

NAGORNO-KARABAKH

PROGRAMME PERFORMANCE

	2016	2015
Problem understood	6	6
Target date for completion of cluster munition clearance	3	3
Targeted clearance	6	6
Efficient clearance	6	6
National funding of programme	2	2
Timely clearance	5	5
Land release system in place	7	7
National mine action standards	7	7
Reporting on progress	5	5
Improving performance	3	3
PERFORMANCE SCORE: AVERAGE	5.0	5.0

PERFORMANCE COMMENTARY

Cluster munitions were used in 2016 during conflict in Nagorno-Karabakh. During survey in 2016, legacy contamination from cluster munition remnants (CMR) was also discovered by The HALO Trust in Stepanakert, a district not previously reported as affected. Clearance output of almost 3.3km² in 2016 showed an increase over the previous year's results, mainly due to emergency clearance of new CMR contamination resulting from the April 2016 conflict.

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 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.¹ As at end 2016, CMR contamination (both surface and subsurface) was estimated to be almost 72km² across 212 confirmed hazardous areas (CHAs), in seven of a total of eight districts (see Table 1).²

Table 1: CMR contamination by district (as at end 2016)³

District	CHAs	Area (km ²)
Askeran	54	20.61
Hadrut	28	10.54
Lachin	17	8.50
Martakert	46	12.18
Martuni	58	15.59
Shushi	8	4.00
Stepanakert	1	0.50
Totals	212	71.92

This represents a significant increase on the 67km² across 202 CHAs in six districts, as at the end of 2015,⁴ and results from CMR survey confirming 7.59km² of CMR contamination, including in Stepanakert district, which was not previously reported as CMR-contaminated. The contamination in Stepanakert district was discovered by The HALO Trust during survey in 2016.⁵

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 numbers 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 2016.⁶ The HALO Trust estimated that the four days of hostilities added 2km² of new CMR contamination;⁷ the Nagorno-Karabakh authorities put the figure at 3.14km².⁸

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. Between 1996 and 2016, The HALO Trust recorded 17 incidents from submunitions (approximately 6% of all recorded incidents), including seven fatalities. The last recorded incident involving CMR was in November 2015, which resulted in a farmer suffering fragmentation injuries.⁹

Other Explosive Remnants of War and Landmines

Nagorno-Karabakh is also contaminated by other explosive remnants of war (ERW) and landmines.¹⁰

PROGRAMME MANAGEMENT

A mine action coordination committee is responsible for liaising between the local authorities and The HALO Trust.¹¹ Regular coordination committee meetings are held between the local authorities, The HALO Trust, and the International Committee of the Red Cross (ICRC).¹²

In 2000, The HALO Trust established the Nagorno-Karabakh Mine Action Centre (NKMAC), which consolidates all mine action-related information and responds to requests from the government ministries, non-governmental organisations (NGOs), and local communities.¹³ The NKMAC maintains maps and a database of all suspected hazardous areas surveyed, all areas cleared of mines and ERW, locations of all mine- and ERW-related incidents, and a record of all risk education given.¹⁴

Standards and Quality Management

No national standards exist in Nagorno-Karabakh, and The HALO Trust follows its own standing operating procedures (SOPs).

Similarly, The HALO Trust uses its own quality management systems, with quality assurance (QA) and quality control (QC) applied by four levels of management.¹⁵

Operators

Since 2000, The 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 The HALO Trust does not field separate teams dedicated solely to either. Operational staff are trained and experienced in working in both capacities.¹⁶ 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.¹⁷

In 2016, The HALO Trust employed an average of 142 personnel, an increase compared to over the 123 staff average for 2015.¹⁸ Between January and December 2016, its total capacity for mine and CMR operations grew from nine operational teams to fifteen.¹⁹

Over the course of 2016, HALO Trust battle area clearance (BAC) teams were employed for 209 days, compared to 162 the previous year. This reflected the increased time spent in 2016 conducting subsurface clearance of contamination resulting from the April 2016 combat.²⁰

LAND RELEASE

A total of almost 3.3km² of area contaminated with CMR was released by clearance in 2016,²¹ compared with 2.9km² in 2015.²² No land was reported to have been reduced by technical survey.

