

‘Merchants of Death’ The Problem of Landmines in Cambodia, Laos and Vietnam

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Failure is the opportunity to begin again, more intelligently

— Henry Ford

Introduction

Landmines and other Explosive Remnants of War (ERWs) are counted among the most serious obstacles to both war and post-war societies.¹ They have hampered the sustainable development of societies in many countries across the world. Landmines often deprive the affected populations of the basic amenities including access to potable water, health facilities and the use of arable land, among other things.² According to the estimates, between ninety-five million, and one hundred and ten million mines are scattered throughout sixty-four countries of the world.³

During the Second World War, anti-personnel mines were used to surround anti-tank mines in order to protect them from removal, and as a consequence, they also acquired important roles as weapons in their own right. With the advances in mine technology over the years, countries such as Vietnam became testing grounds for a new generation of weapons. One of the most remarkable among them was the Scatterables. Introduced by the United States during the Vietnam War, these remote delivered mines were used to stop the flow of troops and supplies from North to South Vietnam through Laos and Cambodia. The most commonly deployed Scatterables were the BLU-43/B (‘Short Dragontooth’) and BLU-44/B (‘Long Dragontooth’). Civil wars in Mozambique, Angola, Bosnia, Croatia and other countries significantly increased the spread of these weapons.⁴

Evidently, Asia is one of the most heavily mined continents in the world, with a great number of landmine incidents occurring in the Southeast Asian region. The problem is particularly severe in the Kingdom of Cambodia (henceforth Cambodia), the Lao People's Democratic Republic (henceforth Laos) and the Socialist Republic of Vietnam (henceforth Vietnam) as these countries are still struggling to get rid of landmines from their territories. Vietnam, in fact, is still looking for international cooperation in removing the landmines. On 18 November 2010, Nguyen Sinh Hung, the Deputy Prime Minister of Vietnam, made a renewed call for international support on the issue. Hung stated that while he appreciated the role of the international community and the Geneva International Centre for Humanitarian Demining in the aftermath of the Vietnam War, he pleaded that Vietnam still needed more support in dealing with landmines and unexploded ordnance; a task that required enormous financial, human and technical resources. More than 6 million hectares of the country are still plagued with buried mines and shrapnel, posing a serious health threat and undermining agricultural production.⁵

Cambodia

Cambodia has been paying dearly in terms of the loss of the lives of hundreds of civilians every year, for the past several decades. There are as many as 10 million mines in Cambodia and one in every 236 Cambodians is an amputee.⁶ Mostly planted during the Indochina war, many of these are still live, and have the potential to cause damage.

Cambodia's problem is acute as both anti-personnel (landmines buried in the ground that explode when triggered by a person) and anti-vehicle landmines are still active there. During the late 1970s, landmines were laid along 700 kilometres of Cambodia's border with Thailand. Unexploded Ordnance (UXO) is spread throughout Cambodia. The estimates of the areas contaminated by mines and UXO vary from 460 to 4,446 square kilometres because the exact locations of the devices were not mapped; neither are there accurate records of how much land has been cleared.

During the Vietnam War period in the late 1960s and 1970s, North Vietnam laid landmines near Cambodia's borders and the United States dropped bombs.⁷ Because of Cambodia's 30-year history of conflict with Thailand, the northern provinces of Banteay Meanchey, Oddar Meanchey and Battambang are among the worst unexploded ordnance- and landmine-affected areas in the world. So many landmines were laid on the Cambodia-Thailand border during

the 1970s that the Cambodian Mine Action Centre refers to this as a period when the nation essentially became a “prison without walls.”⁸

Physiographic conditions of Cambodia are such that the landmine problem has affected the rural population the most. Cash-starved farmers find it extremely difficult to rebuild new systems of irrigation and other items required to produce enough for them. Moreover, the landmines buried under, prevent them from tilling a large amount of land. Given the lost potential of much of the land due to heavy mine contamination, village populations migrate to cities, leading to further socio-economic problems in the urban areas.

