



TAJIKISTAN

RECOMMENDATIONS FOR ACTION

- Tajikistan should accede to the Convention on Cluster Munitions (CCM) as soon as possible.
- Tajikistan should ensure timely clearance and release of the sole remaining known area contaminated with cluster munition remnants (CMR).

CONTAMINATION

At the end of 2016, one known area of CMR contamination remained in Tajikistan, in the Darvoz district of the Central Region. The hazardous area, covering approximately 170,000m², was confirmed by non-technical survey conducted by Norwegian People's Aid (NPA) in August 2016. It had been previously been earmarked for further investigation during battle area clearance (BAC) of an adjacent valley in 2015.¹ The remaining area of CMR contamination, which is mainly used for pasture and the grazing of livestock, is approximately 4km from the nearest village, Sagirdasht.²

The area has been tasked by the Tajikistan National Mine Action Centre (TNMAC) for clearance by NPA in 2017.³ Once released, no known CMR contamination will exist.⁴ However, TNMAC has stated that submunitions may still be encountered in the future during other survey and clearance operations.⁵

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, it is reported that approximately 750 submunitions were identified and destroyed in Tajikistan.⁶

In 2014, based on information provided by a member of the local Sagirdasht community, TNMAC's quality assurance (QA)/quality control (QC) team found one AO-2.5RT submunition in Darvoz district. The team subsequently found other submunitions, across 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 Prior to 2014, an unexploded submunition was last found in 2011.¹⁰

Other Explosive Remnants of War 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.¹¹

In June 2003, the Government of Tajikistan and the United Nations Development Programme (UNDP) established the Tajikistan Mine Action Centre (TMAC) with a view to it becoming a nationally owned programme in the short term,¹² though this did not happen until more than ten years afterwards. TMAC was made responsible for coordinating and monitoring all mine action activities.¹³ Since then, TMAC has acted as the secretariat for the CIIHL to which it reports.¹⁴

On 3 January 2014, a government decree established TNMAC.¹⁵ Prior to this, lack of legal recognition had presented problems for TMAC,¹⁶ including, for example, its inability to open a bank account to receive and disburse funds.¹⁷ The importance of clarifying TMAC's status had been highlighted in the 2012 evaluation of UNDP support to mine action in Tajikistan.¹⁸ 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.¹⁹

Strategic Planning

The current national mine action strategic plan (NMAASP) 2010–15 expired at the end of 2015.²⁰ A new national mine action strategy for 2017–20 was approved by the Government of Tajikistan on 25 February 2017.²¹

Legislation and Standards

In 2015, Tajikistan drafted a humanitarian demining law, which covers all aspects of mine action. However, relevant non-governmental organisations (NGOs) are not believed to have been consulted during its drafting.²² The law, which was ratified by Tajikistan's Parliament on 23 July 2016,²³ was presented to mine action stakeholders in Tajikistan in September 2016, during a workshop hosted by TNMAC.²⁴

Tajikistan's National Mine Action Standards (TNMAS) have been revised, and were approved by the Government of Tajikistan on 1 April 2017. The new standards have been translated into Russian and English.²⁵

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 major 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.²⁶ FSD did not conduct any CMR survey or clearance in 2016.²⁷

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.²⁸

Quality Management

TNMAC coordinates and monitors the Quality Management (QM) process in Tajikistan, and the TNMAS cover all QM requirements, both from a process and from a final product (released land) perspective.²⁹

LAND RELEASE

No CMR-contaminated area was released by BAC in 2016. However, approximately 170,000m² was confirmed as CMR-contaminated through non-technical survey.³⁰

Survey in 2016

In August 2016, NPA conducted non-technical survey of an area suspected to contain CMR-contamination. The area, located in Darvoz district in the Central Region of Tajikistan, had been identified as requiring further investigation during BAC in the adjacent valley in 2015.³¹ During the 2016 survey, approximately 170,000m² was confirmed as contaminated with type AO-2.5RT submunitions,³² and one AO-2.5RT submunition was found, along with other evidence of contamination, including pieces of cluster bomb containers, remnants of further AO-2.5RT submunitions, and several recognisable blast locations.³³

The single submunition found during the 2016 non-technical survey was not destroyed at the time of discovery, as TNMAC QA/QC instructed NPA not to destroy any items until the task was actually opened by NPA for clearance in 2017. The submunition was clearly marked and left in place, as was the entire area/task, in accordance with the TNMAS.³⁴

Clearance in 2016

No CMR-contaminated area was released by BAC in 2016. The onset of winter, and adverse weather conditions at the high-altitude, prevented NPA from conducting clearance in 2016 of the 170,000m² area.³⁵ NPA planned to conduct clearance of this area in the course of 2017,³⁶ and as at June 2017, NPA had received the task order from TNMAC and planned to deploy a BAC team the following month.³⁷

ARTICLE 4 COMPLIANCE

Tajikistan 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.

