

# NAGORNO-KARABAKH



## PROGRAMME PERFORMANCE

2015

Problem understood	6
Target date for completion of cluster munition clearance	3
Targeted clearance	6
Efficient clearance	6
National funding of programme	2
Timely clearance	5
Land-release system in place	7
National mine action standards	7
Reporting on progress	5
Improving performance	3
<b>PERFORMANCE SCORE: AVERAGE</b>	<b>5.0</b>

## RECOMMENDATIONS FOR ACTION

- The Nagorno-Karabakh authorities should make a formal commitment to respect and implement the Convention on Cluster Munitions (CCM) and to clear all cluster munition remnants (CMR).
- The Nagorno-Karabakh authorities should provide funding for CMR survey and clearance.

## CONTAMINATION

The exact extent of contamination from CMR in Nagorno-Karabakh is not known, but it is significant and widespread.<sup>1</sup> As at the end of 2015, CMR contamination (both surface and subsurface) across the whole of Nagorno-Karabakh was estimated to be 67km<sup>2</sup> across 202 confirmed hazardous areas (CHAs), in six of a total of eight districts (see Table 1).

Table 1: **CMR contamination by district as at the end of 2015<sup>2</sup>**

District	CHAs	Area (km <sup>2</sup> )
Askeran	51	19.1
Hadrut	24	8.6
Lachin	17	8.5
Martakert	45	11.7
Martuni	57	15.1
Shushi	8	4.0
<b>Totals</b>	<b>202</b>	<b>67.0</b>

In addition, a further 2km<sup>2</sup> of new CMR contamination was estimated to have resulted from use of cluster munitions in the hostilities between Armenia and Azerbaijan in April 2016.<sup>3</sup>

In 1988, a decision by the parliament of the Nagorno-Karabakh Autonomous Province to secede from Azerbaijan and join Armenia resulted in armed conflict from 1988 to 1994 between Armenia and Azerbaijan. Large quantities of cluster munitions were dropped from the air during the conflict. Nagorno-Karabakh declared independence in 1991 but this has not been internationally recognised.

On 1 April 2016, intense fighting broke out in Nagorno-Karabakh along the front line between Armenian and Nagorno-Karabakh forces and the armed forces of Azerbaijan. While ground fighting was confined to areas close to the Line of Contact (LOC), artillery fire penetrated more than 10km into Nagorno-Karabakh, and included the use of cluster munitions. A ceasefire was agreed on 5 April 2016.<sup>4</sup>

Nagorno-Karabakh has CMR in most regions, but particularly Askeran, Martakert, and Martuni, where more than three-quarters of remaining contamination is located. The presence of submunitions does not, in most instances, deny access to land, and many CMR-contaminated areas have been cultivated continuously for 20 years or more. Most accidents in Nagorno-Karabakh are due to mines, and in the last five years, of the 25 mine/unexploded ordnance (UXO) accidents, only 2 were reportedly due to CMR.<sup>5</sup>

In 2015, there was one civilian accident involving cluster munitions, which involved a farmer sustaining light shrapnel wounds, after detonating a SHOAB cluster bomb while cultivating land with a tractor.<sup>6</sup> In addition, five civilian mine and UXO incidents were recorded, resulting in five casualties, of which one was a fatality.<sup>7</sup>

## Other ERW and Landmines

Nagorno-Karabakh is also contaminated by landmines and explosive remnants of war (ERW). This poses a grave threat to both human and animal safety and contamination impedes use of the land.<sup>8</sup>

## PROGRAMME MANAGEMENT

A mine action coordination committee is responsible for liaising between the local authorities and HALO Trust.<sup>9</sup> Regular coordination committee meetings are held between the local authorities, HALO Trust, and the International Committee of the Red Cross (ICRC).<sup>10</sup>

In 2000, HALO Trust established the Nagorno-Karabakh Mine Action Centre (NKMACE), which consolidates all mine action-related information and responds to requests from the government ministries, other non-governmental organisations (NGOs), and local communities.<sup>11</sup> The NKMACE maintains maps and a database that cover: all suspect areas surveyed; all areas cleared of mines and UXO; locations of all mine- and UXO-related incidents; and a full record of all risk education given.<sup>12</sup>



The motor of an Israeli-manufactured LAR-160 artillery rocket, discovered by HALO's survey team. © The HALO Trust

- 1 Email from Andrew Moore, Caucasus and Balkans Desk Officer, HALO Trust, 29 May 2015.
- 2 Email from Andrew Moore, HALO Trust, 26 May 2016.
- 3 HALO Trust, "HALO Trust begins emergency clearance in Karabakh", 19 April 2016, at: <https://www.halotrust.org/media-centre/news/halo-begins-emergency-clearance-in-karabakh/>.
- 4 Ibid.
- 5 Email from Andrew Moore, HALO Trust, 26 May 2016.
- 6 Ibid.
- 7 Ibid.
- 8 HALO Trust, "Nagorno-Karabakh", accessed 30 May 2016 at: <https://www.halotrust.org/where-we-work/europe-and-caucasus/nagorno-karabakh/>.
- 9 Email from Andrew Moore, HALO Trust, 28 June 2013.
- 10 Ibid., 26 May 2016.
- 11 Ibid., 28 June 2013.
- 12 United States Agency for International Development (USAID), "De-mining Needs Assessment in Nagorno-Karabakh", September 2013, p. vii.

