



TAJIKISTAN

RECOMMENDATION FOR ACTION

→ Tajikistan should accede to the Convention on Cluster Munitions (CCM) as soon as possible.

CONTAMINATION

The last known area of cluster munition remnants (CMR) contamination was cleared in 2015.¹ However, Tajikistan has stated that submunitions may still be encountered in the future, during other survey and clearance operations.² Norwegian People's Aid (NPA) similarly reported that following completion of clearance operations in 2015 CMR contamination in Tajikistan is now "virtually non-existent", but CMR may be found in new areas or during battle area clearance (BAC) tasks, until NPA and the Tajikistan National Mine Action Centre (TNMAC) have assessed these tasks through non-technical survey (NTS).³

Furthermore, the fact that a total of four cluster munition containers were discovered during NPA's survey and BAC, combined with evidence that the containers had been moved by locals and the total number of CMR destroyed during BAC, indicates that additional CMR contamination may be present in areas close to the suspected hazardous area (SHA) released in 2015. NPA was due to investigate this in 2016, once weather permitted.⁴

Cluster munitions were used during Tajikistan's civil war in the 1990s, though it is not known who dropped them. In total, since the start of the mine action programme in 2003 until the end of 2015, approximately 750 submunitions were reportedly identified and destroyed in Tajikistan.⁵ Prior to 2014, an unexploded submunition was last found in 2011.⁶

In 2014, based on information provided by a member of the local Sagirdasht community, the quality assurance (QA)/quality control (QC) team from TNMAC found one AO-2.5RT submunition in Darvoz district. The QA/QC team subsequently found other submunitions, covering a total area they estimated at 400,000m².⁷ During a subsequent field visit by NPA in July 2015, containers for two AO-2.5RT strikes, evidence of submunition detonations, and nine unexploded submunitions were seen in the same area.⁸ Subsequently two further empty cluster munition containers were found inside the strike area.⁹

The contaminated land that was cleared in 2015 has been used for pasture during the summer months when the snow has melted, and the nearest village is 15km away.¹⁰ The contaminated area was around 200 metres from the nearest suspected mined area.¹¹

Prior to the discovery in 2014 of previously unrecorded CMR contamination, it was believed that only a residual CMR threat remained, in the central region.¹² No further CMR contamination has been reported since 2014.¹³

Other ERW and Landmines

Tajikistan also has hazardous areas containing other unexploded ordnance (UXO) and anti-personnel mines.

PROGRAMME MANAGEMENT

The Commission for the Implementation of International Humanitarian Law (CIIHL) acts as Tajikistan's national mine action authority, responsible for mainstreaming mine action in the government's socio-economic development policies.¹⁴

In June 2003, the Government of Tajikistan and the United Nations Development Programme established the Tajikistan Mine Action Centre (TMAC) with a view to it becoming a nationally owned programme in the short term,¹⁵ though this did not happen until more than ten years afterwards. TMAC was made responsible for coordinating and monitoring all mine action activities.¹⁶ Since then, TMAC has acted as the secretariat for the CIIHL to which it reports.¹⁷

On 3 January 2014, a government decree established TNMAC.¹⁸ Prior to this, lack of legal recognition had presented problems for TMAC,¹⁹ including, for example, its inability to open a bank account to receive and disburse funds.²⁰ The importance of clarifying TMAC's status had been highlighted in the 2012 evaluation of UNDP support to mine action in Tajikistan.²¹ TNMAC reports to the First Deputy Prime Minister of Tajikistan, who chairs the CIIHL. Since its nationalisation TNMAC believes its cooperation with national ministries and agencies has improved.²²

Strategic Planning

The current national mine action strategic plan (NMAP) 2010–15 expired at the end of 2015.²³ As at May 2016, the new strategy for 2016–20 had been submitted for comment to relevant government ministries and agencies, after which formal government approval will be sought.²⁴ This approval was expected to be granted in 2016.²⁵ The annual TNMAC work plan for 2016 was approved by the government in December 2015.²⁶ However, the annual plan only includes mine survey and clearance, as no known CMR-contaminated areas remain.²⁷

