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Management of human remains in mine action

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Warning

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Foreword

International standards for humanitarian demining programmes were first proposed by working groups at an international technical conference in Denmark, in July 1996. Criteria were prescribed for all aspects of demining, standards were recommended and a new universal definition of “clearance” was agreed. In late 1996, the principles proposed in Denmark were developed by a UN-led working group and the International Standards for Humanitarian Mine Clearance Operations were developed. A first edition was issued by the UN Mine Action Service (UNMAS) in March 1997.

The scope of these original standards has since been expanded to include the other components of mine action and to reflect changes to operational procedures, practices and norms. The standards were re-developed and renamed as International Mine Action Standards (IMAS) with the first edition produced in October 2001.

The United Nations has a general responsibility for enabling and encouraging the effective management of mine action programmes, including the development and maintenance of standards. UNMAS, therefore, is the office within the United Nations responsible for the development and maintenance of IMAS. IMAS are produced with the assistance of the Geneva International Centre for Humanitarian Demining.

The work of preparing, reviewing and revising IMAS is conducted by technical committees, with the support of international, governmental and non-governmental organizations. The latest version of each standard, together with information on the work of the technical committees, can be found at www.mineactionstandards.org. Individual IMAS are reviewed at least every three years to reflect developing mine action norms and practices and to incorporate changes to international regulations and requirements.

Introduction

Given the intrinsic nature of explosive ordnance, encountering human remains during land release operations can and does occur. Managing human remains is beyond the remit of mine action. However, there is a responsibility for the sector, within its own purview, to help ensure that the dignity of the dead is preserved, and that remains can be recovered and identified by the relevant authorities and agencies. Like other aspects of mine action, having an appropriate allocation of responsibilities as well as clear plans and procedures in place, will help realize these goals. Some initial guidance in this area was provided by the Technical Note for Mine Action (TNMA 10.10/01) published in 2007 and amended in 2013. Further to requests from several NMAAs and earlier work by the International Committee of the Red Cross, it was decided to develop additional guidance in the form of an IMAS chapter.

For the purpose of specific operations, it is possible that both national mine action authorities and mine action organizations will find it necessary to reach out to other disciplines to help them to develop and implement additional measures.

Management of human remains in mine action

1 Scope

This standard outlines general guidance for the mine action sector in relation to the management of human remains.

It provides minimum requirements to help national mine action authorities and operators prepare for and react to situations where human remains are likely to be encountered.

It applies to cases when:

- human remains are likely to be found, or are found incidentally, during mine action operations;
- mine action support is requested to assist operations for the recovery of human remains.

2 Normative references

A list of normative references is given in Annex A. Normative references are important documents to which reference is made in this standard and which form part of the provisions of this standard.

3 Terms and definitions

A complete glossary of all the terms, definitions and abbreviations used in the International Mine Action Standards (IMAS) series is given in IMAS 04.10.

In the IMAS series, the words “shall”, “should” and “may” are used to indicate the intended degree of compliance:

- “shall” is used to indicate requirements, methods or specifications that are to be applied in order to conform to the standard;
- “should” is used to indicate preferred methods or specifications; and
- “may” is used to indicate a possible method or course of action.

3.1

national mine action authority

NMAA

government entity, often an inter-ministerial committee, in an EO-affected country charged with the responsibility for broad strategic, policy and regulatory decisions related to mine action

Note 1 to entry: In the absence of an NMAA, it may be necessary and appropriate for the UN, or some other body, to assume some or all of the responsibilities of an NMAA.

3.2

mine action organization

any organization (government, military, commercial or NGO/civil society) responsible for implementing mine action projects or tasks

Note 1 to entry: The mine action organization may be a prime contractor, subcontractor, consultant or agent.

3.3

human remains

fleshed or unfleshed, partially or fully skeletonized body or part of a body of deceased people

4 General requirements

4.1 Requirements for operations

NMAAs and mine action organizations shall take all reasonable measures to ensure the responsible, safe and dignified management of human remains encountered during mine action operations. Mine action operations shall be conducted in a manner that avoids, and in any case minimizes, damage or other adverse impact (such as disturbance or disruption) on human remains. Such operations shall be conducted in a manner that is safe for mine action staff and communities.

In the presence of human remains, when choosing mine action clearance and disposal methods:

- the safety of mine action staff shall take precedence over recovery considerations;
- the least damaging method to human remains should be considered (for example, neutralization or low order detonation of nearby ordnance).

Any support to the recovery of human remains shall be within the competences of mine action organizations to deal with explosive ordnance and donor caveats, if any. Mine action organizations, at their discretion, may ultimately choose not to accept a request to support the recovery of human remains.

4.2 Risk of encountering human remains

The planning for mine action operations should include an assessment of risks (see IMAS 07.14), and safety and occupational health risk (see IMAS 10.10) associated with human remains to include:

- the likelihood of encountering human remains during operations;
- any specific safety (for example, possible chemical, biological, radiological or nuclear hazard) and occupational health risks, including psycho-social risks related to the exposure of mine action personnel and communities to human remains.

Information on the likely presence or absence of human remains should be collected during non-technical surveys and used to inform the assessments conducted in the mine action operational planning.

Contingency plans should be put in place. Planning may be considered with other organizations with applicable expertise (for example, forensic, community and family liaison) to address any challenges associated with clearance plans if human remains are believed to be present.