Survey in 2016

No area was reduced by technical survey or cancelled by non-technical survey in 2016. The HALO Trust did however, confirm 14 areas totalling almost 7.6km² as CMR-contaminated.²³

In order to determine whether a strike requires further clearance, The HALO Trust initially surveys a 500,000m² area around evidence of submunitions. Clearance starts from the centre of the area of known evidence and extends outwards, employing a buffer. If no further evidence of CMR is found, the remaining area is reduced.²⁴

Clearance in 2016

Just over 3.28km² of land across two completed tasks was released by clearance by The HALO Trust in 2016, during which 83 submunitions were destroyed, along with 1 other item of unexploded ordnance (UXO).²⁵ Of this, 2.73km² was released by surface BAC and 0.55km² by subsurface BAC.²⁶

The total clearance for the year included clearance of CMR contamination in the villages of Nerkin Horatagh and Mokhratagh in the north-east Martakert region, which resulted from the April 2016 fighting.²⁷ Surface contamination clearance of these two tasks was completed in 2016 by two United States Agency for International Development (USAID)-funded HALO Trust teams. Subsurface CMR clearance of the agricultural land in the two tasks which was conducted by one HALO Trust survey team funded by the private Swiss Foundation, World Without Mines, was completed in February 2017. In total, 79 M095 submunitions were destroyed during surface and subsurface clearance in these two tasks in the Martakert area.²⁸ The Nagorno Karabakh authorities reported that the State Service of Emergency Situations destroyed a further 187 submunitions, during joint clearance operations with The HALO Trust in the Martakert region.²⁹ The HALO Trust began addressing the new contamination in the two villages as soon as the April 2016 fighting stopped, both because of the sensitivity of the M095 submunitions and their proximity to people's homes as well as the impact on their livelihoods.³⁰

In addition to planned clearance, The HALO Trust was called out to 170 EOD tasks in 2016, during which 85 submunitions were destroyed along with 510 other items of UXO, stray ammunition and air-dropped bombs, 90 anti-personnel mines, and 21 anti-vehicle mines.³¹

The 2016 clearance output was a slight increase over the previous year, when The HALO Trust cleared 2.9km² of land.³² The main reason for the increase was the emergency clearance of the April 2016 contamination, but overall HALO Trust's CMR clearance operations continue to remain a "secondary" activity, as per the donors' request to prioritise mine clearance.³³ Since most reported accidents in Nagorno-Karabakh are the result of mines/UXO, and not CMR, The HALO Trust continues to believe this prioritisation is justified.³⁴ Most submunition clearance is conducted on days when minefields cannot be accessed safely due to the adverse weather during the winter months.³⁵

Prioritisation of mine clearance in Nagorno-Karabakh was further strengthened by an anonymous private donor offering matching funding for completion of all confirmed mined areas in the green areas of Nagorno-Karabakh (those between the traditional Soviet Oblast boundary, the existing militarised line of contact with Azerbaijan, and the internationally recognised borders of Azerbaijan, Armenia, and Iran).³⁶

Progress in 2017

As at April 2017, The HALO Trust was investigating CMR contamination resulting from the April 2016 conflict, in the Jabrail (also spelt Jabrayil) region of Hadrut province, in the south-east of Nagorno-Karabakh.³⁷ The Nagorno-Karabakh authorities reported that in the Hadrut region, the State Service for Emergency Situations and The HALO Trust jointly surveyed almost 1.42km² and destroyed five unexploded submunitions (9N210 and 9N235).³⁸

ARTICLE 4 COMPLIANCE

Nagorno-Karabakh is neither a state party nor a signatory to the CCM and therefore does not have a specific clearance deadline under Article 4. Nonetheless, it has obligations under international human rights law to clear CMR as soon as possible. No target date has been set to complete clearance of CMR.

