UKRAINE



RECOMMENDATIONS FOR ACTION

- Ukraine should accede to the Convention on Cluster Munitions (CCM) as a matter of priority.
- Ukraine should comply with its obligations under international human rights law to clear cluster munition remnants (CMR) on territory under its jurisdiction or control as soon as possible.
- Ukraine should undertake a baseline survey of CMR contamination in areas to which it has effective access.
- Ukraine should formally establish a national mine action authority and a functioning national mine action centre to manage clearance of CMR and other explosive ordnance.
- Ukraine should elaborate a strategic plan for mine action, including for CMR survey and clearance.
- Ukraine should systematically collect data on contamination from mines, CMR, and other explosive remnants of war (ERW), as well as progress in survey and clearance, and establish a centralised database for planning purposes.
- Ukraine should consult with mine action stakeholders and elaborate standardised national criteria for the prioritisation of CMR clearance.

UNDERSTANDING OF AP MINE CONTAMINATION

The extent of contamination from CMR in Ukraine is not known. Ukraine has said that many unexploded submunitions contaminate the Donetsk and Luhansk regions,¹ with the most intensive use of cluster munitions said to have occurred in and around the city of Debalcevo in Donetsk oblast.² In 2017 and again in 2020, Ukraine estimated, implausibly, that total contamination by mines and ERW (including CMR) could extend over 7,000km².³ The Ukrainian Ministry of Defence (MoD) has accepted that this is a "rough" estimate.⁴

It is further suggested that up to one fifth of the explosive contamination is from mines while the rest is from different ERW, including CMR.⁵ But Ukraine cannot reliably estimate the specific extent of CMR contamination until a baseline survey has been completed.⁶ The heaviest mine and ERW contamination is believed to be inside the 15km buffer zone between the warring parties, also called the Grey Zone.⁷ Non-technical and technical survey are being conducted in the government-controlled area (GCA) in eastern Ukraine but ongoing conflict means that evidence-based survey is not possible in the Grey Zone.⁸

In 2019, the HALO Trust added 74,035m² of previously unrecorded CMR contamination to the database; Danish Demining Group (DDG) did not report any newly discovered areas of CMR contamination in 2019.⁹

Multiple reports from 2014 and 2015 indicated that both government forces and pro-Russian rebels used cluster munitions in the Donetsk and Luhansk regions of eastern Ukraine. This included Smerch (Tornado) and Uragan (Hurricane) cluster munition rockets, which deliver 9N210 and 9N235 anti-personnel fragmentation submunitions; 300mm 9M55K cluster munition rockets with 9N235 submunitions; and 220mm 9M27K-series cluster munition rockets.¹⁰

OTHER EXPLOSIVE REMNANTS OF WAR AND LANDMINES

Ukraine is contaminated by considerable quantities of other ERW as well as by anti-personnel and anti-vehicle mines used during the current conflict (see Mine Action Review's *Clearing the Mines 2020* report on Ukraine for further information). It is also affected by unexploded ordnance (UXO) and abandoned explosive ordnance (AXO) remaining from the First World War and Second World War¹¹ and Soviet military training and stockpiles. In February 2016, Ukraine said that 32 former military firing ranges and the many other areas contaminated with explosive items from past wars covered 1,500km².¹²

NATIONAL OWNERSHIP AND PROGRAMME MANAGEMENT

All mine action in the Donetsk and Luhansk regions, including CMR survey and clearance, are currently planned, coordinated, and controlled by the MoD, which operates the Kamyanets-Podilsky Demining Centre.¹³ Other national bodies involved in the sector include the Ministry of Internal Affairs, under which sits the State Emergency Services of Ukraine (SESU); the Security Services; the Ministry for Reintegration of the Temporarily Occupied Territories; the State Special Transport Services (SSTS) of the MoD; the National Police; and the State Border Service.¹⁴

The MoD has organisational control of operations, while SESU and STSS is generally responsible for conducting clearance. SESU established a "Special Humanitarian Demining Centre" in 2015 in Kiev. The centre's remit includes coordination of SESU pyrotechnical teams (akin to rapid-response explosive ordnance disposal (EOD) teams) involved in technical and non-technical survey, demining, internal quality control (QC) of SESU units, information management, and handover of land cleared by SESU to local authorities, as well as risk education.¹⁵

