



# UKRAINE

**ARTICLE 5 DEADLINE: 1 JUNE 2016**  
(IN SERIOUS VIOLATION OF ARTICLE 5)

## MINE ACTION PROGRAMME PERFORMANCE

For 2016

For 2015

Problem understood	4	4
Target date for completion of mine clearance	2	2
Targeted clearance	5	5
Efficient clearance	5	5
National funding of programme	6	6
Timely clearance	4	4
Land release system in place	5	5
National mine action standards	5	5
Reporting on progress	4	4
Improving performance	4	4
<b>PERFORMANCE SCORE: POOR</b>	<b>4.4</b>	<b>4.4</b>

## PERFORMANCE COMMENTARY

Ukraine has not yet submitted an Article 5 extension request, and therefore remains in serious violation of the Anti-Personnel Mine Ban Convention (APMBC). While survey and clearance of areas contaminated with anti-personnel mines did take place in 2016, the full extent of demining operations is not known due to the absence of sufficiently detailed information from

the Ukrainian authorities. Furthermore, the overall effectiveness and efficiency of mine action in Ukraine is being impeded by a delay in the adoption of a mine action law, necessary to clarify and strengthen the coordination of work among the different ministries and agencies, and to facilitate progress in strategic planning, information management, and national mine action standards.

## RECOMMENDATIONS FOR ACTION

- Ukraine should ensure it does not use anti-personnel mines.
- Ukraine should request an extension to its APMBC Article 5 clearance deadline, without further delay.
- Ukraine should enact mine action legislation as soon as possible and formally establish a national mine action authority and a functioning national mine action centre to support clearance of mines, cluster munition remnants (CMR), and other explosive remnants of war (ERW).
- Ukraine should systematically collect disaggregated data on contamination from mines, CMR, and other ERW, as well as on progress in survey and clearance, and establish a centralised database for planning purposes.
- Ukraine should take all necessary measures to protect civilians from mines, CMR, and other ERW.
- Ukraine should continue to undertake non-technical survey to identify the extent and impact of anti-personnel mines (in particular in Donetsk and Luhansk), and should also undertake technical survey when possible, to confirm or reject the presence of mines, and help inform decisions on land release. Clearance should take place as soon as possible of areas confirmed as mined.

## CONTAMINATION

Ukraine is contaminated by anti-personnel mines as a result of the ongoing conflict which broke out in 2014. In the first half of 2014, armed violence erupted between Ukrainian government forces and Russian-backed separatists in the Crimean peninsula and in the east of the country in the Luhansk and Donetsk regions (oblasts). Firm evidence exists that mines have been used in the resultant armed conflicts,<sup>1</sup> including by Ukrainian armed forces, though the full nature and extent of contamination is likely to remain unclear until an effective cessation of hostilities. A June 2016 report of the Office of the United Nations High Commissioner for Human Rights (OHCHR), covering 16 February to 15 May 2016, stated that “Ukrainian armed forces and armed groups continue to lay landmines, including anti-personnel mines, despite Ukraine’s obligations as a State party to the 1997 Mine Ban Treaty.”<sup>2</sup> The most recent OHCHR report, in September 2017, stated that: “The parties to the conflict repeatedly failed to honour commitments made under the Minsk agreements and subsequent renewed agreements to cease fire. Instead, they chose to perpetuate the conflict through the continued use of heavy weapons and laying of additional mines...”<sup>3</sup>

Ukraine cannot reliably estimate the overall extent of mine contamination until surveys have been completed,<sup>4</sup> and in December 2016, at the Fifteenth Meeting of States Parties, Ukraine reported that “it is not possible to identify all areas in which anti-personnel mines are known or suspected to be emplaced in Ukraine”.<sup>5</sup> The heaviest mine and ERW contamination is believed to be inside the 15km buffer zone between the warring parties, but access to this area for survey and clearance operations is severely limited.<sup>6</sup>

Prior to the current conflicts, Ukraine was affected by residual contamination of mines and other ordnance, mostly as a result of heavy fighting between German and Soviet forces in World War II, but also from combat in World War I. Ministry of Defence engineering units partially cleared affected areas in the mid-1970s, suggesting that a problem may remain, but the location and extent of any mine threat is not known.

In its Article 7 transparency report for 2015, Ukraine reported that exact information was not available on known or suspected areas containing anti-personnel mines under its jurisdiction or control, and no further information was provided on the nature or extent of the contamination, other than the fact that mined areas are being cleared in Donetsk and Luhansk.<sup>7</sup> In its latest Article 7 report (for 2016), Ukraine reported that exact information on the number and types of mines was not available, but non-technical survey by non-governmental organisations (NGOs) identified mined areas in Lemans, Slavyansk, and Volnovansky districts in the Donetsk region, and Popasnyansky district, in Lugansk region.<sup>8</sup>

In June and November 2016, Ukraine stated that, as a result of the ongoing fighting, “approximately 7,000km<sup>2</sup> was mined or suspected to be contaminated with mines and unexploded ordnance, primarily anti-personnel mines and improvised explosive devices through the fault of a neighbouring state.”<sup>9</sup> In August 2017, the government of Ukraine restated that approximately 7,000km<sup>2</sup> of the Lugansk and Donetsk oblasts were contaminated with mines and ERW.<sup>10</sup>

The area inside the 15km buffer zone is believed to be heavily contaminated with mines and ERW, but access to the buffer zone for humanitarian survey and clearance operations is severely limited on the government side, and there is no access for humanitarian demining in areas not controlled by the government.<sup>11</sup>

In February 2015, the Organization for Security and Co-operation in Europe (OSCE) reported contamination in Ukraine with OZM-72 bounding fragmentation mines, MON (50, 90, 100, and 200) directional anti-personnel mines, and TM-62 anti-vehicle mines.<sup>12</sup> In an April 2015 Technical Briefing Note, Human Rights Watch reported the presence of at least two types of blast anti-personnel mines, three types of MON-series directional fragmentation mines, and OZM-72 bounding fragmentation mines that can function as anti-personnel mines depending on the type of fuze used, as well as PDM-1M anti-landing mines equipped with fuzes capable of being activated by the unintentional act of a person.<sup>13</sup>