## Standards and Quality Management

No national standards exist in Nagorno-Karabakh, and HALO Trust follows its own standard operating procedures (SOPs). Similarly, HALO Trust uses its own quality management systems, with quality assurance (QA) and quality control (QC) applied by four levels of management.<sup>13</sup>

## Operators

Since 2000, HALO Trust has been the sole organisation conducting land release in Nagorno-Karabakh. HALO Trust's Nagorno-Karabakh operations cover both CMR clearance and mine clearance, and HALO Trust does not

field separate teams dedicated solely to mine clearance or CMR clearance. Operational staff are trained and experienced in working in both capacities.<sup>14</sup> After the April 2016 conflict, HALO Trust's survey teams collaborated with the local authorities' Service of Emergency Situations to survey new contamination rapidly, and destroy submunitions close to populated areas.<sup>15</sup>

In 2015, HALO Trust employed an average of 120 local staff, and its overall operational capacity for mine and CMR operations comprised 11 manual clearance teams, two mechanical teams, and two explosive ordnance disposal (EOD)/survey teams.<sup>16</sup>

## LAND RELEASE

A total of 2.9km<sup>2</sup> of area contaminated with CMR was released by clearance in 2015,<sup>17</sup> compared with 13km<sup>2</sup> in 2014.<sup>18</sup> In addition, almost 3.5km<sup>2</sup> of land was reduced during clearance operations in 2015 as a result of overly large polygons having been drawn.<sup>19</sup>

### Survey in 2015

Just over 1.14km<sup>2</sup> was reduced by technical survey in 2015. Furthermore, HALO Trust confirmed seven suspected areas totalling 3.5km<sup>2</sup> as CMR-contaminated. No area suspected to contain CMR was cancelled by non-technical survey.<sup>20</sup>

In order to determine whether a strike requires further clearance, HALO Trust initially surveys a 500,000m<sup>2</sup> area around evidence of submunitions. Clearance is started from the centre of the area and extended outwards. If no further evidence of CMR is found, the remaining area is reduced.<sup>21</sup>

### Clearance in 2015

Just over 2.9km<sup>2</sup> of land across nine areas in the Askeran, Hadrut, Martakert, Martuni and Shushi regions, was released by clearance by HALO Trust in 2015. During manual battle area clearance (BAC) 105 submunitions were destroyed, along with eight other items of UXO.<sup>22</sup> The decrease from 13km<sup>2</sup> of CMR-contaminated land cleared in 2014 was partly the result of reduced operational capacity, following the 25% reduction in United States Agency for International Development (USAID) funding in 2015.

Furthermore, HALO Trust was called out to 199 EOD tasks in 2015, during which 179 submunitions were destroyed along with 907 other items of UXO and stray ammunition, 46 anti-personnel mines, and 19 anti-vehicle mines, in addition to the UXO destroyed during planned clearance operations as detailed above.<sup>23</sup>

HALO Trust's CMR clearance operations continue to remain a "secondary" activity, as per the donors' request to prioritise mine clearance.<sup>24</sup> Since most reported accidents in Nagorno-Karabakh are the result of mines/UXO, and not CMR, HALO Trust believes this prioritisation is justified.<sup>25</sup> Most submunition clearance is conducted on days when minefields cannot be accessed safely due to the adverse weather during the winter months.<sup>26</sup>

Land released from CMR in 2015 assisted 192 direct beneficiaries, and 6,315 indirect beneficiaries. The released land will mainly be used for agriculture, grazing, and woodcutting.<sup>27</sup>

### Progress in 2016

HALO Trust's main priority in 2016 was surface and sub-surface clearance of 2km<sup>2</sup> of new CMR contamination resulting from the April 2016 conflict.<sup>28</sup> Emergency clearance was ongoing as at May 2016 in the villages of Nerkin Horatagh and Mokhratagh, close to the town of Martakert in north-east Nagorno-Karabakh.<sup>29</sup> These areas were struck with LAR-160 rockets, containing M-095 submunitions. The emergency clearance operations are funded by USAID, using clearance capacity diverted from HALO Trust's original workplan.<sup>30</sup> In May 2016, HALO Trust reported that it expected that clearance of the new contamination would be completed within six months.<sup>31</sup>

In addition, in 2016, USAID-funded teams were also continuing surface clearance of eight legacy cluster munitions strikes, resulting from the conflict in the 1990s.<sup>32</sup> As stated previously, this activity is secondary to mine clearance operations.