Finding funds for both victim assistance and de-mining in Cambodia is problematic because money from short-term or one-time donations runs out quickly. De-mining requires multi-year investments from benefactors in order to make substantial changes. Planning for a vast and complicated de-mining effort requires long-term support that the Cambodian Mine Action Centre (CMAC) does not have.⁹

According to the Southeast Asian Rural Development Fund, pursuit of “free donations” to mine victims is futile because the benefits are only temporary. Instead, organizations like SEARDF propose to invest funds in “restoring the life potentials for landmine victims.”¹⁰ The primary method for instituting much-needed change in the mine-affected population is through the CMAC Mine Awareness Education programmes, which began in 1993. Cambodia is a signatory to the Ottawa Convention on Landmines, signed in December 1996.¹¹

Since at least 80 percent of the country’s population consists of farmers, many of whom are affected by the landmine presence, the Royal Government of Cambodia considers mine action to be a high priority. Throughout rural areas in Cambodia, a sizeable number of villagers deliberately enter suspect areas and undertake mine-clearance activities using the simplest of farming tools. Understated, informal and sporadic, the activities of these villagers provide a stark contrast to the platoons of professional de-miners from humanitarian organisations who inch across the land with military precision. The villagers lack the sophisticated equipment of the platoons.

Considering the lack of expertise of villagers, Ruth Bottomley argues that the most effective way of addressing village de-mining is not through transferral of expertise or prohibition of such activities, but through a focus on the underlying vulnerabilities that force people to take such risks intentionally.¹²

In late 2004, the national government in Cambodia transferred the responsibility for mine action decision-making authority to the provinces.

Previously established provincial units were renamed as Mine Action Planning Units, with expanded scope for membership and mandate.¹³ According to reports, a large portion of selected land area has been de-mined, and is now safe. The socio-economic impacts of mines/UXO in these areas have declined dramatically. The safety issues related to the use of cleared land after de-mining and also during the de-mining process have been exemplary.¹⁴

However, there is still a lot that needs to be done to make Cambodia a landmine-free country. More robust support and aid provided by the international community is a big requirement in that regard.

Laos

Landmines were planted in this landlocked country during the second Indochina war. In fact, Laos is the most heavily bombed country, per capita, in the history of mankind, with 2 million tons of ordnance dropped on its territory between 1964 and 1973. This is equivalent to one bombing mission every eight minutes for nine years, making the Xieng Khouang province “the most heavily bombed area on earth.”¹⁵ According to reports, approximately 80 million unexploded bombs remained in Laos after the war. As much as 25 percent of the two million tons of ordnance dropped on Laos did not explode, which means that there is still a huge amount of unexploded ordnance contaminating most of the nation’s territory.¹⁶

So far as the presence of landmines is concerned, scholars like Erin Herring argue that it is not as urgent as UXOs are. He argues that presence of UXOs is a bigger challenge to the Laotian people than that of the landmines. He further states that landmines do exist on the periphery of Laos, which could exceed 1,000 minefields.¹⁷ There is lesser focus on landmines possibly due to the fact that credible data with regard to anti-personnel mines is lacking. This has created further problems for international agencies as it affects long term rehabilitation planning. Being one of the major culprits of landmine planting, the United States has been making amends through financial assistance and medical support, but that has seemingly been far too little and late. The lack of credible estimates for the total area contaminated in the country has been realised, and Laos is actively working on the creation of a strong national database to bring together disparate sources of data.¹⁸

Being the largest donor to humanitarian clearance operations since 1993, the United States has contributed more than \$51 million to remediate the problems of landmines and UXOs in Laos. Of late, the US efforts have expanded, providing more than \$16 million in assistance in cooperation with the government of

Laos, as also working through partner organisation UXO Lao.¹⁹ In 2010, the US Department of State spent over \$5.1 million for projects conducted in this regard by Armor Group North America, MAG (Mines Advisory Group), World Education Inc., and Clear Path International etc. US assistance (likely to carry on in 2011) continues to help Laos achieve its national UXO clearance goals and to reduce UXO casualties.²⁰

