

# **Sudan National Mine Action Standards – SNMAS 05.01**

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## **Mine Action Land Release**

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## **1. Introduction**

Land release is the process of applying all reasonable effort to identify, define and remove all the presence and or suspicion of Explosive Ordnance (EO) including mine and Explosive Remnants of War (ERW) contamination from the land that is reported and recorded as confirmed to have EO or there is suspicion or presence of EO. Dealing with such areas with clearance effort is costly and precious. It is more appropriate for Sudan National Mine Action Centre (NMAC) and mine action organizations to do their utmost to ensure that assets are deployed to achieve as much as possible, for the minimum cost in the shortest time. Achieving such an aim of operational efficiency represents a significant challenge when dealing with the EO contamination with the scope and complexity of EO problem in Sudan. The process and practice of land release is the primary means of achieving such aims.

Application of the land release process consists of establishing and improving the definition and understanding of where EO can be found and where they will not; through the application of all reasonable effort with confidence, and justifiable data and evidence that EO are either not present in an area or, if they were, have all been detected, destroyed and removed from that area.

As part of land release process, the practical effort is normally applied through non-technical survey (NTS), technical survey (TS) and clearance. Land release is a dynamic process of collecting data and evidence through survey activities, analysis of data and evidence-based decision making. Any new information and evidence shall be taken into account to support the appropriate decision making.

Effective and successful land release process requires an effective information management system that ensures that data is collected accurately and consistently, reported in compliance with standard formats and schedules, entered into databases (Information Management System for Mine Action or IMSMA) correctly, and analyzed to provide reliable support for decision making of operations managers, mine action monitors and interested parties.

The most common source of truly ‘hard’ information is that found during technical operations; the discovery of actual hazards during technical survey or clearance activities. The value of such data cannot be overstated and organizations conducting technical survey and clearance should treat it with the greatest care and attention. In addition to collecting, reporting and recording data on ‘what was found where’, but NMAC Sub Office and mine action organization should ensure that the information is analyzed to identify the scope, patterns and other characteristics that can help them to make valid and efficient decision that increase confidence in land release process.

## **2. Scope**

This SNMAS provides standard guidelines and covers minimum requirements for the management and application of land release process and Sudan national land release policy. It also outlines the responsibilities and obligations of the NMAC and mine action organizations working in Sudan.

## **3. References**

IMAS 07.11 Land Release

#### **4. Terms, Definitions and Abbreviations**

The term “Land Release” refers to the process of applying all reasonable effort to identify, define, and remove all presence and suspicion of EO through non-technical survey, technical survey and/or clearance.

The term “Suspected Hazardous Area” refers to an area where there is reasonable suspicion of EO contamination on the basis of indirect evidence of the presence of EO.

The term “Confirmed Hazardous Area” refers to an area where the presence of EO contamination has been confirmed on the basis of direct evidence of the presence of EO.

The term “Non-technical Survey” refers to the collection and analysis of data, without the use of technical interventions, about the presence, type, distribution and surrounding environment of EO contamination, in order to define better where EO contamination is present, and where it is not, and to support land release prioritization and decision making processes through the provision of evidence.

The term “Technical Survey” refers to the collection and analysis of data, using appropriate technical interventions, about the presence, type, distribution and surrounding environment of EO contamination, in order to define better where EO contamination is present, and where it is not, and to support land release prioritization and decision making processes through the provision of evidence.

The term “Clearance” in the context of mine action, refers to tasks or actions to ensure the removal and destruction of all EO hazards from a specified area to a specified depth or other agreed parameters as stipulated by NMAC.

The term “All Reasonable Effort” describes what is considered a minimum acceptable level of effort to identify and document contaminated areas or to remove the presence or suspicion of EO. “All reasonable effort” has been applied when the commitment of additional resources is considered to be unreasonable in relation to the results expected.

Cancelled land (Sq<sub>m</sub>); a defined area concluded not to contain evidence of EO contamination following the nontechnical survey of a SHA or CHA.

Reduced Land (Sq<sub>m</sub>); a defined area concluded not to contain evidence of EO contamination following the technical survey of a SHA or CHA.

Cleared land (Sq<sub>m</sub>); a defined area cleared through the removal and destruction of all specified EO hazards to a specified depth.