HALO teams conducting emergency BAC in Nerkin Horatagh village, Nagorno-Karabakh, 2016. © The HALO Trust

## ARTICLE 4 COMPLIANCE

Nagorno-Karabakh is not a state party or signatory to the CCM. Nonetheless, the Nagorno-Karabakh authorities have obligations under customary international human rights law to clear CMR as soon as possible, in particular by virtue of the duty to protect the right to life of every person under their jurisdiction.

The Nagorno-Karabakh authorities do not provide HALO Trust with any funding for clearance of CMR-contaminated or mined areas.<sup>33</sup>

Progress in clearance of CMR has fluctuated over the last five years, as shown in Table 2.

In October 2013, HALO Trust secured a grant of US\$5 million from USAID for the next two and a half years of operations.<sup>35</sup> In October 2014, however, HALO Trust's USAID budget in Nagorno-Karabakh was reduced by 25% for the fiscal year 2015, resulting in redundancy for 43 operational staff.<sup>36</sup>

In 2016, USAID funding was continuing at the same 2015 level.<sup>37</sup> USAID has requested that funds be used for clearance operations within the former Soviet-era Nagorno-Karabakh Autonomous Oblast (NKAO), and that HALO Trust focuses on mine clearance.<sup>38</sup> CMR surface clearance is funded by USAID as a secondary activity, to be conducted when access to minefields is limited during winter months.<sup>39</sup> With the exception of emergency clearance operations to address the new April 2016 CMR contamination, no sub-surface CMR clearance is funded by USAID.<sup>40</sup>

HALO Trust also receives funding from the United Kingdom Foreign and Commonwealth Office (FCO), the Armenian Diaspora organisation "Landmine Free Artsakh" (LFA), and a private donor.<sup>41</sup> Due to a fundraising campaign, HALO Trust was expecting to increase private funding from late 2016, but any additional increase will principally fund mine clearance.<sup>42</sup>

HALO Trust expected that clearance of CMR resulting from the April 2016 hostilities would be completed in 2016, and that surface clearance of legacy CMR contamination within the NKAO boundaries of Nagorno-Karabakh would be completed by the end

Table 2: Five-year summary of clearance<sup>34</sup>

Year	Area cleared (km <sup>2</sup> )
2015	2.91
2014	13.01
2013	4.65
2012	7.6
2011	8.5
<b>Total</b>	<b>36.67</b>

of 2018. However, this would still leave sub-surface contamination within the NKAO boundaries of Nagorno-Karabakh, in addition to CMR contamination in areas outside the NKAO which are under the control of the Nagorno-Karabakh forces. While HALO Trust hopes to clear Nagorno-Karabakh of all mines by 2020, there is currently no equivalent target date for CMR.<sup>43</sup>

Despite the clear humanitarian need to clear ERW, the international isolation of Nagorno-Karabakh also makes it difficult for HALO Trust to raise funds to work in the region, and funds raised are often subject to territorial restrictions.<sup>44</sup> Almost no CMR is conducted outside the NKAO.<sup>45</sup> Funding is needed to prevent Nagorno-Karabakh's communities being blighted by mines and CMR for decades to come.<sup>46</sup>



13 Email from Andrew Moore, HALO Trust, 26 May 2016.

14 Ibid., 22 May 2015.

15 Ibid., 26 May 2016.

16 Ibid.

17 Ibid.

18 Ibid., 23 June 2015.

19 Ibid., 26 May 2016.

20 Ibid.

21 Ibid.

22 Ibid., and 7 June 2016.

23 Email from Andrew Moore, HALO Trust, 7 June 2016.

24 Ibid.

25 Ibid.

26 Ibid.

27 Ibid.

28 Ibid.

29 Ibid.; and HALO Trust, "HALO Trust begins emergency clearance in Karabakh", 19 April 2016.

30 Email from Andrew Moore, HALO Trust, 26 May 2016.

31 Ibid.

32 Ibid.

33 Email from Andrew Moore, HALO Trust, 26 May 2016.

34 See Cluster Munition Monitor reports on Nagorno-Karabakh covering the period 2011-14.

35 Ibid.; and email from Andrew Moore, HALO Trust, 19 March 2014.

36 Email from Andrew Moore, HALO Trust, 26 May 2016.

37 Ibid.

38 Ibid.; and email, 11 June 2015.

39 Email from Andrew Moore, HALO Trust, 26 May 2016.

40 Emails from Andrew Moore, HALO Trust, 11 June 2015 and 26 May 2016.

41 USAID, "De-mining Needs Assessment in Nagorno-Karabakh", September 2013; and email from Andrew Moore, HALO Trust, 19 March 2014.

42 Email from Andrew Moore, HALO Trust, 26 May 2016.

43 Ibid.

44 HALO Trust website, accessed 27 May 2015, at: <http://www.halotrust.org/where-we-work/nagorno-karabakh>.

45 Email from Andrew Moore, HALO Trust, 11 June 2015.

46 HALO Trust website, accessed 27 May 2015.