Ukraine's parliament adopted a national mine action law on 6 December 2018, which was signed by the President on 22 January 2019.16 However, the law could not be implemented. It was held to be incompatible with the Constitution of Ukraine because it gave authority to Parliament to create mine action institutions such as the national mine action authority (NMAA), which, as a "state body", is the responsibility of the Cabinet of Ministers. Following presidential and parliamentary elections in September 2019, a working group was set up comprised of representatives from relevant government ministries and the United Nations Development Programme (UNDP), NATO (the North Atlantic Treaty Organization), and the Organization for Security and Co-operation in Europe, Project Co-ordinator in Ukraine (OSCE PCU) to prepare amendments to the law. In June 2020, the "Law on the Amendments to the Law on Mine Action in Ukraine" passed its first reading. UNDP, the OSCE PCU, The HALO Trust, and DDG drafted comments on a number of problematic issues in the draft, including the training and insurance of deminers; the possibility for international operators to use explosives to destroy items found during clearance (currently, only the MoD and SESU can blow up ordnance); handover procedures; and liability of actors after handover.¹⁷

Adjustments are expected to be made to the draft of the revised Law taking these comments into account before its second reading. The amended Law was expected to be adopted in October 2020, before the adoption of the national budget for 2021.18 The Law establishes a framework for humanitarian demining, allocates responsibilities among state institutions, and envisages the creation of an NMAA and, strangely, two national mine action centres (NMACs). One NMAC will operate under the MoD Kamyanets-Podilsky Demining Centre while the other will be under SESU's "Special Humanitarian Demining Centre". Each centre will be accredited and have its own quality management capacity. Demining responsibility will be divided territorially between the two NMACs. The NMACs will be coordinated by the NMAA, an interagency body to be chaired by the MoD while "special conditions" exist in Ukraine. Thereafter, the Ministry

of Interior will take charge. National mine action standards (NMAS) and the national mine action strategy will be adopted by the NMAA.¹⁹

Operators participate in monthly mine action sub-cluster meetings, chaired by UNDP, which are attended by representatives of the MoD, SESU, and MOFA. In addition, the OSCE PCU organises regular roundtable meetings on specific mine action topics.²⁰

National funding is provided for mine and ERW clearance and quality control. ²¹ The MoD and the Civil-Military Cooperation Directorate (CIMIC) of the Armed Forces of Ukraine have supported operator survey and clearance on all matters related to security and, in particular, have supported the deployment of HALO Trust's teams in the 15km buffer zone. ²² Ukraine also receives support from foreign partners (OSCE and NATO) for clearance equipment. ²³

The Geneva International Centre for Humanitarian Demining (GICHD) has been working with the OSCE PCU and the Geneva Centre for Security Sector Governance (DCAF) to help foster mine action institutions.²⁴ In 2019, the GICHD supported the development of new mine action legislation and the NMAS; provided training in quality management and Information Management System for Mine Action (IMSMA) Core; facilitated a regional roundtable on Explosive Ordnance Risk Education (EORE) communication approaches; and organised a visit to the Lebanon Mine Action Centre for the head of the three training programmes.²⁵ The OSCE PCU has received funding until December 2021 to support Ukraine in establishing an NMAA and an NMAC; elaborating national standards and mine action legislation; developing the IMSMA database in co-operation with the GICHD; organising training in quality management, non-technical survey, and IMSMA; and procuring demining equipment for the MoD and SESU.26

DDG provided capacity development to SESU in 2019 and, as at April 2020, was supporting equipment procurement; the development of standard operating procedures (SOPs); deployment/operational activity (mine clearance, non-technical survey); and quality assurance (QA)/quality control (QC). In addition, DDG provided training on non-technical survey, clearance, and data management.²⁷ In 2019, The HALO Trust provided information management support and quality management training to the MoD. In 2020, HALO Trust was providing training to SESU on non-technical survey, medical support, geographic information systems (GIS), risk education, clearance, and quality management.²⁸

GENDER AND DIVERSITY

As at June 2020, no information had been provided on whether there is a gender policy and associated implementation plan for mine action in Ukraine. 29

DDG has a gender and diversity policy and implementation plan. It ensures that all affected groups, including women and children, are consulted during survey and community liaison activities. However, as at April 2020, only 10% of operational roles were filled by women. With regard to managerial/supervisory positions, the Head of Programme and the Information Management Officer are both women, and in early 2020 DDG promoted a woman deminer to a Team Leader position.³⁰

The HALO Trust uses mixed gender non-technical survey and community liaison teams. HALO Trust began recruiting women for clearance roles in 2017, employing the first female deminers in Ukraine.³¹ As at April 2020, 16% of operational survey and clearance staff were women along with 24% of managerial/supervisory staff.³²