#### **5. Initial Information Screening**

To ensure the effectiveness of land release process, there is requirement for reliable and effective information management, as such information screening plays a critical role in reliability of information and effective information management system. Removal of redundant, incorrect or duplicate hazardous areas entries in IMAMA and also clarification of ambiguous data through

screening or analysis of existing data is an important activity that supports land release process, however, it does not form part of the land release process.

## **6. The land release process**

### **6.1. General**

Land release is an evidence-based decision-making process that helps determine with confidence which land needs further action and which does not. It involves the identification of hazardous areas, the cancellation of land through non-technical survey, the reduction of land through technical survey and the clearance of actual contaminated land.

### **6.2. Principles**

The following principles should apply when developing a national land release process.

- a) Any new information relating to contamination should be assessed on the basis of evidence gathered through NTS and TS and the analysis of existing data relevant to the area.
- b) New information that is not found to offer evidence of EO contamination in an area, and that does not lead to the creation of SHAs or CHAs should not result in the recording of cancellation of land.
- c) Hazardous areas should be divided into suspected hazardous areas (SHA) and confirmed hazardous areas (CHA) based on the availability and reliability of information and whether evidence is indirect or direct for each hazard.
- d) Inaccessible areas, or areas with limited information available, should not by default be recorded as SHA. SHAs should only be recorded in the database when there is sufficient evidence to justify it. NMAC should decide on dealing with area with limited information or no access.
- e) Fear of the suspected presence of mine and or ERW contamination may lead people to avoid using a particular area; fear on its own is not legitimate evidence of contamination. Fear needs to be substantiated with other evidence before an area is defined as SHA or CHA.
- f) A graduated response should be undertaken when addressing a SHA/CHA. This should normally involve the prioritization of survey activities over clearance. There may be occasions when it is appropriate to progress directly to clearance, but such a response should not be the default position.
- g) Effective application of the land release process means that the area remaining for clearance should be better defined, resulting in more efficient use of clearance assets. Clearance itself is an information gathering process which leads to the contaminated area being fully defined and allowing efficient decision making about when to stop clearance.

- h) Land should only be cancelled, reduced and or handed over following clearance when it is deemed confidently safe to use after a credible and well documented evidence-based process has been fully implemented.
- i) Local participation as main sources of information, including both men and women, should be fully incorporated into the main stages of land release process in order to ensure that land will be used following handover. In addition, involvement of people throughout the land release process helps avoiding any harm that may cause by land release activities.
- j) A SHA/CHA assessed as having a low impact on a community should not be cancelled or released, based on its lack of impact; rather it should be given a low priority.
- k) Land may be released from the suspicion of mine or sub-munitions contamination while there can still be a suspicion of other ERW including deep buried bombs. Additional measures may be required to establish confidently that land is free from all hazardous contamination.
- l) Explosive Ordnance negatively impact the environment and some clearance methods including mechanical demining operations, vegetation removal procedures used by mine action organizations can potentially lead to environmental degradation. Mine action organizations shall consider be conscious of the negative impact potential of their operations and adopt mitigation measures to ensure they do no harm.

### **6.3. Indirect and Direct Evidence**

The following criteria for the definition of SHAs and CHAs have been established considering scope of contamination and mine and ERW problem in the context of Sudan:

- 1) Indirect evidence (SHA):
  - a) Potentially productive land not in use due to fear of explosive hazards.
  - b) Verbal reports from local population and former combatants about possible presence of hazards.
  - c) Mine or ERW records, where the reliability of such records remains open to doubt or require assessment.
  - d) Analysis of other known contamination areas in the same locality, tactics and historical sources.
  - e) Former combatant zones.
  - f) Evidence from previous surveys, not supported by direct evidence of the presence of contamination.
  - g) Mine or ERW accidents or incidents where the location of the event cannot be accurately determined.
- 2) Direct evidence (CHA):
  - a) Mine and or ERW records, where the reliability of such records has been confirmed.

- b) Reliable information about the presence of mine from the sources who had been witness of the mine laying.
- c) Visual observation of mine and or ERW parts, fragmentation or craters.
- d) Detonations during fires or by animals.
- e) Mine signs, fencing, ancillary equipment, associated with contamination.
- f) Mine and or ERW accidents or incidents where the location of the event can be accurately determined.