In order to deal with the problem in a more systematic fashion, Laos adopted a National Strategic Plan for its unexploded ordnance programme in March 2004. It led to the creation of a new national regulatory authority to oversee and coordinate UXO/mine action activities and redefined the role of UXO Lao. Resources from the United Nations Development Programme (UNDP) Trust Fund are also available for rehabilitation and socio-economic integration of the victims.²¹

On 05 December 2007, for the first time, Laos voted in support of the annual UN General Assembly resolution (Resolution 62/41), calling for universalisation and full implementation of the Mine Ban Treaty. In explaining its vote, it said that the Lao PDR “supports the humanitarian endeavors of the Mine Ban Treaty and shares the concerns of the international community on the impact derived from landmines. In this context, we have participated in the Treaty process including various meetings of state parties to the Treaty since its inception.”²²

While Laos has yet to accede to the Mine Ban Treaty, of late, it has shown an increased interest in signing it. It has cited the treaty’s anti-personnel mine clearance obligation as a reason to have not acceded. In February 2008, at the Ottawa Convention Implementation and Universalisation Workshop held in Indonesia, it stated, “Once the Convention enters into force for Lao PDR, the Lao Government will have to devote all efforts to locate, mark and destroy anti-personnel landmines in known or suspected mined areas, which is not feasible practically, and to abandon or stop UXO clearance activities. This is the Lao Government’s understanding.”²³

In June 2008, Laos attended the inter-sessional Standing Committee meetings in Geneva. In the meeting, it stated that “the Lao Government is considering the eventuality of joining the Ottawa Convention. Nevertheless, it needs the assurance from the States’ Parties that once the Lao PDR becomes a signatory thereof, it will not be forced to abandon or stop its current UXO clearance operations.”²⁴

At the moment, Laos does not seem to be capable of weeding out the landmine problem on its own any time soon, and therefore, a more proactive engagement is required in dealing with the landmine menace.

Vietnam

Spread across the country, landmines are one of the biggest challenges to Vietnam. So far as the number of casualties is concerned, *Landmine & Cluster Munition Monitor* analysis recorded 1,545 mine/ERW casualties from 1999 to 2008.²⁵ Project RENEW, an NGO, has identified 6,941 mine/ERW casualties in the Quang Tri province between 1975 and 2008.²⁶ From 1975 to the end of 2007, the Ministry of Labor, Invalids and Social Affairs recorded 104,701 mine/ERW casualties.²⁷

According to the Ministry of Public Security, there have been more than 138,000 mine/ERW victims in Vietnam since 1975.²⁸ People with war-related disabilities reportedly account for 26 percent of persons with disabilities.²⁹ Almost all of Vietnam's provinces and cities are affected by ERW to some degree or the other. The US dropped 413,130 tons of submunitions on Vietnam between 1965 and 1973, striking 55 of its 64 provinces and cities including Haiphong, Ha Noi, Hue and Ho Chi Minh City.³⁰ In 2009, Vietnamese officials estimated that some 66,000km² (20%) of the country is still affected by ERW.³¹ An impact survey conducted in 2004–2008 estimated that almost 16,000km² of land was likely to be contaminated across the six central provinces.³²

To a great extent, Vietnam has been successful in de-mining the war zone since the end of the Vietnam War. The creation of a Bomb and Mine Action Coordination Centre in 2009 marked a new effort to mobilise resources and gave added impetus to de-mining efforts.³³

One of the most problematic issues facing Vietnam is that it continues to view landmines a necessary and legitimate weapon for self-defence. Vietnam has not acceded to the Mine Ban Treaty and has repeatedly dodged the annual United Nations General Assembly Resolution calling for universalisation of the Mine Ban Treaty.