Over the last couple of years, the OSCE's Special Monitoring Mission (SMM) in Ukraine has frequently reported observations on the use of anti-personnel mines, examples of which are detailed below. In September 2015, OSCE SMM observed four blast PMN-type anti-personnel mines on the outskirts of Pavlopil, a government-controlled village, 26km north-east of Mariupol.<sup>14</sup> In January 2016, OSCE SMM observed 11 anti-vehicle mines and one Claymore-type anti-personnel mine making up part of a Ukraine Armed Forces defensive position in government-controlled Marinka (23km south-west of Donetsk).<sup>15</sup> In April 2016, OSCE observed an anti-personnel mine south-west of an "LPR" checkpoint near Stanytsia Luhanska bridge (16km north-east of Luhansk).<sup>16</sup> In September 2016, OSCE SMM observed a "string of anti-personnel mines (POM2)", in "DPR"-controlled Petrivske, and anti-tank and anti-personnel mines along the closed crossing route between "LPR"-controlled Pervomaisk and government-controlled Zolote.<sup>17</sup> On 28 September 2016, OSCE SMM observed a directional anti-personnel mine (MON 90) armed and with a detonator connected, adjacent to a "LPR" checkpoint manned by an "LPR" armed member, near the disengagement area around the Stanytsia Luhanska bridge.<sup>18</sup> On 7 October 2016, the SMM was unable to access the road leading to the hill west of the Prince Ihor monument in "LPR"-controlled areas south of the Stanytsia Luhanska bridge, due to the presence of an anti-personnel mine (MON-90) on the edge of the road. Armed "LPR" members present reportedly told the SMM that the road was contaminated with mines, booby-traps, and UXO.<sup>19</sup>

On 21 January 2017, "DPR" members refused to remove anti-vehicle and anti-personnel mines observed by OSCE SMM to allow SMM to proceed through a checkpoint to T0519 road in Pikuzy.<sup>20</sup> On 5 February 2017, in "LPR"-controlled Sokilnyky (38km north-west of Luhansk) the OSCE SMM saw two directional anti-personnel mines (one MON-50 and one MON-100 or 200) along the H-20 road west of Kruta Balka.<sup>21</sup> On 8 February 2017, the OSCE SMM noted two anti-personnel mines still present near

the Donetsk Water Filtration Station. One (POM-2) was about 10m from the main gate, north of the entry-exit road, and marked with a mine hazard sign. The other (MON-50/90) was west of the H20 highway and about 100m from a Ukrainian Armed Forces bunker.<sup>22</sup> In addition, on 17 February 2017, the OSCE SMM saw a directional type of anti-personnel mine (assessed as MON-100) located across the road outside the abovementioned filtration station.<sup>23</sup> On 23 April 2017, a vehicle of an OSCE SMM patrol was destroyed in an explosion, most likely caused by a landmine, on a regularly used road in Pryshyb village (controlled by armed groups) of Luhansk region, killing one and injuring two patrol members. The event claimed the first fatality since the Mission's establishment.<sup>24</sup>

In June 2015, at the APMBC intersessional meetings, Ukraine claimed that it had not used anti-personnel mines since signing the APMBC in 1999, but accused Russia of having used anti-personnel mines in the current conflict.<sup>25</sup> At the intersessional meetings, Ukraine also asserted that approx. 8% of the territory in eastern Ukraine is contaminated with anti-personnel mines and improvised explosive devices (IEDs).<sup>26</sup> It appeared that reports of minefields being emplaced to demarcate border areas after the annexation of the Crimea may actually have been either 'phony minefields' or areas containing trip-flares.<sup>27</sup> However, in May 2016, Ukraine reported that it was possible that mines have been laid in occupied territories of the Autonomous Republic of Crimea, Kherson Province, and Donetsk.<sup>28</sup>

Ukraine stated that illegal armed groups had used different types of mines, including those banned by the APMBC and which Ukraine does not possess. The mines which Ukraine alleged have been used by the opposition groups include PMN1, PMN2, PMN-4, POM-2R, OZM-72, MES type mines, and MON-15 mines with tripwire.<sup>29</sup>

Ukraine has reiterated that its armed forces are authorised to use MON-series and OZM-72 mines only in command-detonated mode (through electrical initiation), which is not prohibited under the APMBC. According to Ukraine, all mines planted in command-detonated mode are recorded and secured, and access to the area is restricted.<sup>30</sup>

Danish Demining Group (DDG), which collects casualty data from open media sources, recorded a total of 1,198 casualties (399 killed and 799 injured) from mines, CMR, and other ERW between June 2014 and May 2017.<sup>31</sup> The HALO Trust also collects casualty data, and recorded more than 1,653 mine and ERW casualties since the start of the conflict in 2014, of whom 40% were civilians.<sup>32</sup>

In December 2016, Ukraine reported that "in less than three years 537 civilians including 68 children were injured and died from booby-traps and landmines in the East of Ukraine".<sup>33</sup> Ukraine has also reported that between 16 February and 15 May 2017, 36 civilians died and 157 were wounded in Donbas by munitions. This is 70% more than was reported for the same period the previous year, and in 40% of cases people died from mines and unexploded ordnance (UXO).<sup>34</sup>

The Global Protection Cluster for Ukraine reports that “the presence or suspicion of ERW and mines contamination hamper[s] freedom of movement, agricultural activities and disrupt[s] essential services provision. Contamination at both formal and informal civilian crossing points is a particular concern.”<sup>35</sup> According to a September 2017 OHCHR report, between 16 May and 15 August 2017, there was an increase in the numbers of people travelling across the contact line, and on average 36,000 people travelled across the contact line each day.<sup>36</sup>