#### **6.4. Associating Hazard Types with Areas**

One of the important aspects of NTS is to identify the possible hazard type associate with SHAs and CHAs. Associating specified hazard types such as AP mines, AT mines, Cluster munitions, ERW or a combination of hazard types, ensures that reporting reflects the nature of the contamination. Identifying and associating hazard types with areas is one of the important facts that shall be covered in reporting of hazardous areas through NTS, to support prioritization decisions in terms of reflecting the risks presented to the affected communities. In the event where creation of SHA can be justified, but there is insufficient evidence to determine the associated contamination type, then the hazard type should be reported and recorded as unknown and subject to further investigation through TS activity.

#### **6.5. Defining Hazardous Area Boundaries**

In the context of mine action in Sudan, the boundaries of CHA and SHA should be defined both during Non-Technical Survey and then during Technical Survey and Clearance operations. CHA boundaries should be defined and established based on direct evidence of presence of mine and or ERW and also their adjacent and surrounding parts in the ground where the probability of presence of mine and or ERW hazards is high, in light of the analysis of site-specific contamination characteristics. The areas that present only indirect evidence of the presence of mines and or ERW are defined as SHAs. In all cases, hazardous boundaries should be defined on the basis of evidence and information analysis in order to avoid inclusion of excessive areas.

### **7. Information Gathering Methodologies**

All relevant information gathering methodologies should be used during the land release process. The principles of information gathering by NTS, TS and Clearance are described in SNMAS 05.02, SNMAS 05.03 and 06 series of SNMASs. The information gathering shall not be limited to NTS at the start of land release process, rather it should be a continual and a dynamic activity throughout the application of land release process, and whenever new information comes out, it should be subject to analysis, and shall be used for proper decision making.

The Land Release process relies upon valid and reliable information to support decision making. Information will not be reliable and useful if the data upon which it is based does not meet quality requirements. The SNMAS 05.02 and 05.03 should be used to ensure quality data has been collected, reported in the right format and recorded in IMSMA database.

### **8. Land Release Criteria**

The criteria to be met before releasing land may vary depending on local circumstances, but the required level of confidence that the land is free from mine and or ERW contamination remains the same, whether cancelled, reduced, verified or cleared. The participation and agreement of mine

action stakeholders including NMAC and mine action organizations is crucial in the development of accepted and land release criteria. In general terms land release criteria will have been met when it can be shown that either:

- a) In areas where “no evidence of” mine and or ERW was found, the efforts applied could reasonably have been expected to find evidence of contamination had it in fact been present; and/or
- b) In areas where evidence of mine and or ERW contamination was found, the efforts applied could reasonably have been expected to find and remove all such contamination, within specified limits.

SNMAS 05.02 provides criteria for cancellation through NTS and SNMAS 05.03 provides criteria for reduction through TS activity.

To formally announce certain areas free from known explosive hazards as a result of land release process implemented in the entire area, the criteria covered in Annex B to this standards shall be met and documented, prior to formal announcement.

## **9. Confidence in Cancelled, Reduced and Cleared Land**

### **9.1. General**

Before land can be cancelled, reduced, verified or cleared, it should be established, with high level of confidence, that there is no longer any evidence that the area contains mine and or ERW contamination. This confidence can only be gained once **all reasonable efforts** have been applied to investigate whether mine and or ERW contamination is present, and when contamination is found to be present, to remove it.

### **9.2. All Reasonable Effort**

The term “all reasonable effort” refers to the level of efforts required to be expended to achieve a desired level of confidence in the output of land release process. Almost all of the efforts associated with the identification of hazardous area and its subsequent cancellation, reduction and clearance activities relates to the collection, verification and quality checks, processing and analysis of information in order to support decisions about where mines and or ERW are mostly located to be found and where they are not, and where further efforts are needed to be applied.

“All reasonable effort” in land release represents the effort that it is reasonable to expect and should be applied in order to achieve the desired level of confidence that cancelled, reduced, verified and cleared land is free from mine and or ERW contamination. The effort is ‘reasonable’ when it can be shown, on the basis of reason and logic that the efforts applied could be expected to have discovered evidence of contamination had been present, and or could be expected to have found and removed and destroyed all contamination where it was present.