INFORMATION MANAGEMENT AND REPORTING

There are two functioning IMSMA databases in Ukraine, one managed by SESU and the other by the MoD, both of which collect and analyse contamination and land release data from national operators and NGOs.33 The databases are, though, claimed to be complementary, as they are separated based on region, thematic area, and operational purpose.34 In 2019, the GICHD facilitated the transition of the databases to IMSMA Core.35 The GICHD and OSCE PCU facilitated the first regional IMSMA Core Implementation workshop in Kyiv in September 2019.36 As at July 2020, in order to ensure the two databases. are compatible, the GICHD was working with SESU and the MoD on a minimum data standard. Once the amendments to the Law are adopted, the databases will be coordinated by the NMAA's secretariat (the ministry of the chairman of the NMAA).37 The NMAA will be supported by OSCE through equipment and training to combine the data from the two databases and will be responsible for the official reporting on the survey and clearance of landmines, CMR, and other ERW.38 An online map of explosive contamination has been published by the MoD with technical support from The HALO Trust, using data from DDG, Swiss Foundation for Mine Action (FSD), The HALO Trust, and a commercial company, Demining Solutions.³⁹ Operators submit survey and clearance data to the MoD on a monthly basis and each submitted a report at the end of 2019 on all survey and clearance data for the year.⁴⁰ Despite all the capacity development support that Ukraine has received on information management the quality of official reporting remains poor. The lack of an operationalised mine action law has left Ukraine in a legal vacuum which makes it very difficult to obtain information on operational capacities and outputs. It is hoped that this will change once the amendments to the mine action law have been adopted.⁴¹

PLANNING AND TASKING

Ukraine does not have a national mine action strategy and, as at May 2020, there were no plans to develop one. 42 Ukraine submitted its "Annual Action Plan for humanitarian demining in liberated areas in Donetsk and Luhansk" for 2019 in May of that year, as requested by the Seventeenth Meeting of States Parties to the APMBC. 43

There are currently no standardised criteria at national level for task prioritisation.⁴⁴ Until an NMAC is established, all tasking of operators is managed by the MoD in line with its annual action plan.⁴⁵ Local government have been helping the MoD to prioritise tasks based on humanitarian criteria.⁴⁶ The MoD approves annual survey and clearance work plans submitted by operators. Operators prioritise clearance according to humanitarian impact and in discussion with the local community.⁴⁷

LAND RELEASE SYSTEM

STANDARDS AND LAND RELEASE EFFICIENCY

NMAS were finalised by the MoD in September 2018 after multi-year input and review from key stakeholders. ⁴⁸ The NMAS were published in April 2019, but will only become compulsory once the new mine action legislation is passed; until then, they are not applied. ⁴⁹ In addition, The HALO Trust reported that the NMAS will require further development as many of the terms and definitions are not in line with the International Mine Action Standards (IMAS). ⁵⁰

In April 2019, the Cabinet of Ministers approved Resolution 372 on "Regulations on marking mine and ERW hazards", which are said to follow the provisions in the IMAS.⁵¹ The lack of an NMAC also means that operators' SOPs are not currently accredited. Operators are therefore working in line with IMAS and donor contractual obligations rather than NMAS.⁵²

OPERATORS AND OPERATIONAL TOOLS

The MoD and several other ministries continue to deploy units that undertake clearance and destruction of mines and ERW. This includes engineer-sapper units of the Armed Forces of Ukraine; the National Guard of Ukraine; the Ministry of Internal Affairs, which conducts clearance through SESU and also has an engineering department that conducts EOD; the Security Service; the State Special Transport Service, which is responsible for demining national infrastructure; and the State Border Service, which conducts demining in areas under its control on land and in the sea.⁵³ In its 2020 extension request, Ukraine reported that 60 "local administrations" are involved annually in demining in the Donetsk and Luhansk regions.⁵⁴

Three international demining organisations—DDG, FSD, and The HALO Trust—are operating in Ukraine.⁵⁵ FSD suspended demining operations in 2019 due to lack of funding, though they have been actively looking for opportunities to continue their programme.⁵⁶ In addition, the Ukrainian organisations Demining Team of Ukraine and Demining Solutions are active in demining in the east of the country.⁵⁷ In its 2020 APMBC Article 5 deadline extension request, Ukraine reported that 41 demining "groups" with a total of more than 500 people were involved in mine action from these organisations.⁵⁸

Table 1: Operational clearance capacities deployed in 2019⁵⁹

Operator	Manual teams	Total deminers*	Dogs and handlers	Machines**	Comments
HALO	23	276	0	3	Increased from 2018 by 7 manual demining teams (91 staff) and 2 mechanical support teams (remotely controlled vegetation cutters – 10 staff)
DDG	2	23	0	0	No change from 2018.
Demining Solutions	1	7	0	0	
Totals	26	306	0	3	

^{*} Excluding team leaders, medics, and drivers. ** Excluding vegetation cutters and sifters.