Once the remaining hazardous area is released, no known CMR contamination will exist in Tajikistan,³⁸ though TNMAC has stated that submunitions may still be encountered in the future during other survey and clearance operations.³⁹ Tajikistan has reported that if any such contamination is found, it will be swiftly addressed by TNMAC and NPA through BAC.⁴⁰

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- 1 Emails from Sasa Jelacic, Operations Manager, NPA, 17 February 2017; and Aubrey Sutherland, Country Director, NPA, 14 March 2017.
 - 2 Email from Aubrey Sutherland, NPA, 14 March 2017.
 - 3 Emails from Sasa Jelacic, NPA, 17 February 2017; and Aubrey Sutherland, NPA, 14 March 2017.
 - 4 Interview with Muhabbat Ibrohimzoda, TNMAC, in Geneva, 10 February 2017; and email from Sasa Jelacic, NPA, 17 February 2017.
 - 5 Interview with Muhabbat Ibrohimzoda, TNMAC, in Geneva, 10 February 2017.
 - 6 Statement of Tajikistan, Anti-Personnel Mine Ban Convention (APMBC) Fourteenth Meeting of States Parties, Geneva, 1 December 2015.
 - 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 Response to Cluster Munition Monitor questionnaire by Abdulmain Karimov, TMAC, 11 June 2013.
 - 11 APMBC Article 5 deadline Extension Request, 31 March 2009, p. 4.
 - 12 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.
 - 13 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>.
 - 14 Roberts, "Evaluation of UNDP Support to the Tajikistan Mine Action Programme", p. 12.
 - 15 Email from Muhabbat Ibrohimzoda, TNMAC, 3 April 2015.
 - 16 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.
 - 17 Roberts, "Evaluation of UNDP Support to the Tajikistan Mine Action Programme", pp. 12-13.
 - 18 Ibid., pp. 27-29.
 - 19 Email from Muhabbat Ibrohimzoda, TNMAC, 12 May 2015.
 - 20 Interview with Muhabbat Ibrohimzoda, TNMAC, and Ahad Mahmoudov, UNDP, Geneva, 23 June 2015.
 - 21 Email from Muhabbat Ibrohimzoda, TNMAC, 22 May 2017.
 - 22 Email from Aubrey Sutherland-Pillai, NPA, 18 October 2016.
 - 23 Emails from Muhabbat Ibrohimzoda, TNMAC, 19 August 2016 and 22 May 2017.
 - 24 Email from Aubrey Sutherland-Pillai, NPA, 18 October 2016.
 - 25 Ibid.
 - 26 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.
 - 27 Email from Chris Rennick, Operations Manager, FSD, 20 March 2017.
 - 28 GICHD, "Strategic Planning in Mine Action Programmes: Tajikistan", Geneva, October 2013, p. 4.
 - 29 TNMAC, "Draft Article 5 Completion Plan 2016-20", 4 October 2016.
 - 30 Emails from Sasa Jelacic, NPA, 17 February 2017; and Aubrey Sutherland, NPA, 14 March 2017.
 - 31 Emails from Aubrey Sutherland-Pillai, NPA, 12 May 2016; and Sasa Jelacic, NPA, 15 and 16 June 2016.
 - 32 Emails from Sasa Jelacic, NPA, 17 February 2017; and Aubrey Sutherland, NPA, 14 March 2017.
 - 33 Email from Sasa Jelacic, NPA, 17 February 2017.
 - 34 Email from Aubrey Sutherland, NPA, 22 June 2017.
 - 35 Email from Sasa Jelacic, NPA, 17 February 2017.
 - 36 Ibid.
 - 37 Email from Aubrey Sutherland, NPA, 22 June 2017.
 - 38 Interview with Muhabbat Ibrohimzoda, TNMAC, Geneva, 10 February 2017; and email from Sasa Jelacic, NPA, 17 February 2017.
 - 39 Interview with Muhabbat Ibrohimzoda, TNMAC, Geneva, 10 February 2017.
 - 40 Emails from Aubrey Sutherland-Pillai, NPA, 6 April 2016; and Muhabbat Ibrohimzoda, TNMAC, 19 May 2016.