The Nagorno-Karabakh authorities do not provide The HALO Trust with any funding for clearance of CMR-contaminated or mined areas.³⁹

Progress in clearance of CMR has fluctuated over the last five years, as shown in Table 2. The HALO Trust is currently prioritising clearance of mine contamination, as part of its efforts to complete clearance of all accessible mined areas by 2020, and The HALO Trust deploys teams to conduct BAC only in a reserve capacity.⁴⁰

Table 2: Clearance of CMR-contaminated area in 2012–16⁴¹

Year	Area cleared (km ²)
2016	3.28
2015	2.91
2014	13.01
2013	4.65
2012	7.6
Total	31.45

In October 2013, The HALO Trust secured a grant of US\$5 million from USAID for the next two and a half years of operations.⁴² 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.⁴³ The HALO Trust saw its expected

USAID funding reduced for the 2016/17 financial year, but its operational capacity has not been impacted.⁴⁴

USAID has requested that funds be used for clearance operations within the former Soviet-era Nagorno-Karabakh Autonomous Oblast (NKAO), and that The HALO Trust focus on mine clearance.⁴⁵ USAID is, however, continuing to fund one HALO Trust team to conduct survey of cluster munition contamination throughout 2017.⁴⁶ Overall, though, CMR surface clearance is funded by USAID as a secondary activity, to be conducted when access to minefields is limited during winter months.⁴⁷

In addition, The HALO Trust received funding from the Armenian Diaspora organisation "Landmine Free Artsakh" (LFA), and a private donor.⁴⁸ Funding to The HALO Trust from the United Kingdom Foreign and Commonwealth Office (FCO), through its conflict, stability and security fund (CSFF), ended on 31 March 2017.⁴⁹

While surface clearance of legacy CMR contamination within the NKAO boundaries of Nagorno-Karabakh could potentially be completed within a few years, this would still leave subsurface 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. The HALO Trust hopes to clear Nagorno-Karabakh of all mines by 2020, but no equivalent target date exists for CMR.⁵⁰

The international isolation of Nagorno-Karabakh also makes it difficult for The HALO Trust to raise funds to work in the region, and funds raised are often subject to territorial restrictions.⁵¹ Almost no CMR is conducted outside the NKAO.⁵² Funding is needed to prevent Nagorno-Karabakh's communities being blighted by mines and CMR for decades to come.⁵³