In addition to posing a serious risk to human life, mines and ERW also have a detrimental socio-economic impact, preventing safe use of agricultural land for crops or grazing land for livestock – two major sources of livelihood.<sup>37</sup> A September 2017 OHCHR report noted

an acute need to increase mine action, including risk education, as many agricultural land plots remain contaminated with mines and ERW.<sup>38</sup> Mines and booby-traps are said to have been laid deliberately to block access to essential infrastructure as well as to forested areas where people gather wood to heat their homes.<sup>39</sup> Those living in conflict-affected areas, especially around the contact line, are among the most vulnerable, including the elderly, persons with disabilities, and the poor. To heat homes in the winter, people go into the forest. This is said to have resulted in many fatalities and injuries.<sup>40</sup>

Explosive contamination also pose a particular risk to the internally displaced and returning refugees, especially in areas fought over previously and which are now away from the front line.<sup>41</sup>

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## PROGRAMME MANAGEMENT

An interministerial working group was set up by the Cabinet of Ministers in February 2006. On 25 December 2009, the Cabinet of Ministers of Ukraine issued an order that tasked the Ministry of Defence, the Ministry of Emergency Situations, and Ukroboronservice (a state-owned commercial company), to put forward proposals for a national body to oversee demining.<sup>42</sup> On 2 September 2013, Presidential Decree No. 423 on the “National Mine Action Authority” authorising the authority’s establishment.<sup>43</sup> Following the decree, the Ministry of Defence’s Department of Environmental Safety and Mine Action was tasked with coordinating demining nationally and serving as the secretariat to the NMAA in Ukraine.<sup>44</sup>

As at June 2017, Ukraine was in the process of passing mine action legislation that would identify the executive bodies involved in mine action in Ukraine, “regulate” the national mine action authority, and mandate the development of a priority action plan.<sup>45</sup>

Two draft bills were submitted to the parliament’s Committee on National Security and Defense. One of the drafts (no. 5189), dated 28 September 2016, was put forward by a member of parliament. The Committee recommended its rejection in April 2017.<sup>46</sup> The other draft (no. 5189-1), dated 12 October 2016, from the Cabinet of Ministers of Ukraine, is in the process of being finalised.<sup>47</sup> This draft was originally sent to the Cabinet in late 2015, endorsed in February 2016, and then submitted by the Cabinet for parliamentary approval.<sup>48</sup> A Cabinet reshuffle in April 2016 resulted in the Bill needing re-endorsement, after which it will be re-submitted for parliamentary approval.<sup>49</sup> In 2016, the draft law faced opposition in the committee stage in parliament.<sup>50</sup> It was sent back for improvements in April 2017.<sup>51</sup> As at June 2017, the latest draft had been passed by the independent Defence Anti-Corruption Committee, but had yet to be passed by the Committee on National Security and Defence, but it was hoped parliament would soon adopt the necessary resolution.<sup>52</sup>

On 7 June 2017, the Committee on National Security and Defence recommended that the Ukrainian Parliament reject both draft bills and create an interdepartmental working group for the elaboration of a new draft law on

mine action.<sup>53</sup> The Committee established a working group, chaired by member of parliament Andriy Teteruk, to work on a draft bill. The working group will conduct open discussions, with key stakeholder considerations taken into account, along with the other draft bills. This was discussed at a roundtable at the Ukrainian Parliament on 19 September, attended by key national and international stakeholders.<sup>54</sup>

The lack of a legal framework for mine action has the potential to deter donors from funding activities, and also has a bearing on the legal status of demining organisations in the country in terms of registration as well as application for end-user certificates for demining equipment and explosives.<sup>55</sup>

Some demining operators operational in Ukraine have been consulted as part of the legislative process of setting up institutions for mine action in Ukraine.<sup>56</sup> The HALO Trust reported that it has actively participated in roundtables and public hearings on mine action legislation, organised by the Ministry of Defence, the OSCE Project Co-coordinator, and the Defence and Security Committee of the Verkhovna Rada. During these meetings, The HALO Trust supported the adoption of national legislation, and shared best practices and lessons learned from other affected countries.<sup>57</sup>

The Geneva International Centre for Humanitarian Demining (GICHD) has been working with the OSCE Project Co-ordinator in Ukraine to help foster mine action institutions.<sup>58</sup> A timeline for the establishment of a national mine action centre under the national mine action authority will be addressed once the mine action legislation has been adopted.<sup>59</sup>

All areas of mine action in the Donetsk and Luhansk region, including humanitarian demining operations, are planned, coordinated, and controlled by the Ministry of Defence.<sup>60</sup> Several other ministries are also involved in the sector, including the Ministry of Internal Affairs (under which sits the State Emergency Services of Ukraine (SESU), formerly known as the Ministry of Emergencies); the Security Services; the Ministry of Temporarily Occupied Territories and Internally Displaced Persons; the State Special Transport Services of the Ministry of Infrastructure; and the State Border Service.<sup>61</sup>

The demining centre of the Ukrainian Armed Forces, in Kamyanyets-Podilsky, focuses on building the military's capacity for explosive ordnance disposal (EOD), including training and testing of methods and equipment, quality assurance (QA), and provision of EOD, counter-IED, and demining specialists.<sup>62</sup> Experts from the North Atlantic Treaty Organization (NATO) provide training and advice at the centre.<sup>63</sup> The Canadian government is helping to build Ukraine's humanitarian demining capacity in eastern Ukraine, as part of a two-year project to support the development of policies, practices, and institutions; the provision of training; the creation of a digital map showing hazards and cleared areas; and the procurement of modern equipment.<sup>64</sup>

All Ukrainian Armed Forces engineering units are involved in demining in eastern Ukraine and not solely EOD spot tasks. The units are also responsible for destroying all ERW and mines detected by SESU and clearance NGOs.<sup>65</sup>