“All reasonable effort” for the cancellation, reduction, verification or release following clearance of previously recorded hazardous areas is reached at a point where sufficient and reliable information and evidence have been collected to conclude with confidence that there is **no evidence of** mine and or ERW contamination anymore. A range of information analysis based on survey and clearance findings and data are required to reach such a point.

“All reasonable effort” in the context of mine action in Sudan includes, but not limited to:



- a) Identifying and accessing all relevant sources of information including men, women and children, and mine or ERW survivals as well as historical and analytical material.
- b) Establishing and maintaining appropriate and effective information management system.
- c) Establishing and maintaining appropriate and effective quality management system.
- d) Carrying out appropriate practical activities including NTS, TS and Clearance, using competent resources (suitably qualified staff) and appropriate procedures (approved by NMAC based on the requirements of SNMASs), in order to identify, define, analyze and design and provide respond to evidence of contamination.
- e) Monitoring the performance of land release process and improving it in light of the reviewing of the monitoring results.
- f) Monitoring the product performance (as per the requirements of SNMAS 07.03) and the quality of cancelled, reduced and cleared land and taking action to improve the process in light of the review of the results of product monitoring; and
- g) Establishing and maintaining appropriate and effective communication systems to ensure that stakeholders understand, agree with and accept the land release process.
- h) Establishing regular operational review mechanism within the mine action programme of Sudan.
- i) Establishing Quality Management System and Information Management System within the mine action programme of Sudan.

The following should be defined:

- a) Reasonable levels of effort required to investigate, collect, report and analyze evidence of mine and or ERW contamination.
- b) Objective criteria for assessing and quantifying the individual survey value of all types of non-technical survey information; and
- c) Criteria for the amount and reliability of information required to make survey conclusions.

### **9.3. Quality Management**

In addition to identifying and documenting the context of mine action in Sudan, establishing quality policy, quality management processes and procedures, risk management framework, quality planning and objectives and review process; the quality management in land release also includes the application of Quality Assurance (QA) and Quality Control (QC). QA involves the accreditation (SNMAS 07.02) and monitoring (SNMAS 07.03) of mine action organizations' capacity, management processes, procedures and activities including NTS, TS and Clearance, before and during the land release process.

QA should confirm that mine action organizations consist of management system, required structure, and competent personnel, employing appropriate equipment and applying approved and effective procedures, in compliance with Sudan SNMASs, Policies and agreed regulations, and with

effective internal and external oversight process to identify and correct shortcomings in the land release process and its products.

QC consists of checks and inspections to confirm that products of the land release process fulfill stated and specified requirements. Any checks of land release outputs shall be undertaken as per the requirements of SNMAS 07.03 to provide meaningful evidence in an efficient way in support of the maintenance of confidence in the quality of cancelled, reduced and cleared land. Quality management system in relation to land release should include the requirement to continually improve the process through the analysis of data relating to the performance of the process and the quality of cancelled, reduced and cleared land.

## **10. Documentation**

### **10.1 General**

Information management is playing a key role in land release process, proper information management procedures, including adequate decision-making mechanisms, recording, analysis, monitoring and adjustment and training are essential requirements. The records of NTS, TS and clearance implemented throughout the land release process shall be properly documented and recorded in IMSMA as per the requirements of SNMAS 10.01 of Information Management.

In order to ensure the following, quality documentation is required:

- a) As evidence to form the basis for decisions to create SHAs and CHAs and to cancel, reduce and handover land.
- b) As the basis for, and evidence of, internal and external quality management.
- c) To form the basis for formal and comprehensive investigation; if hazards subsequently appear on cancelled, reduced or cleared land, to identify appropriate actions to correct problems and prevent their reoccurrence; and
- d) As essential evidence where liability is in question.

### **10.2 Minimum Data and Information Collection Requirements**

Mine and ERW contamination impacts the communities and people living there and presents a wide range of social and economic features and is reflected in important decisions about prioritization. The physical nature of mine and ERW contamination is essentially geographical, and impacts are placed in a geographical context and land release efforts include the geographical targeting of resources and activities to achieve the aim of releasing land for productive use. It is therefore important that the geographical aspects of the mine and ERW contamination and responses to it, are recorded accurately and consistently.