Attention shall be given to any applicable legal, regulatory and normative requirements (for example, national law, international humanitarian law, human rights law) as well as religious practices and local customs.

When encountering human remains in the course of a technical survey or clearance operation, the mine action organization shall:

- isolate and mark the human remains in order to preserve them until such a time that the relevant authority is informed and able to take action;
- immediately report the finding and its location to the relevant authority.

4.3 Request for mine action support

If a mine action organization is requested to support the activities of a human remains recovery operation, it shall evaluate the request and the prevailing local circumstances, and decide if it is capable and willing to provide such support, in line with the responsibilities set out in Clause 5.

If the request is not directed through the NMAA, the mine action organization shall redirect it to the NMAA.

The mine action organization shall notify the NMAA of its decision.

Any assistance provided shall be limited to activities that are within the competence of the mine action organization and donor caveats, if any.

5 Responsibilities and obligations

5.1 NMAA's responsibilities

The NMAA, or the organization acting on its behalf, shall:

- 1) liaise with the competent authorities and relevant organizations concerning the management of human remains;
- 2) when human remains are encountered in the course of their operations, provide documented instructions (for example, national mine action standards and/or any instruction from the competent authorities) to mine action organizations on operational actions to be taken, in line with applicable legal, regulatory and normative requirements;
- 3) when mine action organizations are requested to support a human remains recovery operation, provide documented instructions (for example, national mine action standards and/or any instruction from the competent authorities) on operational actions to be taken, in line with applicable legal, regulatory and normative requirements.

The NMAA, or the organization acting on its behalf, should consult with mine action organizations to develop national mine action standards on the management of human remains.

5.2 Mine action organization's responsibilities

Mine action organizations operating in contexts where encountering human remains is likely shall:

- 1) include procedures for the management of human remains in standing operating procedures and other relevant documents that are in consonance with their competencies to deal with explosive ordnance and donor caveats, if any;
- 2) train personnel in the implementation of these procedures;
- 3) immediately report encountered human remains to the NMAA or other relevant authority as directed by the NMAA.

In the absence of an NMAA or other authority, or in response to a direct request from the NMAA, the mine action organization may assist the host nation in the development of national standards for the management of human remains in mine action in line with its capabilities and donor caveats, if any.

If requested, mine action organizations may choose to provide technical mine action support to the government bodies and services, or other organizations responsible for the recovery and management of human remains. Any support provided shall be in line with the organization's capabilities to deal with explosive ordnance and donor caveats, if any.

5.3 Donors' responsibilities

Donors should stipulate any caveats toward the management of human remains, if any, in any relevant documentation.

Annex A (normative) References

The following normative documents contain provisions, which, through reference in this text, constitute provisions of this part of the standard. For dated references, subsequent amendments to, or revisions of, any of these publications do not apply. However, parties to agreements based on this part of the standard are encouraged to investigate the possibility of applying the most recent editions of the normative documents indicated below. For undated references, the latest edition of the normative document referred to applies. Members of ISO and IEC maintain registers of currently valid ISO or EN:

IMAS 04.10, Glossary of mine action terms, definitions and abbreviations

IMAS 07.14, Risk management in mine action

IMAS 10.10, Safety and occupational health – General requirements

The latest version/edition of these references should be used. GICHD hold copies of all references used in this standard. A register of the latest version/edition of the IMAS standards, guides and references is maintained by GICHD, and can be read on the IMAS website (www.mineactionstandards.org). NMAAs, employers and other interested bodies and organizations should obtain copies before commencing mine action programmes.

Annex B (informative) References

- [1] International Committee of the Red Cross, The recovery of human remains in weapon contaminated settings, 2020
- [2] International Committee of the Red Cross, Operational best practices regarding the management of human remains and information on the dead by non-specialists, 2004
- [3] International Committee of the Red Cross, Customary International Humanitarian Law – Vol. 1: Rules, 2009

International humanitarian law contains a number of obligations with regard to the respect, protection and identification of the dead in relation to armed conflict. Specific provisions can be found in:
- [4] Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. (Geneva Convention I) Geneva, 12 August 1949
- [5] Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea. (Geneva Convention II) Geneva, 12 August 1949
- [6] Convention (III) relative to the Treatment of Prisoners of War. (Geneva Convention III) Geneva, 12 August 1949
- [7] Convention (IV) relative to the Protection of Civilian Persons in Time of War. (Geneva Convention IV) Geneva, 12 August 1949
- [8] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977
- [9] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977

Amendment record

Management of IMAS amendments

The IMAS series of standards are subject to formal review on a three-yearly basis. However, this does not preclude amendments being made within these three-year periods for reasons of operational safety and efficiency or for editorial purposes.

As amendments are made to this IMAS they are given a number. The date and general details of the amendment shown in the table below. The amendment is also shown on the cover page of the IMAS by the inclusion under the edition date of the phrase “*incorporating amendment #.*”

As the formal reviews of each IMAS are completed, new editions may be issued. In this case, amendments up to the date of the new edition are incorporated into the new edition and the amendment record table cleared. Recording of amendments then starts again until a further review is carried out.

The most recently amended IMAS are posted on the IMAS website at www.mineactionstandards.org.

Number	Date	Amendment details