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- 1 Emails from Aubrey Sutherland-Pillai, Country Director, Norwegian People's Aid (NPA) Humanitarian Disarmament Tajikistan, 6 April; and Muhabbat Ibrohimzoda, Tajikistan National Mine Action Centre (TNMAC), 19 May 2016.
 - 2 Email from Muhabbat Ibrohimzoda, TNMAC, 12 May 2015, and interview in Geneva, 18 February 2016.
 - 3 Email from Aubrey Sutherland-Pillai, NPA, 6 April 2016.
 - 4 Email from Sasa Jelicic, Operations Manager, NPA, 16 June 2016.
 - 5 Statement of Tajikistan, Anti-Personnel Mine Ban Convention (APMBC) Fourteenth Meeting of States Parties, Geneva, 1 December 2015.
 - 6 Response to Cluster Munition Monitor questionnaire by Abdulmain Karimov, Tajikistan Mine Action Centre (TMAC), 11 June 2013.
 - 7 Email from Muhabbat Ibrohimzoda, TNMAC, 3 April 2015.
 - 8 Emails from Daler Mirzoaliev, Operations Manager, NPA, 14 July 2015; and Aubrey Sutherland-Pillai, NPA, 9 July 2015.
 - 9 Email from Aubrey Sutherland-Pillai, NPA, 12 May 2016.
 - 10 Email from Muhabbat Ibrohimzoda, TNMAC, 12 May 2015.
 - 11 Email from Daler Mirzoaliev, NPA, 14 July 2015.
 - 12 Ibid.; and CCM Article 7 Report, 25 March 2011, p. 129.
 - 13 Emails from Aubrey Sutherland-Pillai, NPA, 6 April 2016; and Muhabbat Ibrohimzoda, TNMAC, 19 May 2016.
 - 14 APMBC Article 5 deadline Extension Request, 31 March 2009, p. 4.
 - 15 Rebecca Roberts, "Evaluation of UNDP Support to the Tajikistan Mine Action Programme", p. 12, at: [http://www.mineaction.tj/docs/plans/Evaluation of UNDP STMAP - Jan 2011.pdf](http://www.mineaction.tj/docs/plans/Evaluation%20of%20UNDP%20STMAP%20-%20Jan%202011.pdf).
 - 16 Article 5 deadline Extension Request, 31 March 2009, p. 1; and TMAC, "About TMAC", 2012, accessed 10 March 2014 at: <http://www.mineaction.tj/about>.
 - 17 Roberts, "Evaluation of UNDP Support to the Tajikistan Mine Action Programme", p. 12.
 - 18 Email from Muhabbat Ibrohimzoda, TNMAC, 3 April 2015.
 - 19 Roberts, "Evaluation of UNDP Support to the Tajikistan Mine Action Programme", pp. 12–13; and UNDP Users Guide, "Programme and Operations Policies and Procedures", at: http://www.undp.org.af/Projects/Direct_Implementation.pdf.
 - 20 Roberts, "Evaluation of UNDP Support to the Tajikistan Mine Action Programme", pp. 12–13.
 - 21 Ibid., pp. 27–29.
 - 22 Email from Muhabbat Ibrohimzoda, TNMAC, 12 May 2015.
 - 23 Interview with Muhabbat Ibrohimzoda, TNMAC and Ahad Mahmoudov, UNDP, in Geneva, 23 June 2015.
 - 24 Email from Muhabbat Ibrohimzoda, TNMAC, 19 May 2016.
 - 25 Interview with Muhabbat Ibrohimzoda, TNMAC, in Geneva, 18 February 2016.
 - 26 Ibid.
 - 27 Email from Muhabbat Ibrohimzoda, TNMAC, 19 May 2016.

Legislation and Standards

In 2015, Tajikistan drafted a “Humanitarian Demining Law”, which includes all aspects of mine action. It was expected that the law would be adopted by November 2015.²⁸ However, as at May 2016 the draft law was awaiting parliamentary approval before being submitted for signature by the President of Tajikistan.²⁹

Tajikistan’s National Mine Action Standards (TNMAS), which have been revised and translated into Russian, were awaiting government approval as at May 2016.³⁰ It was expected that the TNMAS would be approved after approval of the Humanitarian Demining Law.³¹ The TNMAS predominantly refer to mines, but also cover UXO including CMR.³²

Operators

The Swiss Foundation for Mine Action (FSD) and NPA are the two international demining operators in Tajikistan. FSD started operations in 2003, since when it has conducted surveys (in 2004–05 and 2007–09) and clearance; provided technical assistance to TMAC; and, by November 2012, had supported the development of the Union of Sappers of Tajikistan’s capacity.³³ FSD did not conduct any CMR survey or clearance in 2015.³⁴

NPA started operations in Tajikistan after signing a Memorandum of Understanding with the government in 2010. NPA’s arrival significantly increased the demining capacity of Tajikistan’s mine action programme and its clearance output.³⁵ To undertake the CMR clearance in 2015, NPA deployed one female demining team comprising eight deminers, one male demining team comprising seven deminers, two team leaders, and two task supervisors.³⁶



Deminers conducting visual Search, Saghirdasht BAC task, Tajikistan, August 2015. © NPA



AO-2.5 RT submunitions, Saghirdasht BAC task, Tajikistan, August 2015. © NPA



Part of an AO-2.5RT cluster submunition container unit. © NPA



Part of an AO-2.5RT cluster submunition container unit. © NPA



NPA Technical Field Manager using GPS and Schonstedt Magnetic Locator, Saghirdasht BAC task, Tajikistan. © NPA

LAND RELEASE

In 2015, 446,260m² of CMR-contaminated area was released by BAC.³⁷ There was no clearance of CMR in 2014.