On 02 December 2008, Vietnam abstained from voting on UNGA Resolution 63/42 calling for universalisation and full implementation of the Mine Ban Treaty. It has abstained on all previous annual pro-ban United Nations General Assembly resolutions. Vietnam has cited national security concerns, especially those related to border security, as reasons for not signing the Mine Ban Treaty. The only positive aspect of Vietnam's approach, however, is that it doesn't export landmines to other countries.³⁴

The landmines littering Vietnam have left psychological and physical scars on its citizens. This legacy of the Vietnam War - thousands of landmines, bombs, artillery shells, mortar rounds, grenades and other lethal unexploded ordnance -

continues to kill many innocent children and adults even today. With continued de-mining efforts, hope remains that Vietnam will, one day, free itself from landmines. However, the country has to keep consistently striving towards that end.

Conclusion

The biggest challenge posed by landmines is that they go beyond inflicting tragedies upon people, creating obstacles for the resettlement of refugees and post-conflict economic development. They are indiscriminate in terms of target and time. The fundamental humanitarian law principle of distinction becomes moot with respect to mines. The typical “dumb” mine (mines provided with mechanisms that cause them to self-destruct or otherwise become non-functional after a limited time period are often referred to as “smart” mines, as opposed to “dumb”) will constitute a lethal danger for perhaps more than half a century - ignorant of any peace settlement.³⁵

There is often no record of the location of landmines, particularly in the days and months that follow a war. Often, landmines lay waste to large tracts of potentially productive land and restrict transport and communication. They prevent the repatriation of refugees and internally displaced people, and hamper the delivery of humanitarian aid as well. The continuing need to care for and rehabilitate landmine survivors, their families and communities, also places great strain on poorly funded and managed local administrative bodies.

As the nations across the world are realising that they alone are not sufficiently equipped in struggling with the menace of landmines, the need for the international community’s support becomes all the more important. The international community’s response to these challenges is provided through “mine action”, which refers to a range of activities aiming to reduce the social, economic and environmental impact of landmines and other explosive remnants of war.³⁶

The 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (also known as the Mine Ban Convention) is the principal international instrument prohibiting the use of anti-personnel landmines. The Mine Ban Convention obliges signatory countries to clear landmines on their territory, and establishes a framework for international assistance. It recognises that mine action is not just about removing landmines from the ground; it is also about understanding how people interact with a landmine-affected milieu.

The Convention identifies five key areas for action:³⁷

- Advocacy to universalise the Convention;
- Clearance of mine affected areas;
- Mine risk education;
- Stockpile destruction;
- Victim assistance.

The Convention on Cluster Munitions prohibits the use, stockpiling, production and transfer of cluster munitions. It also creates a new standard for victim assistance, taking into account the broader socio-economic impact of cluster munitions, with provisions to assist the survivors of cluster munitions, their families and communities. The 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, or the Convention on Conventional Weapons, also provides guidelines in that regard. Under this Convention, parties to armed conflict are required to take action to clear, remove (or destroy) ERW and record, retain and transmit information related to the use or abandonment of explosive ordnances.³⁸

Even though such efforts have been made by international agencies, they must also find a mechanism through which the culprits of the devastation should be held accountable for financial assistance and medical support. Unfortunately, such mechanisms are not yet available to these war-ravaged economies, which have little international clout. As the UXO Risk Education Needs Assessment Report 2006 points out, there is a need to engage with stakeholders at every stage of the process. Stakeholders typically include groups or communities directly or potentially affected by the risk, and programme managers and other groups either involved in minimising the risk or affected by the risk in some way; for example, development agencies.³⁹

According to the UXO Assistance Project Report 1997, there is a need to run a more comprehensive awareness programme with more clearly defined short- and middle-term goals in all three countries.⁴⁰ Duong Trong Hue, a renowned scholar on landmine issues, has rightly pointed out that in dealing with the de-mining issues, international agencies must take into account the socio-economic characteristics of locality, including, but not limited to, the timeline, type of media, traits of audience, social institutions and system.⁴¹ Cues from the arguments made by Kjell Erling et al could also prove beneficial to policymakers to some extent. They argue that within mine action and other humanitarian and development sectors, the concept of co-ordination

has gained increasing favour among policymakers and government officials. However, to the detriment of many humanitarian efforts, calls for greater coordination have often been made without an understanding of many of the dynamics that underlie the concept.⁴²

Unfortunately, there still persists a perception in the minds of policymakers of these countries, that landmines are a useful tool in warfare. For instance, while Vietnam and Laos openly refuse to abide by international norms, Cambodia has ratified the Mine Convention, but with its own set of reservations. In the case of Cambodia, during the Preah Vihear temple complex dispute, there were accusations and counter-accusations that Cambodia used anti-personnel landmines to safeguard the temple complex and its surroundings. Cambodia has denied such accusations, stating that those landmines were the remnants of the Indochina War remnants and that Thai soldiers used a danger zone by mistake and therefore, were caught unawares and fell prey to landmines.