SESU has organisational control of humanitarian demining and is generally responsible for clearance. It established a "Special Humanitarian Demining Centre" in 2015 in Kiev. The centre's remit includes coordination of SESU pyrotechnical teams (akin to rapid-response 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.<sup>66</sup>

In addition, SESU has a training centre near Merefa, in the Kharkiv region, and the Special Transport Service has a centre in Chernihiv, both of which are focused largely on EOD and battle area clearance (BAC).<sup>67</sup> SESU has begun to build a Regional Centre for Humanitarian Demining, based in Lysychansk in Luhansk region. The new centre will deploy trained SESU deminers to affected areas in Donetsk and Luhansk that are under Ukrainian control.<sup>68</sup>

The Ministry of Temporarily Occupied Territories and Internally Displaced Persons was established by the Cabinet of Ministers of Ukraine in its Resolution 376, adopted on 8 June 2016. The Ministry's tasks include implementation of a set of measures aimed at reducing the social, economic, and environmental impact of explosive objects; and coordination of the implementation of mine action activities aimed at reducing harm to civilians from the use of explosive objects (including CMR and mines).<sup>69</sup>

The OSCE has a strong presence in Ukraine, with two separate missions each having its own mandate: the SMM and the OSCE Project Co-ordinator. The SMM is mandated to help reduce tensions in the country and to support peace, stability, and security. As part of this role, it gathers information and reports on alleged violations of fundamental OSCE principles.<sup>70</sup> The OSCE Project Co-ordinator is mandated to plan, implement, and monitor projects that help Ukraine enhance its security, and develop its legislation, institutions, and practices in line with democratic standards.<sup>71</sup>

In 2016–18, the Project Co-ordinator, with GICHD assistance, was planning to provide policy and legal support to Ukraine, including for the establishment of a national mine action programme overseen by a national mine action authority and centre and underpinned by national standards.<sup>72</sup> The OSCE Project Co-ordinator

has also been supporting, again with GICHD assistance, Ukraine's use of the Information Management System for Mine Action (IMSMA). The OSCE Project Co-ordinator, with the support of the donors (Canada, EU, United Kingdom, and United States), is implementing two projects, which are working to enhance the training capacities of mine action training centres by revising the training curriculum, training national instructors, and supporting modernisation of demining equipment.<sup>73</sup>

At the request of the Government of Ukraine, the UN conducted a mine action needs assessment mission on 23 January–5 February 2016. The aim of the mission was to assess the impact of mines and ERW and make technical recommendations for further humanitarian responses. The joint mission was composed of technical experts from the UN Development Programme (UNDP), the UN Children's Fund (UNICEF), and the UN Mine Action Service (UNMAS).<sup>74</sup> The key findings of the UN mission were that:

- The humanitarian impact of ERW is high, with two to five incidents each week, and the ERW contamination covers a huge area<sup>75</sup>
- ERW clearance capacities exist in Ukraine, but they need to be re-oriented away from their current activities of responding to call-outs for World War II bombs. They now need to undertake activities like surveys and information management<sup>76</sup>
- The understanding of humanitarian mine action needs to be addressed at all levels of government. At present the focus is only on military mine clearance but it needs to be extended to risk education, surveys, victim assistance and information management<sup>77</sup>
- The establishment of a civilian oversight and policy-making body for national mine action activities.<sup>78</sup>

## Strategic Planning

The Cabinet of Ministers Decree No. 131 of 18 February 2009 adopted the State Programme for Demining by the Ministry of Emergency Situations for 2009–14.<sup>79</sup> The programme planned clearance of 15km<sup>2</sup> over five years with the destruction of 500,000 items of ERW.

Following an order from the Prime Minister of Ukraine on 30 November 2015, the Department of Environmental Protection and Mine Action developed a draft order of the Cabinet of Ministers of Ukraine, "On Approval of the Concept of the State Programme for Mine Action in Ukraine for 2017–2021". This concept was announced by the Ministry of Defence in February 2016,<sup>80</sup> and, as at July 2017, was on hold pending progress with the draft mine action law.<sup>81</sup> In the meantime, Ukraine continues to work from an annual plan.<sup>82</sup>

In October 2016, the GICHD organised the first workshop on strategic planning, in partnership with the OSCE Project Co-ordinator and the Democratic Control of Armed Forces (DCAF).<sup>83</sup> As at June 2017, next steps in strategic planning were under consideration, related to progress in the draft mine action law.<sup>84</sup>

Ukraine has developed a plan for humanitarian demining in the Donetsk and Luhansk regions, in areas it can access safely. The main goals for 2015 were demining of populated areas; security during rehabilitation of

infrastructure; and clearance of UXO from agricultural areas.<sup>85</sup> These remained Ukraine's goals for 2016, while, in addition, local government authorities have been helping to prioritise clearance tasks based on humanitarian criteria.<sup>86</sup>

Ukraine reported that as at November 2016, its main efforts were aimed at demining essential support systems of the population in the territory of Donetsk and Lugansk regions, namely power lines, gas and water pipelines, heating plants, as well as highways and railways. These tasks are carried out by the Armed Forces of Ukraine, the SESU, and the State Special Transport Service.<sup>87</sup> According to Ukraine, due to regular violations of the Minsk Agreements by illegal armed groups, and the continuation of firing on their part, it is only possible to plan the clearance of the liberated territories for short periods of time.<sup>88</sup>