-
- 1 Email from Andrew Moore, Caucasus and Balkans Desk Officer, HALO Trust, 29 May 2015.
 - 2 Email from Ash Boddy, Regional Director Nagorno-Karabakh, HALO Trust, 13 April 2017.
 - 3 Ibid.
 - 4 Email from Andrew Moore, HALO Trust, 26 May 2016.
 - 5 Email from Ash Boddy, HALO Trust, 27 April 2017.
 - 6 The 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/>.
 - 7 Email from Andrew Moore, HALO Trust, 26 May 2016.
 - 8 Email to Mary Wareham, Human Rights Watch, from Armine Aleksanyan, Nagorno-Karabakh Ministry of Foreign Affairs, 30 May 2017.
 - 9 Email from Ash Boddy, HALO Trust, 13 April 2017.
 - 10 The HALO Trust, "Nagorno-Karabakh", accessed 13 April 2017 at: <https://www.halotrust.org/minefreenk/>.
 - 11 Email from Andrew Moore, HALO Trust, 28 June 2013.
 - 12 Email from Andrew Moore, HALO Trust, 26 May 2016.
 - 13 Email from Andrew Moore, HALO Trust, 28 June 2013.
 - 14 United States Agency for International Development (USAID), "De-mining Needs Assessment in Nagorno-Karabakh", September 2013, p. vii.
 - 15 Email from Andrew Moore, HALO Trust, 26 May 2016.
 - 16 Email from Andrew Moore, HALO Trust, 22 May 2015.
 - 17 Email from Andrew Moore, HALO Trust, 26 May 2016.
 - 18 Email from Ash Boddy, HALO Trust, 13 April 2017.
 - 19 Emails from Ash Boddy, HALO Trust, 27 and 29 April 2017.
 - 20 Email from Ash Boddy, HALO Trust, 13 April 2017.
 - 21 Ibid.
 - 22 Email from Andrew Moore, HALO Trust, 26 May 2016.
 - 23 Ibid.
 - 24 Ibid., and email from Ash Boddy, HALO Trust, 13 April 2017.
 - 25 Email from Ash Boddy, HALO Trust, 13 April 2017.
 - 26 Ibid.
 - 27 HALO Trust, "HALO Trust begins emergency clearance in Karabakh", 19 April 2016; and email from Ash Boddy, HALO Trust, 13 April 2017.
 - 28 Email from Ash Boddy, HALO Trust, 13 April 2017. The Nagorno-Karabakh authorities reported that 86 submunitions were destroyed by The HALO Trust. Email to Mary Wareham, Human Rights Watch, from Armine Aleksanyan, Nagorno-Karabakh Ministry of Foreign Affairs, 30 May 2017. This comprises 79 submunitions destroyed during clearance and a further 7 destroyed during EOD call-outs.
 - 29 Email to Mary Wareham, Human Rights Watch, from Armine Aleksanyan, Nagorno-Karabakh Ministry of Foreign Affairs, 30 May 2017.
 - 30 Ibid.
 - 31 Ibid.
 - 32 Emails from Andrew Moore, HALO Trust, 26 May and 7 June 2016.
 - 33 Email from Andrew Moore, HALO Trust, 7 June 2016.
 - 34 Ibid., and email from Ash Boddy, HALO Trust, 13 April 2017.
 - 35 Email from Andrew Moore, HALO Trust, 7 June 2016.
 - 36 Email from Ash Boddy, HALO Trust, 13 April 2017.
 - 37 Email from Ash Boddy, HALO Trust, 27 April 2017.
 - 38 Email to Mary Wareham, Human Rights Watch, from Armine Aleksanyan, Nagorno-Karabakh Ministry of Foreign Affairs, 30 May 2017.
 - 39 Email from Ash Boddy, HALO Trust, 13 April 2017.
 - 40 Ibid.
 - 41 See Cluster Munition Monitor and Mine Action Review reports on Nagorno-Karabakh covering 2012–16.
 - 42 See Cluster Munition Monitor reports on Nagorno-Karabakh covering 2011–14; and email from Andrew Moore, HALO Trust, 19 March 2014.
 - 43 Email from Andrew Moore, HALO Trust, 26 May 2016.
 - 44 Email from Ash Boddy, HALO Trust, 13 April 2017.
 - 45 Emails from Andrew Moore, HALO Trust, 26 May 2016 and 11 June 2015.
 - 46 Email from Ash Boddy, HALO Trust, 13 April 2017.
 - 47 Email from Andrew Moore, HALO Trust, 26 May 2016.
 - 48 USAID, "De-mining Needs Assessment in Nagorno-Karabakh", September 2013; and email from Andrew Moore, HALO Trust, 19 March 2014.
 - 49 Email from Ash Boddy, HALO Trust, 27 April 2017.
 - 50 Emails from Andrew Moore, HALO Trust, 26 May 2016, and Ash Boddy, HALO Trust, 14 April 2017.
 - 51 HALO Trust website, accessed 27 May 2015, at: <http://www.halotrust.org/where-we-work/nagorno-karabakh>.
 - 52 Email from Andrew Moore, HALO Trust, 11 June 2015.
 - 53 HALO Trust website, accessed 27 May 2015.