From these examples, it is evident that while the governments of these countries still find landmines useful, landmines have been inflicting damage on the citizens of these nations. For some, mine laying might look like quite a cost-effective process, but it leads to high costs, both in terms of civilian casualties as well as de-mining operations. This has made matters difficult for the people living in countries like Laos, Cambodia and Vietnam, because it has not only made the former war zones unsafe but has also reduced the land available for agriculture, due to the presence of these “merchants of death”. However, these countries have to seek more concrete and well-planned international assistance, dove-tailed with national plans, in a more comprehensive manner.

Apart from trying to learn from each other's experiences and emulating best practices (which must have evolved over the years in these countries, but are known only at the local level) in dealing with the landmine issues, Cambodia, Laos and Vietnam must seek greater regional support in dealing with the problem. Though Cambodia pleaded with the ASEAN (Association of Southeast Asian Nations) member countries that ASEAN should form a united front in tackling the landmine issue, it was not paid enough attention. Nevertheless, ASEAN must have a re-look at the issue so that it is able to lead from the front in solving the decades-old problem of its less fortunate member countries. This is important as using a wider range of sub-regional and regional mechanisms for mutual cooperation would help them overcome the problems more effectively and efficiently.

Also read, “Rethinking Our Mine Warfare Policy” by Maj Gen Dhruv Katoch SM, VSM (Retd), available at [http://claws.in/download.php?action=1281610019IB-20-12\[1\].08.2010.pdf](http://claws.in/download.php?action=1281610019IB-20-12[1].08.2010.pdf)

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Notes

1. The term ERW has not been yet clearly defined, it has been suggested that it corresponds to 'unexploded ordnance', which has itself been defined within the International Mine Action Standards as “Explosive ordnance that has been primed, fused, armed or otherwise prepared for use or used. It may have been fired, dropped, launched or projected yet remains unexploded either through malfunction or design or for any other reason.” For details, see Roman Hunger, “Explosive Remnants of War: The Problem,” *Strategic Insight*, 02 April 2003.
2. For instance, Cambodia, which has an estimated 4,500 km² of mined land, mines pose a threat to both human safety and development, limiting people’s access to farmland, resettlement and basic social services. See “Asia-Pacific: Key Statistics - Fast Facts (Bureau for Crisis Prevention and Recovery),” United Nations Development Programme, August 2009, http://www.undp.org/cpr/documents/ff_asia_aug09.pdf, accessed on 01 September 2009.
3. Note by the Secretariat of the United Nations to the International Meeting on Mine Clearance in Geneva, July 1995, SG/CONF 7/2, cited in Robert Rydberg and Timothy S Rieser, “Land Mines: Humanitarian Concerns, Law and Politics,” *Proceedings of the Annual Meeting (American Society of International Law): Are International Institutions Doing their Job?*, Vol. 90, 27-30, March 1996), (pp. 384-391).
4. Ann Peters, International Partnerships on the Road to Ban Anti-Personnel Landmines, http://www.gppi.net/fileadmin/gppi/Peters_Landmines.pdf, accessed on 01 September 2009.
5. “Support needed for mine detection,” *Vietnam News Service*, 19 November 2010, <http://vietnamnews.vnnet.vn/Pages/PrintView.aspx?ArticleID=205874>, accessed on 20 November 2010.
6. Richard Price, “Reversing the Gun Sights: Transnational Civil Society Targets Land Mines,” *International Organisation*, Vol. 52, No. 3, Summer 1998, pp. 613-44.
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12. Ruth Bottomley, “Balancing Risk: village de-mining in Cambodia,” *Third World Quarterly*, Vol. 24, No. 5, October 2003, pp. 823-37.