In addition to recording the boundaries of SHAs and CHAs, mine action organizations should collect the data and information and record the following:

- a) What is found where and when.
- b) What is the scope of impact?
- c) What should be done; and
- d) What is done where and when?

Activities associated with land release process including NTS, TS and Clearance shall be recorded in relation to the areas and locations they have taken place. The performance of survey and clearance assets against different hazard types should also be recorded and analyzed.

Geographical data and information should be collected with sufficient accuracy and detail to fulfill requirements to perform meaningful analysis in support of the land release process and to satisfy the requirements of stakeholders and NMAC information system. Data collection and information management systems should be designed and developed to disaggregate data by activity including NTS, TS and Clearance and by type of contamination.

Annex A to this SNMAS provides the standardized land release symbology representing priority land and activity attribute values. For more detail about the use of symbols in GIS (Geographic Information System) refer to TNMA 07.11/01-2016 at:

[https://www.mineactionstandards.org/fileadmin/MAS/documents/technical-notes/Technical\\_Note\\_07.11-01\\_LR\\_symbology.pdf](https://www.mineactionstandards.org/fileadmin/MAS/documents/technical-notes/Technical_Note_07.11-01_LR_symbology.pdf)

### **10.3 Reporting**

Data and information about mine and ERW contamination, defined areas, operational activity, asset performance and decisions taken during land release process should be made available to reports recipients and related stakeholders with required contents and formats that meet their requirements.

Higher level reporting including reporting to state parties of Ottawa Convention and to the government authorities, the medium, contents and format should be based upon the procedures, formats and schedules ascertained by those authorities.

## **11. Sudan National Policy on Land Release**

### **11.1 Developing National Policy on Land Release**

The land release policy should define the purpose and goals of the mine action programme of Sudan and articulate the standards and principles of action that govern the way in which the programme aims to achieve these goals. Land release policy guides the way in which mine action operational plans are developed, and how resources are mobilized and applied. The Sudan land release policy should be issued by the NMAC and encompass the following:

- 1) An overview of agreed terminology used in land release process.
- 2) A statement describing how land will be cancelled, reduced and cleared; through NTS, TS and Clearance.
- 3) A description of all reasonable effort in land release process and related activities.
- 4) A description of the agreed principles of the land release process.
- 5) A list of the agreed criteria for cancellation and reduction.
- 6) An overview of the land release concept and how it will be applied.
- 7) Direction on the development, management and maintenance of SNMASs on land release.

The land release policy should be reviewed once a year updated as necessary to maintain the effectiveness and credibility of the land release process.

## **12. Risks and Liability**

Liability refers to any legal responsibility, duty or obligation that a country, organization or individual may have. Liability in relation to an adverse event in mine action, such as an accident or the discovery of a missed hazard item in an area, is normally linked to noncompliance with standards, policy or procedure.

A well-documented, transparent, evidence-based approach to land release, demonstrates the application of “all reasonable effort” and provides the primary mechanism for addressing questions of liability in such a way that mine action managers at all levels have the confidence to take efficient and appropriate decisions.

Residual risk is the risk remaining following the application of all reasonable effort to identify, define, and remove all presence and suspicion of mine and ERW through NTS, TS and Clearance. Residual risk is minimized when the land release process has been applied by competent and accredited mine action organizations that following approved procedures and processes. Residual risk may be quantified over time through the monitoring of cancelled, reduced and cleared areas to identify any incidents, accidents or evidence of missed hazard items. The results of such monitoring should be used to maintain confidence in land release process and to identify areas requiring improvement.

It is important that the NMAC, on behalf of the government of republic of Sudan, develops and maintain policy that details liability aspects, including the transfer of liability from the mine action organization to the government or the local community when certain criteria have been fulfilled. As minimum the liability policy should encompass following principles:

- 1) Mine and ERW contamination is primarily and ultimately a national responsibility and, as such, the Government of Sudan (GoS) has a responsibility to accept accountability and liability for victims in all areas affected by mine and ERW. This includes area known to have landmine and or ERW problem and those unknown, areas that have been cleared and handed over to the communities and areas that have been cancelled or reduced as a result of the land release process. This is the responsibility of NMAC as coordinating and regulating body to clearly define the transfer of liability in Sudan.
- 2) A comprehensive and endorsed land release policy implies that all stakeholders agree on the definition of “all reasonable effort”. A process to identify and quantify these efforts during the design of the land release policy will help to prevent disputes related to liability issues.
- 3) If land release policy has been approved by NMAC, appropriate application of the principles by mine action organizations and acceptance of handover by NMAC and communities implies that the level of risk in the area after survey and or clearance is deemed tolerably low.
- 4) If any hazard item or contamination is found in areas that have previously been cancelled, reduced or cleared, liability disputes should in principle be settled based on how well mine action organization implemented the land release process that is normally enshrined in SNMASs.