## Standards

A special instruction for the identification, render-safe, and disposal of explosive items, based on the International Mine Action Standards (IMAS), was approved by the General Staff of the Ukrainian Armed Forces on 1 August 2014.<sup>89</sup> Development of national standards in Ukraine has taken place with support from the GICHD, the OSCE Project Co-ordinator, and DCAF.<sup>90</sup> On 27 January 2016, during the UN needs assessment mission, the Ukrainian Ministry of Defence expressed its support for IMAS to serve as national mine action standards.<sup>91</sup> In Ukraine, all national standards must be approved by the Ukrainian Scientific and Research Training Center of Standardization, Certification and Quality, which is the National Standardisation Authority in Ukraine.<sup>92</sup> Ukraine subsequently adopted IMAS as "trial national regulatory acts" on 1 September 2016, under National Standardization Authority Order 230 of 8 August 2016.<sup>93</sup> As at November 2016, Ukraine reported that it had adopted 42 international standards as national standards, with the support of the GICHD, the OSCE, and UNICEF.<sup>94</sup>

In January 2017, a subcommittee of mine action standardisation was created to help elaborate national mine action standards,<sup>95</sup> and in April 2017, the National Standardisation Authority in Ukraine announced that an organising committee had been formed, comprising the Ministry for Temporarily Occupied Territories and Internally Displaced Persons together with other relevant ministries and departments, to establish a Technical Standardisation Committee.<sup>96</sup> As at September 2017, the Committee had not yet been established.<sup>97</sup> In the meantime, the Ministry of Defence is preparing drafts of national mine action standards in accordance with international best practice and drawing on the experience of other mine action programmes.<sup>98</sup> On 28 August 2017, the Ministry of Defence announced the creation of a working group/sub-committee for the development of standards, within the Technical Committee TK176 of the Ministry of Defence, on standardisation of defence products.<sup>99</sup> The sub-committee, which is drafting the national standards, has 28 members, including representatives of government ministries and international humanitarian demining organisations.<sup>100</sup>

## Quality Management

The draft mine action law envisages a national mine action centre with a QA function.<sup>101</sup> In the meantime, quality management (QM) of government clearance operations is overseen by the demining centre of the Ukrainian Armed Forces.<sup>102</sup> Both DDG and HALO Trust are conducting internal QM. For DDG, team leaders and senior mine action personnel conduct QM tasks, while in The HALO Trust team leaders and supervisors conduct QC during clearance while a roving officer conducts QA.<sup>103</sup>

The HALO Trust is planning to deliver QM training to the future national mine action authority.<sup>104</sup> Janus Global Operations (JGO) carried out a two-month project for The HALO Trust in 2017, during which it trained 12 members of the demining centre of the Ukrainian Armed Forces, in Kamyanets-Podilsky on QM techniques, including QA of humanitarian demining using manual and mechanical methods as well as mine detection dogs; battle area clearance; and EOD. The dozen Ukrainian military members and employees trained by JGO will now be able to perform QA for the national mine action authority/centre.<sup>105</sup>

## Information Management

In cooperation with the OSCE Project Co-ordinator and GICHD, SESU began using the IMSMA database.<sup>106</sup> In 2015, IMSMA was piloted by the GICHD and SESU in four regions of Ukraine.<sup>107</sup> In November and December, IMSMA training was conducted for 10 regional operators, and SESU plans to expand use to 24 regional operators, grouped into eight regional centres (Volyn, Carpathian, Podolsky, Tauric, Dniprovskyi, Eastern Poliskyi and Central) and the Operational Centre in Kiev.<sup>108</sup> The GICHD reported that it has provided subsequent IMSMA training to staff from the various government ministries and agencies and international NGOs.<sup>109</sup> The HALO Trust is also supporting the OSCE Project Co-ordinator to set up IMSMA, and will assist the OSCE to develop technical and structural recommendations for an IMSMA system and work with the Ministry of Defence and other mine action stakeholders to develop standardised IMSMA-compatible reporting templates.<sup>110</sup>

As at October 2016, three government departments in Ukraine were using IMSMA: SESU, the Ministry of Defence, and the State Special Transport Services of the Ministry of Infrastructure. There are two functioning IMSMA databases for internal and external operational planning, monitoring, reporting, and archiving of contamination and clearance data in Ukraine. One is managed by SESU and the other by the MoD, which collects and analyses all mine action data from national operators and NGOs.<sup>111</sup> The databases are reportedly complementary, as they are separated based on region, thematic area, and operational purpose.<sup>112</sup> The Ministry of Defence reported that it plans to create a national IMSMA server.<sup>113</sup> In June 2017, GICHD reported that it had conducted an Information Management assessment which will serve as basis to develop a roadmap for future collaboration with the SESU and Ministry of Defence.<sup>114</sup>

## Operators

Following a presidential decree in September 2013, the Ministry of Defence is the central coordinating body for demining in Ukraine. However, a number of other ministries continue to deploy units to undertake clearance and disposal of ERW and mines, including SESU, the Ministry of Internal Affairs (National Police and National Guard), the Security Service, the State Special Transport Service, and the State Border Service.<sup>115</sup> In addition to national demining capacity, MoU were signed between the Ministry of Defence and international humanitarian clearance operators, The HALO Trust (22 March 2016), the Swiss Foundation for Mine Action (FSD) (23 May 2016), and DDG (20 June 2016).<sup>116</sup> A Ukrainian organisation, “Demining Team of Ukraine”, is also conducting demining in eastern Ukraine.<sup>117</sup>

A Commission on Humanitarian Demining of SESU coordinates the activities of SESU pyrotechnic teams and determines SESU’s priorities.<sup>118</sup> In December 2015, Ukraine reported that during the ongoing conflict SESU had suffered severe losses to its buildings and vehicles.<sup>119</sup> Since then, DDG has secured equipment for four SESU pyrotechnic teams, which includes vehicles, detectors, and personal protective equipment (PPE). DDG trained the four teams in demining, including how to conduct operations in accordance with IMAS, and provided training to SESU medics associated with the teams.<sup>120</sup> A similar project is also being implemented by the OSCE Project Co-ordinator<sup>121</sup> and by NATO.<sup>122</sup>

