingly patriarchal and militarized institution. By including women in what is a male-dominated process of restoring security, NPA and MAG are contributing to the development of a more gender-inclusive society. Moreover, several international NGOs, especially DanChurchAid and Landmine Action tried to engage in conflict transformation by building links between deminers from both sides of the conflict. Their work in the Nuba Mountains was widely praised for the humble, but not insignificant impact they had on facilitating links between government and SPLA actors in the portentous times between the Nuba Mountains Ceasefire and the CPA. According to Roberts and Frilander, "Professional working relationships have been developed at the national, intermediate and local levels, and in some cases personal friendships have followed."<sup>60</sup> Even local Sudanese who later had disagreements with Landmine Action, admitted to the author that if it were not for their involvement in cross-

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<sup>59</sup> NORWEGIAN PEOPLE'S AID, *Proposal for Manual Demining in Republika Srpska, 1998*, (unpublished internal paper), Archives of Norwegian People's Aid, Oslo, Norway.

<sup>60</sup> Rebecca ROBERTS/Mads FRILANDER, »Preparing for Peace: Mine Action's Investment in the Future of Sudan«, in: HARPVIKEN/ROBERTS, *Preparing the Ground for Peace* (above fn. 29), pp. 5–24, p. 18, available at <[http://www.prio.no/files/preparing\\_the\\_grounds/MA\\_PB\\_Chapter\\_2.pdf](http://www.prio.no/files/preparing_the_grounds/MA_PB_Chapter_2.pdf)>.

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lines work in the Nuba Mountains, trusting their counterparts when negotiating the mine action elements of the Comprehensive Peace Agreement would have been more difficult.

Nevertheless, Landmine Action initially tried to transcend the two conflicting parties by building a completely politically independent local capacity (in contrast with the majority of local NGOs which have links either to Khartoum or the SPLA). However, this was blocked by both the Government of Sudan and the SPLA and it eventually became polarized and collapsed. Originally, HALO had tried to do something similar, but was also blocked and had to settle on SLR as its sole partner.

These difficulties faced by Landmine Action and HALO in Sudan point to the complications involved in building alternative institutions to the predominant clandestine structures. In each of the studied cases, agencies that tried to build alternative institutions found it an uphill struggle. It can be both financially and politically costly to create new institutions, especially ones that may pose a threat to deeply entrenched interests. The pressure to bend to clandestine structure may be overwhelming, forcing agencies to compromise or withdraw altogether. Indeed, to overcome such obstacles, agencies required an extensive understanding of the situation, sympathetic donors willing to take risks and invest in longer term strategies, and top-quality staff with acute political and diplomatic sensibilities.

Therefore, while building alternatives may be the most productive strategy in the long term, it may be difficult and expensive in the short term, and face many obstacles.

## **6. Conclusions and Implications for Mine Action Policy and International Intervention**

In conclusion, mine action agencies entering into a post-conflict environment must be aware that the political and economic milieu will likely be dominated by a range of actors – covert operators, organized crime, paramilitary groups and extremist political movements – that operate largely in the arena of the clandestine. Such groups, while often diverse and with a variety of conflicting agendas, hold in common their aversion to transparent politics and economics regulated by rule of law. They will therefore both be threatened by international agencies seeking to make peace, and see them as an opportunity to gain legitimacy and rents. Mine action agencies, and other intervening international actors, will thus be forced, through design or circumstance, to develop strate-

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gies guiding their interaction with the clandestine structures that dominate the marketplace and public sphere.

This paper has outlined three different broad strategies adopted by mine action agencies to cope with clandestine actors: 1) to collaborate with them, 2) to avoid them and/or maintain neutrality, and 3) to build alternative structures.

Collaboration is probably the cheapest and simplest option in the short term, though this strategy has the danger of backfiring and imposing significant cost to the agency's finances or reputation. This is because clandestine actors will have their own agendas that are difficult to co-opt or change, especially for an organization with only tenuous links to local society and knowledge. Moreover, press coverage of such collaboration can be embarrassing for agencies, especially aid organizations that cultivate an image of moral leadership.

Neutrality and avoidance can offer protection from the problems caused by interaction with clandestine structures, but often runs into two problems. First, neutrality and avoidance are very difficult to achieve, as one must always maintain a delicate balancing act – never angering a group, but also never getting too close to it. Second, neutrality and avoidance simply accepts the political status quo, which is part of the problem, as a given.

Building alternative structures, based on inclusive, cosmopolitan and non-violent values, is obviously the most desirable option, but agencies may have internal and external constraints that prevent them from being able to take this option. For example, it can be expensive to invest the time, money and personnel necessary to build new institutions and resist deeply vested interests with other objectives.

Ultimately then, the policy implication of this paper is that international agencies must become more politically aware of and strategic in their interactions with clandestine structures. There has generally been reluctance among aid agencies to engage in the type of research necessary to do this. This is because it is seen as a distraction from the agency's 'real work', many agencies focus on hiring technical rather than social scientists, and such information gathering in a conflicted setting also carries political risks.

However, in light of the circumstances outlined in this paper, such agencies would be advised to take on personnel who are able to grasp the complexities of the local situation. This includes hiring staff, whether local or international, who have an in-depth knowledge of the country or region, but also personnel with expertise in understanding post-conflict politics, including political scientists and investigative journalists. These workers can proactively and strategically plan their approach to clandestine structures, instead of acting in a reactive or ad hoc fashion.

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## **Abbreviations and Acronyms**

BHMAC	Bosnia and Herzegovina Mine Action Center
CIA	Central Intelligence Agency
CPA	Comprehensive Peace Agreement
GICHD	Geneva International Centre for Humanitarian Demining
ISI	Pakistani Inter-Services Intelligence
ITF	International Trust Fund for Demining and Mine Victim Assistance
JMC	Joint Military Commission
LIS	Landmine Impact Survey
MAG	Mines Advisory Group
MAPA	Mine Action Program for Afghanistan
NGO	Nongovernmental organization
NPA	Norwegian People's Aid
OLS	United Nations Operation Lifeline Sudan
SCBL	Sudan Campaign Ban Landmines
SLR	Sudan Landmine Response
SPLA	Sudan People's Liberation Army
SSDC	South Sudan Demining Commission
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNMAC	United Nations Mine Action Center
UNMACA	United Nations Mine Action Center for Afghanistan
UNMAO	United Nations Mine Action Office
US	United States
USAID	United States Agency for International Development
WFP	United Nations World Food Program