13. Michael Simmons, Mao Vanna, Soun Chea, Noum Chay Rouml, "Observation on Recent Changes in Northwest Cambodia's Mine/UXO Situation," *Journal of Mine Action*, Vol. 9, No. 2, February 2006, <http://maic.jmu.edu/journal/9.2/focus/simmons/simmons.htm>, accessed on 01 March 2006.
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15. Quoted in Rob Horvath, Barbara Lewis, Chansy Lounthone, Dr. Bounphengm Dr. Theun Thavone, and Dr. Manny Voulgaropolous, "Consortium/ Lao PDR: Xieng Khouang UXO Assistance Project," *United States Agency for International Development*, 30 June 1997, http://ict.usaid.gov/dgpubs/document_details.php?document_key=1065#, accessed on 01 September 2009.
16. "Quick facts and figures," *Lao National Unexploded Ordnance Programme*, <http://www.uxolao.org/>, accessed on 01 September 2009.
17. Herring, n. 7.
18. US Department of State, "Saving Lives in Laos: United States Leadership in Clearing Landmines and Unexploded Ordnance," 09 November 2010, <http://www.state.gov/r/pa/prs/ps/2010/11/150696.htm>, accessed on 10 November 2010.
19. Ibid.
20. Ibid.
21. "Lao People's Democratic Republic - Key Developments since May 2003," *Landmine & Cluster Munition Monitor*, <http://www.the-monitor.org/index.php/publications/display?url=lm/2004/lao.html>, accessed on 10 November 2010.
22. Statement of Lao PDR in Explanation of Vote after the Vote on Resolution 62/41, UN General Assembly, New York, 05 December 2008, cited in "Lao People's Democratic Republic," *Landmine & Cluster Munition Monitor*, <http://www.the-monitor.org/index.php/publications/display?url=lm/2008/countries/lao.html>, accessed on 01 September 2009.
23. Presentation by Amb. Maligna Saignavongs, Director, NRA, Ottawa Convention Implementation and Universalisation Workshop, Bali, 27 February 2008. He also noted that most of the incidents in Lao PDR are caused by (cluster) submunitions, not mines, and that mines comprised less than 1% of the explosive hazards removed during clearance and EOD in the previous 12 years; cited in "Lao People's Democratic Republic," *Landmine & Cluster Munition Monitor*, <http://www.the-monitor.org/index.php/publications/display?url=lm/2008/countries/lao.html>, accessed on 01 September 2009.
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25. "Vietnam - 2008 Key Data," *Landmine & Cluster Munition Monitor*, http://www.the-monitor.org/index.php/publications/display?act=submit&pqs_year=2009&pqs_type=lm&pqs_report=vietnam, accessed on 01 September 2009.
26. Ibid.
27. See *Landmine Monitor Report 2008: Toward a Mine-Free World* (Canada: Mines Action Canada, 2008), p. 1056.
28. "Scrap metal search a risky business" *Thanh Nien*, 30 May 2008, <http://www.thanhniennews.com/2008/Pages/200853010382038899.aspx>, accessed on 31 May 2008.

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37. Ibid.
38. Ibid.
39. UXO Risk education Needs Assessment Report, Lao PDR, October 2006, http://www.nra.gov.la/resources/Risk%20Education%20Materials/Risk_Education_Assessment_Draft.pdf, accessed on 01 November 2006.
40. Quoted in Horvath et al, n. 16.
41. Duong Trong Hue, "Using Communication Theories in Mine-Risk Education campaigns: The Case of Vietnam," *Universitas*, Vol. 5, No. 2, pp. 1-39.
42. Kjell Erling Kjellman, Kristian Berg Harpviken, Ananda S. Millard and Arne Strand, "Acting as One? Co-ordinating Responses to the Landmine Problem," *Third World Quarterly*, Vol. 24, No. 5, pp. 855-71.