In 2019, the HALO Trust also deployed 12 non-technical survey personnel across 3 teams and 12 technical survey personnel across 2 teams. DDG did not deploy any survey personnel in 2019. The HALO Trust increased its clearance capacity in 2019 compared to the previous year thanks to increased funding and intended to maintain that capacity in 2020 while increasing the number of technical survey teams to three. All DDG's deminers are trained to conduct technical survey and will do so "as and when required". DDG also has three non-technical survey teams totalling six people who conduct non-technical survey during the winter stand-down. DDG was due to increase its clearance capacity in 2020 to five teams totalling 34 deminers, also the result of increased funding.

Another step forward in 2019 saw the MoD establish QC inspection teams. They began conducting post-clearance inspection visits, which enabled official handover of land to take place for the first time. 62

LAND RELEASE OUTPUTS AND PROGRESS TOWARDS COMPLETION

LAND RELEASE OUTPUTS IN 2019

HALO Trust cleared more than 68,000m² of CMR-contaminated area in 2019. Neither the HALO Trust nor DDG conducted any survey of CMR-contaminated areas in 2019 (or in 2018).

DDG did not conduct any clearance of CMR contamination areas in 2019 nor 2018 but cleared 445,009m² of area that was suspected to contain anti-vehicle mines and UXO, destroying nine anti-vehicle mines and three items of UXO.⁶³

The HALO Trust cleared 68,230m² of CMR-contaminated area in the village of Svatove in Svativskyi district and found and destroyed four submunitions. HALO Trust also destroyed one submunition during a spot task.⁶⁴ This is an increase from the 49,010m² HALO cleared in 2018, along with the destruction of two submunitions.⁶⁵

Table 2: CMR clearance in 201966

District/Village	Operator	Area cleared (m²)	Submunitions destroyed	UXO destroyed
Svativskyi/Svatove	HALO Trust	68,230	4	103
Totals		68,230	4	103

UXO = Unexploded ordnance excluding submunitions

No target date has been set for the completion of CMR clearance in Ukraine. Although it is understood that, in addition to clearance conducted by operators, some clearance of CMR contamination has been undertaken by the MoD the extent is unclear as that information has not been made available by the national authorities. 67

Access to CMR contamination is a problem in certain areas either because of security concerns or because of their proximity to active military sites. ⁵⁸ In addition, Ukraine has not had full control over parts of its territory with suspected CMR contamination since conflict erupted in 2014.

Russia has obligations under international human rights law to clear CMR as soon as possible, in particular by virtue of its duty to protect the right to life of every person under its jurisdiction, in any areas of Ukraine over which it exercises effective control.

¹ National Security and Defence Council and State Emergency Services of Ukraine (SESU), "Humanitarian demining in Ukraine: current issues and challenges", Anti-personnel Mine Ban Convention (APMBC) Fourteenth Meeting of States Parties (14MSP), Side event, Geneva, 2 December 2015.

² Interview with Lt.-Col. Yevhenii Zubarevskyi, Mine Action Department, Ministry of Defence (MoD), in Geneva, 20 May 2016.

^{3 &}quot;Measures to ensure compliance", presentation by Col. Viktor Kuzmin, Deputy Chief, Engineer Troops, Armed Forces of Ukraine, provided to the APMBC Implementation Support Unit at the APMBC Intersessional Meetings, Geneva, 9 June 2017, at: bit.ly/2EoMS2u; 2020 APMBC Article 5 deadline Extension Request, p. 1.

⁴ Interview with Maksym Komisarov, Chief of Mine Action Department, MoD, in Geneva, 8 June 2018.

- 5 Ihid
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- 15 Ibid.; National Security and Defence Council and the SESU, "Humanitarian demining in Ukraine: current issues and challenges", Side event, APMBC 14th Meeting of States Parties, Geneva, 2 December 2015; and National Defence and the Canadian Armed Forces, "Operations UNIFIER"; and "Humanitarian mine and UXO clearing of the territory of Ukraine conducted by the State Emergency Service of Ukraine", Side-event presentation by Col. Oleh Bondar, SESU, Geneva, 17 February 2016; and email from Lt.-Col. Yevhenii Zubarevskvi. MoD. 17 June 2016.
- 16 OSCE, "Ukrainian parliament adopts legal framework for mine action, with OSCE advice provided", 10 December 2018, at: bit.ly/2QdTaqo; interview with Miljenko Vahtaric, OSCE PCU, 7 February 2019; and email, 13 June 2019.
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