In addition to overall coordination of humanitarian demining in the Donetsk and Luhansk region, the Ministry of Defence is also responsible for all areas where the military are permanently stationed as well as for the Anti-Terrorist Operation (ATO) zone in Donbass. The Ministry’s Engineering Division conducts spot clearance of UXO. The State Border Service conducts demining in areas under its control on land and in the sea. The Ministry of Infrastructure’s Special Transportation Service is responsible for demining national infrastructure (e.g. railways and roads). The Ministry of Internal Affairs has an engineering department that conducts EOD, in particular of IEDs.<sup>123</sup>

As at February 2016, in eastern Ukraine, SESU was deploying 30 pyrotechnic/demining teams (150 people, 60 vehicles); the Armed Forces of Ukraine were deploying 52 EOD teams (260 people, 86 vehicles), and the State Transport Service were deploying 5 EOD teams (25 people, 10 vehicles).<sup>124</sup> As at November 2016, Ukraine put its demining capacity in Donetsk at 58 mine clearance teams, numbering up to 300 people and 88 pieces of equipment.<sup>125</sup>

Ukroboronservice, a state enterprise whose activities include arms manufacture, also has a “humanitarian demining” section.<sup>126</sup> As at June 2017, Ukroboronservice was not known to be conducting clearance operations in Ukraine.<sup>127</sup>

Three international demining organisations – DDG, FSD, and The HALO Trust – are operating in Ukraine.<sup>128</sup> DDG began risk education in late 2014 in Donbass and in February 2016 it began to conduct non-technical survey in government-controlled areas of the Donetsk and Luhansk regions. It received formal approval from the authorities to conduct survey at the beginning of April.<sup>129</sup> As at May 2017, DDG was deploying one Multi-Task Team (MTT) capable of non-technical survey and visual, surface BAC. DDG was planning to train two demining teams in June 2017.<sup>130</sup> DDG Ukraine currently primarily runs its operations out of offices in Severodonetsk, but also from Mariupol, and has its head office in Kiev.<sup>131</sup> As at May 2017, DDG had commenced non-technical survey in six regions of Ukraine, in order to assess the presence, nature, and extent of mines and ERW in conflict-affected communities in these areas. Information gathered by the teams will be used to analyse and plan where follow-on clearance is most urgently needed.<sup>132</sup> In 2017, DDG was planning to train and deploy capacity in both manual demining and BAC, in addition to building support for the SESU in terms of equipment and training.<sup>133</sup>

The HALO Trust launched its programme in November 2015 and began with a rapid assessment of mine and UXO contamination in Donetsk and Luhansk regions.<sup>134</sup> In early 2016, HALO Trust began conducting non-technical survey, mine clearance, and BAC in government-controlled areas of Luhansk and Donetsk regions, more than 15km from the contact line.<sup>135</sup> HALO Trust’s capacity as at end of 2016 was 91 deminers, which, by 24 May 2017, had increased to 143, with a further 26 forecast to join the organisation by the end of May.<sup>136</sup> As at June 2017, this had risen to 170 HALO Trust staff, and by October the figure stood at 220.<sup>137</sup> All HALO Trust teams are trained and equipped for both mine clearance and BAC, and for all expected threats in the conflict zone, as non-technical survey has yet to determine the proportion of different types of hazard.<sup>138</sup> Having previously faced issues hiring female deminers in 2016, due to Ukraine’s labour law, The HALO Trust consulted with lawyers and was informed that no law prevents women from working as deminers. Since the first quarter of 2017, The HALO Trust has recruited women interested in working as deminers, who have subsequently completed their training and become the first female humanitarian deminers in Ukraine.<sup>139</sup>

The HALO Trust did not procure any mechanical assets for clearance purposes in 2016. As at May 2017, however, it was working with the Ukrainian authorities to import one armoured Volvo BM4400 loader, which will be used to clear both anti-personnel and anti-vehicle mines.<sup>140</sup>

The HALO Trust planned to expand its operations in eastern Ukraine in 2017, by increasing the number of demining teams (each team consists of thirteen personnel) from seven to thirteen, adding two technical survey teams, and deploying one mechanical team. HALO Trust’s non-technical survey capacity was expected to remain largely the same in 2017 as the previous year, i.e. three teams.<sup>141</sup> In addition, following a successful EOD course, it was expected that by the end of summer 2017, subject to the granting of permission and licences to use explosives and pyrotechnics, HALO Trust teams would be able to conduct EOD without the need for SESU support.<sup>142</sup>

As at early October 2017, permission had not yet been granted and discussions were ongoing, including around appropriate legislation that would allow for civilian use of explosives for non-industrial purposes.<sup>143</sup>

As at May 2017, HALO Trust was conducting non-technical survey in 11 districts of Donetsk region (Bakhmutskiyi, Dobropilskiyi, Kostantynivskiyi, Lymanskyi, Marinskyi, Nikolskyi, Oleksandrivskiyi, Pokrovskiyi, Slovianskyi, Velykonovosilkivskiyi, and Yasynuvatskyi) and 4 districts of Luhansk region (Bilovodskiyi, Markivskiyi, Milovskiyi, and Stanychno-Luhanskyi); and was conducting mine clearance in the Lymanskyi and Slovyanskyi districts of Donetsk region and the Bilovodskiyi and Stanychno-Luhanskyi districts of Luhansk region.<sup>144</sup> The HALO Trust liaises closely with local authorities directly or through Civil-Military Co-operation Unit (CIMIC) to identify high priority tasks and the needs of impacted communities across Donetsk and Luhansk regions. The vast majority of HALO Trust operations were outside the 15km buffer zone, although on a few occasions, following requests from local authorities, HALO Trust was given permission to conduct non-technical survey and clearance near inhabited settlements as close as 2km from the current Line of Contact.<sup>145</sup>

FSD started operations in Ukraine in early 2015 with a small grant for risk education in conflict-affected areas in the east of the countries, run from its operational headquarters in Slavyansk and supported from its administrative headquarters in Kiev. FSD subsequently gained accreditation for survey and clearance operations, and had survey teams operating in eastern Ukraine since early 2017, including a full mine clearance and EOD capacity, which works closely with regional security forces to clear munitions from conflict-affected areas.<sup>146</sup>