The appearance of hazard contamination does not automatically imply that the mine action organization should be held liable.

- 5) The mine action organization will in principle not be liable in cases of discovered explosive hazard or accidents if a formal investigation shows that the land release policy and SNMASs have been implemented appropriately and the organization has made all reasonable effort to ensure the area was safe before cancellation, reduction and or handover following clearance.
- 6) A mine action organization should in principle be liable in cases of accident caused by missed explosive hazards, if investigation shows that:
  - a) The accident was caused by willful or criminal misconduct, gross negligence, careless misconduct or a conscious and obvious indifference to the right and safety of the individual harmed.
  - b) The organization was not accredited, licensed, certified or authorized to carry out acts leading to the inaccurate land release decision.
  - c) The organization willfully overstepped prevailing national policy or standards.
  - d) The organization had conducted gross procedural errors or grossly deviated from land release requirements as stated in related SNMASs.
- 7) Liability for dealing with items found after land release should be clarified in the national land release policy.

### **13. Post Land Release Actions**

Residual risk can be mitigated to a large extent by monitoring of cancelled, reduced and cleared land and making survey and clearance resources available if mine or ERW hazard is subsequently discovered. If hazard item is discovered, a rapid response with appropriate assets and a comprehensive and transparent investigation process can reduce the loss of customers' confidence in land release process. NMAC should ensure that the following are applied:

- 1) Monitoring of or post land release impact assessment of cancelled, reduced and cleared areas after a maximum of one year is undertaken to confirm that local communities are using the land and that no hazards has not been discovered.
- 2) Investigation and reporting of explosive hazards that discovered in an area that has been cancelled, reduced or cleared.
- 3) Regular operational review and review of the documentation and decision-making process leading to recommendations to improve the land release process.
- 4) Making mine action assets available to deal with unexpected mine and or ERW contamination and to undertake additional survey.
- 5) Reclassification of previously cancelled area to CHA and updating IMSMA database if direct evidence of mine and or ERW contamination is found.

- 6) Initiating investigations into the root causes that led to the decision to release the land and, if necessary, adjusting the land release policy; and
- 7) Imposing restrictions, and identifying precautions, associated with land to reflect residual risk.

#### **14. Responsibilities and Obligations**

##### **14.1 Sudan National Mine Action Centre (NMAC)**

NMAC as national coordination and regulation body for mine action in Sudan shall:

- 1) Develop, review and maintain a national land release policy and relevant SNMAS.
- 2) Accredite organizations as capable and competent of undertaking non-technical survey, technical survey and clearance.
- 3) Develop, manage, maintain and publish SNMAS for:
  - a) Monitoring of land release process and product performance to be applied to NTS, TS and Clearance, and documentation requirements as part of land release process.
- 4) Requirements for data collection and information management.
- 5) Define levels of reasonable effort to be applied in land release process.
- 6) Define, adopt and ensure application of criteria for the cancellation and reduction of land.
- 7) Develop liability in mine action policy.
- 8) Ensure that appropriate and effective information management system is established and maintained.

##### **14.2 Mine Action Organization**

All accredited mine action organizations undertaking land release operations in Sudan, shall:

- 1) Gain survey and clearance accreditation from NMAC, to conduct land release activities in Sudan.
- 2) Comply with Sudan SNMASs for survey and clearance.
- 3) Collect and make available the necessary information as required by SNMAS.
- 4) Conduct a formal handover of sites, including all relevant information, to NMAC.
- 5) Maintain and make available documentation as specified by the NMAC in relation to land release process.

- 6) Consult closely with affected communities including men and women with regards to all decisions to cancel, reduce and or handover of cleared land.