Survey in 2015

Discovery of new CMR contamination in 2014 resulted in an SHA of 400,000m² being tasked to NPA for release. A joint field trip by NPA and TNMAC in July 2015, prior to commencement of BAC operations, had recommended the SHA be revised down to 150,000m².³⁸ However, the suggested revision was subsequently found to be incorrect, due to the imprecise orientation of the SHA polygon, and the estimated size of the SHA, based on the available information, remained at 400,000m².³⁹

Clearance in 2015

In 2015, NPA released 446,260m² of CMR-contaminated land through BAC conducted in July and August (335,181m² manually cleared and 111,079m² visually searched). During clearance, 84 AO-2.5RT submunitions and three pieces of UXO (RPG-7) were destroyed, and four cluster bomb containers were discovered.⁴⁰

It is thought likely that all four containers may have been moved by locals, and while two of the containers were discovered inside the SHA, BAC teams discovered a third cluster munition container outside of the originally tasked SHA, and a fourth container which had been moved by shepherds to a nearby village. This, combined with the total number of CMR destroyed during BAC, indicates that further CMR contamination may exist in the area/valley adjacent to where NPA completed BAC in 2015.⁴¹

The onset of winter, and adverse weather conditions at the high altitude location of the BAC site, prevented NPA from further investigating this in 2015. However, NPA planned to conduct an assessment in 2016, in order to confirm or eliminate the possibility of further CMR contamination.⁴²

ARTICLE 4 COMPLIANCE

Tajikistan is not a state party or signatory to the CCM and therefore does not have a specific deadline under Article 4 of the CCM. Nonetheless, Tajikistan 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.

Tajikistan has cleared all known CMR-contaminated areas in the country.⁴³ Further investigation is, though, required in the area adjacent to the last known SHA released in 2015, and the possibility remains that CMR contamination may subsequently be discovered in existing or future battle areas. Tajikistan has reported that if any such contamination is found, it will be swiftly addressed by TNMAC and NPA through BAC.⁴⁴

28 Interview with Muhabbat Ibrohimzoda, TNMAC and Ahad Mahmoudov, UNDP, in Geneva, 23 June 2015.

29 Email from Muhabbat Ibrohimzoda, TNMAC, 19 May 2016.

30 Interview with Muhabbat Ibrohimzoda, TNMAC, in Geneva, 18 February 2016, and email 19 May 2016.

31 Interview with Muhabbat Ibrohimzoda, TNMAC, in Geneva, 18 February 2016.

32 Ibid.

33 GICHD, "Strategic Planning in Mine Action Programmes: Tajikistan", Geneva, October 2013, p. 3; and FSD, "The First MoU signed between the Swiss Foundation for Mine Action and the Union of Sappers in Tajikistan", November 2012, at: <http://www.fsd.ch/news/first-mou-signed-between-swiss-foundation-for-mine-action-union-sappers-tajikistan>.

34 Email from Luc Patenaude, Programme Manager, FSD, 1 April 2016.

35 GICHD, "Strategic Planning in Mine Action Programmes: Tajikistan", Geneva, October 2013, p. 4.

36 Email from Aubrey Sutherland-Pillai, NPA, 6 April 2016.

37 Ibid.

38 Emails from Aubrey Sutherland-Pillai, NPA, 9 and 17 July 2015; and Daler Mirzoaliev, NPA, 14 July 2015.

39 Email from Aubrey Sutherland-Pillai, NPA, 12 May 2016.

40 Emails from Aubrey Sutherland-Pillai, NPA, 6 April and 12 May 2016; and Muhabbat Ibrohimzoda, TNMAC, 19 May 2016.

41 Emails from Aubrey Sutherland-Pillai, NPA, 12 May 2016; and Sasa Jelicic, NPA, 15 and 16 June 2016.

42 Email from Aubrey Sutherland-Pillai, NPA, 12 May 2016.

43 Emails from Aubrey Sutherland-Pillai, NPA, 6 April 2016; and Muhabbat Ibrohimzoda, TNMAC, 19 May 2016.

44 Ibid.