In addition, a Ukrainian organisation, “Demining Team of Ukraine” is active in demining in eastern Ukraine.<sup>147</sup>

It has been claimed that Emercom, Russia’s state agency for emergencies, has planned to begin clearance in areas under the control of separatists in the Donetsk and Luhansk regions.<sup>148</sup>

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## LAND RELEASE

Since the outbreak of fighting in eastern Ukraine, clearance of mines and ERW has been undertaken by both Ukrainian government authorities and separatist groups,<sup>149</sup> and international clearance operators have subsequently begun clearance in government-controlled areas. Clearance of ordnance in the Donetsk and Luhansk regions is typically reactive, taking place soon after attacks or when a report of contamination is received from the local community.<sup>150</sup> Once identified, munitions are marked on the ground, and their position fixed and reported to the local authorities.<sup>151</sup> Devices are either destroyed in situ or removed to storage areas or compounds.<sup>152</sup>

In February 2016, SESU claimed that, since the beginning of fighting in 2014, it had cleared around 140km<sup>2</sup> across the whole country, and disposed of more than 202,000 explosive objects.<sup>153</sup> Non-technical survey is helping to identify contaminated land, especially in liberated areas.<sup>154</sup> The Ukrainian Armed Forces are responsible for clearing ordnance in areas close to the front lines and former military positions.<sup>155</sup> In December 2015, the working group of the Trilateral Contact Group on Ukraine agreed 12 priority areas for humanitarian demining.<sup>156</sup>

In areas controlled by pro-Russian rebel groups, separatists are said to be also clearing mines and ERW. In Donetsk, former SESU personnel, now organised under the separatist Donetsk People’s Republic, are undertaking the bulk of clearance around Donetsk city. Personnel are organised into regular shifts, with clearance said to be conducted both day and night.<sup>157</sup>

The Ukrainian authorities and the pro-Russian rebels are, to varying degrees, recording written logs of emergency call-outs and clearance operations,<sup>158</sup> but data is not always disaggregated into weapon type.<sup>159</sup> Clearance data is not available from pro-Russian separatist groups, and an accurate picture is not available of the scale of clearance being undertaken in eastern Ukraine or of remaining contamination.

### Survey in 2016

In 2016, non-technical survey in eastern Ukraine was conducted by international NGOs DDG, FSD, and The HALO Trust.<sup>160</sup>

Ukraine claimed that in 2016, non-technical survey was conducted on 12,500km<sup>2</sup> (125km<sup>2</sup>) overall, during which 394 explosive objects were found and neutralised.<sup>161</sup> Ukraine also reported that through non-technical survey in 2016, 4.6km<sup>2</sup> of “suspicious territory” and 6.2km<sup>2</sup> of “dangerous territory” had been identified.<sup>162</sup>

In early 2016, The HALO Trust began conducting non-technical survey in government-controlled areas of Ukraine around the contact line, and up to 15km from the front-line.<sup>163</sup> These are primarily areas where conflict occurred in 2014 and early 2015, before the contact line settled in its current position. Access closer to the contact line will depend on the security situation.<sup>164</sup> Through its non-technical survey in 2016, The HALO Trust confirmed 19 areas as mined, totalling almost 2km<sup>2</sup>.<sup>165</sup>

DDG also began non-technical survey in government-controlled areas in the Donetsk and Luhansk regions in early 2016 up to 60km from the current contact line, depending on the location of suspected hazardous areas (SHAs) and access granted by the relevant authorities.<sup>166</sup> DDG had initially hoped to commence clearance operations in 2016.<sup>167</sup> However, due to lack of funding, and the fact that Ukraine has not yet adopted national mine action legislation, clearance operations were postponed until the next operational season in 2017.<sup>168</sup>



## Clearance in 2016

As at May 2017, only relevant data on mine clearance operations from The HALO Trust, DDG, and FSD had been made available to Mine Action Review for 2016. Thus, it was not known how much mined area was cleared by the various Ukrainian authorities.

The HALO Trust began mine clearance and BAC in March 2016. Planned clearance is prioritised in consultation with local stakeholders, but generally HALO Trust's clearance is in response to requests from village and district councils.<sup>169</sup> The HALO Trust's primary concern

is to reduce the number of mine and ERW incidents, and tasks are prioritised based on the greatest level of humanitarian threat. Any history of incidents is assessed, along with the extent of contamination and the proximity of the mines to the closest population, how often the land is used, and the density of mines in the area.<sup>170</sup>

Through its mine clearance operations in 2016, The HALO Trust cleared a total area of 52,887m<sup>2</sup>, in nine mined areas, with the destruction of four anti-personnel mines and twelve items of UXO (see Table 1).<sup>171</sup>

**Table 1: HALO Trust mine clearance in 2016<sup>172</sup>**

District/village	Areas cleared	Area cleared (m <sup>2</sup> )	AP mines destroyed	UXO destroyed
Lymanskyi/Ozerne	4	25,708	1	4
Slovianskyi/Andriivka	1	19,142	0	4
Stanychno-Luhanskyi/Krasna Talivka	1	1,215	2	0
Slovianskyi/Rai-Oleksandrovka	1	1,112	0	3
Volnovaskyi/Pavlopil	1	120	0	0
Bilovodskyi/Niznobaranikivka	1	5,590	1	1
<b>Totals</b>	<b>9</b>	<b>52,887</b>	<b>4</b>	<b>12</b>

AP = Anti-personnel

AV = Anti-vehicle

All clearance sites were surveyed by The HALO Trust prior to the start of work, to ensure there is an IMSMA hazard report for each site.<sup>173</sup> However, no mines were discovered in three of the nine clearance tasks in 2016. According to HALO Trust, technical survey would be conducted for the first time in 2017 in order to confirm or reject the presence of mines and ERW, and help inform and justify land release decisions.<sup>174</sup> The HALO Trust expects to receive additional access to areas within the buffer zone that are believed to have high levels of mine and ERW contamination. As at October 2017, HALO Trust had been granted access to work in the buffer zone, on a case-by-case basis.<sup>175</sup> Items discovered by HALO Trust are destroyed by the Ministry of Defence, as only the Ukrainian Armed Forces are permitted to use explosives in the conflict zones.<sup>176</sup> HALO Trust's demining in Ukraine is conducted in coordination with the Ukrainian authorities and international organisations.<sup>177</sup>

DDG also began non-technical survey in government-controlled areas of the Donetsk and Luhansk regions in early 2016 up to 60km from the current contact line, depending on the location of SHAs and access granted by the relevant authorities.<sup>178</sup> DDG was scheduled to complete non-technical survey by the end of October 2016,<sup>179</sup> and had initially hoped to commence clearance operations in 2016.<sup>180</sup> However, due to lack of funding, and the fact that Ukraine has not yet adopted national mine action legislation, clearance operations have been postponed until the next operational season in 2017.<sup>181</sup>

As at May 2017, HALO Trust and DDG survey had collectively identified use of anti-vehicle mines (TM-57 and TM-62 (both plastic and metal series) and PTM series); anti-personnel mines (OZM-72 fragmentation mines, and MON, PMN, and POM series); improvised fragmentation mines, and booby-trapped ERW (mainly tripwire-initiated systems connected to conventional munitions); cluster munitions (9N series) and remnants; rockets from multiple launch rocket systems (PG series); and unexploded mortar shells and grenades.<sup>182</sup>

## Update in 2017

Since the beginning of 2017, FSD has also initiated non-technical survey in eastern Ukraine, in addition to clearance operations approximately 40km from the contact line.<sup>183</sup>

Furthermore, following requests from local communities, very limited non-technical survey and clearance has occurred in the buffer zone where permissions and security allow, but the process is slow due to security restrictions, which is partly related to frequent cease-fire violations.<sup>184</sup> As at October, HALO Trust had received permission to clear four separate sites within the buffer zone and to conduct non-technical survey in and around 20 settlements.<sup>185</sup>

## ARTICLE 5 COMPLIANCE

Under Article 5 of the APMBC, Ukraine was required to destroy all anti-personnel mines in mined areas under its jurisdiction or control as soon as possible, but not later than 1 June 2016. As at September 2016, Ukraine had not yet submitted an Article 5 deadline extension request, and was in serious violation of the Convention and thereby of international law.

Ukraine should inform states parties of the location of mined areas, and undertake to destroy or ensure the destruction of all anti-personnel mines as soon as possible. To put an end to its violation of international law, Ukraine needs to both request and be granted an extension to its Article 5 deadline by the other states parties at the Sixteenth Meeting of States Parties in Vienna.

At the Fourteenth Meeting of States Parties in 2015, Ukraine reported that it did not have access to some mined areas. According to the final report of the meeting, "Ukraine emphasized that it was fully aware of the need for strict compliance with the obligations under the Convention and notified its intention to seek an extension of the period of Ukraine's implementation of Article 5. The official, duly compiled, request would be soon submitted to the States Parties for their consideration".<sup>186</sup>

On 30 March 2016, though, Ukraine deposited an official communication to the other APMBC states parties via the UN Secretary-General, noting that it did not have full control over parts of its territory – namely the Autonomous Republic of Crimea, the city of Sevastopol, and certain districts of the Donetsk and Luhansk oblasts of Ukraine.<sup>187</sup> However, Article 5 specifies that a state party is responsible for clearing mined areas under its jurisdiction or control. Therefore, suspected or confirmed mined areas that are under Ukraine's control or under Ukraine's jurisdiction (even if it does not have control or physical access to those areas), should all be covered in an extension request. Furthermore, Ukraine's obligations under the APMBC still fully apply, including with regard to Article 5, irrespective of the fact that Ukraine continues to be engaged in an armed conflict.

At the Fifteenth Meeting of States Parties in 2016, Ukraine reiterated its commitment to implement its obligations under the Convention, including Article 5. It stated, "We are looking forward to closely engaging with the Article 5 Committee and the ISU in the beginning of 2017 in order to elaborate a way forward and find an appropriate solution to the unique situation and security challenges that Ukraine has been facing since February 2014."<sup>188</sup>

At the APMBC intersessional meetings (on 8–9 June 2017), Ukraine expressed that it believed it to be unfair that other states had a 10-year deadline under Article 5, but Ukraine only had a two-year deadline (i.e. from the date of the new contamination in February 2014 until June 2016). Ukraine reiterated that it was demining areas under its control, but could not identify all areas where mines are known to be emplaced. Ukraine stated that it could submit [an Article 5 extension request], but any such decision should acknowledge that February 2014 was the date when mine contamination appeared; that Russian aggression is indicated as the reason; and that Ukraine will start implementing Article 5 once the integrity of the whole territory is restored.<sup>189</sup> Ukraine also reported that to fill the gap in the convention, it had prepared a draft rational response for states where contamination appears after entry into forces but before the Article 5 clearance deadline.<sup>190</sup>

National funding is provided for clearance of mines and ERW, and the Department of Environmental Safety and Mine Action is a division of the Ministry of Defence, from which it is funded.<sup>191</sup> Ukraine also receives assistance from foreign partners (OSCE and NATO) for demining equipment.<sup>192</sup>

With regards to international funding of humanitarian operators in 2017, The HALO Trust reported fewer donors, but increased overall funding.<sup>193</sup> DDG reported that the funding outlook was slightly tighter in 2017, due to donors moving from emergency aid to development aid, which resulted in gaps in funding before these kick in.<sup>194</sup>

Russia is not a state party or signatory to the APMBC. Nonetheless, Russia has obligations under international human rights law to clear mines 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.

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