

# UKRAINE

## PROGRAMME PERFORMANCE

	2016	2015
Problem understood	4	4
Target date for completion of cluster munition clearance	3	4
Targeted clearance	5	5
Efficient clearance	5	5
National funding of programme	6	6
Timely clearance	5	5
Land release system in place	6	5
National mine action standards	6	6
Reporting on progress	4	4
Improving performance	5	5
<b>PERFORMANCE SCORE: AVERAGE</b>	<b>4.9</b>	<b>4.9</b>

## PERFORMANCE COMMENTARY

While survey and clearance of areas contaminated with cluster munition remnants (CMR) did take place in 2016, the full extent of 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 accede to, and abide by, the Convention on Cluster Munitions (CCM).
- 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 explosive hazards.
- Ukraine should systematically collect data on contamination from mines, CMR, and other explosive remnants of war (ERW), as well as progress in survey and clearance, and establish a centralised database for planning purposes.

## CONTAMINATION

The extent of contamination from CMR in Ukraine is not known. Amid the violence that erupted in Ukraine in 2014, evidence suggests that both government and anti-government forces have used cluster munitions. These have included surface-fired Smerch (Tornado) and Uragan (Hurricane) cluster munition rockets, which deliver 9N210 and 9N235 anti-personnel fragmentation submunitions.<sup>1</sup>

Evidence of ground-launched cluster munition use in eastern Ukraine first emerged in early July 2014, indicating that 300mm 9M55K cluster munition rockets with 9N235 fragmentation submunitions had been used in Kramatorsk and Slavyansk, in the Donetsk region of eastern Ukraine. These rockets are fired from the 9K58 Smerch multiple-barrel rocket launchers over a maximum range of 90km.<sup>2</sup>

On 11 July 2014, photographs taken by the Associated Press at an insurgent base at Slavyansk showed remnants of at least eight 220mm 9M27K-series cluster munition rockets and at least three submunitions that were either of type 9N210 or 9N235. The rockets are fired from the 9K57 Uragan multi-barrel rocket launcher, which has a maximum range of 35km.<sup>3</sup> According to Associated Press, the remnants at Slavyansk were collected and destroyed by Ukrainian government explosive ordnance disposal (EOD) teams.

In October 2014, Human Rights Watch (HRW) documented widespread use of cluster munitions in fighting between government forces and pro-Russian rebels in more than a dozen urban and rural locations in the provinces of Donetsk (central Donetsk, Starobesheve, Makiyivka, and Ilovaisk) and Luhansk (Novosvitlivka).<sup>4</sup>

In early 2015, the Special Monitoring Mission (SMM) in Ukraine of the Organization for Security and Co-operation in Europe (OSCE) reported finding CMR in the Artemivskiy district of Luhansk city, resulting from two attacks on 27 January. The attacks killed two civilians and injured two others.<sup>5</sup> The OSCE SMM also reported evidence of CMR in Komsomolske, south-east of Donetsk, resulting from an attack on 2 February,<sup>6</sup> and in Kramatorsk, in the north of the Donetsk region, on 10 February.<sup>7</sup> In addition, the *Kiev Post* reported cluster munitions had been fired on the cities of Mariupol and Kramatorsk in 2015.<sup>8</sup>

During a ten-day investigation in eastern Ukraine, HRW found evidence that cluster munition rockets had been used in at least seven localities between 23 January and 12 February 2015, with some hit multiple times. Three of the areas were in government-controlled territory while the other four were in rebel-held territory. Thirteen civilians were reportedly killed during these attacks, including at least two children.<sup>9</sup> HRW has not documented any cluster munition use in Ukraine since the ceasefire went into effect on 16 February 2015.<sup>10</sup>

Ukraine has claimed that many unexploded submunitions contaminate the Donetsk and Luhansk regions,<sup>11</sup> with the most intensive use of cluster munitions in and around the city of Debalcevo in Donetsk oblast.<sup>12</sup> In 2017, Ukraine estimated, highly improbably, that total contamination by mines and ERW (including CMR) could extend over 7,000km<sup>2</sup>.<sup>13</sup> Ukraine cannot reliably estimate the overall extent of CMR contamination until surveys have been completed.<sup>14</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>15</sup>

The HALO Trust's mine action operations are limited to government-controlled areas outside the 15km buffer zone. Within its area of responsibility in the Nykolskyi district of Donetsk and the Svativskiyi district of Luhansk, The HALO Trust identified 0.6km<sup>2</sup> of CMR contamination through non-technical survey in 2016.<sup>16</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>17</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>18</sup>

Ukraine has stated that between 16 February and 15 May 2017, 36 civilians died and 157 were wounded in Donbas from explosive hazards. 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>19</sup>

The Global Protection Cluster for Ukraine also 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>20</sup> Cluster munition use in urban and rural areas of eastern Ukraine is blocking access to family allotments and collective farms, which has a serious impact in an area where many rely on agriculture.<sup>21</sup> Those living in conflict-affected areas, especially around the contact line, are among the most vulnerable; particularly the elderly, persons with disabilities, and the poor. To heat homes in the winter, people go into the forest, facing significant risks from explosive hazards as a result. This is said to have resulted in many fatalities and injuries.<sup>22</sup>

In addition, explosive hazards pose a humanitarian risk to the internally displaced and returning refugees, especially in areas fought over previously and which are now away from the front line.<sup>23</sup>

## Other Explosive Remnants of War and Landmines

Ukraine is contaminated by other ERW and by anti-personnel and anti-vehicle mines used during the current conflict. It is also affected by UXO and abandoned explosive ordnance (AXO) remaining from World Wars I and II<sup>24</sup> and Soviet military training and stockpiles. In February 2016, Ukraine claimed that 32 former military firing ranges and the many other areas contaminated with explosive objects from past wars covered 1,500km<sup>2</sup>.<sup>25</sup> These figures are the same as those put forward in April 2015.<sup>26</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 (MoD), Ministry of Emergency Situations, and Ukroboronservice (a state-owned commercial company), to put forward proposals for a national body to oversee demining.<sup>27</sup> On 2 September 2013, Presidential Decree No. 423 on the “Mine Action National Authority” was signed, authorising the authority’s establishment.<sup>28</sup> Following the decree, the MoD’s “Department of Environmental Safety and Mine Action” was tasked with coordinating demining nationally and serving as the secretariat to the national mine action authority in Ukraine.<sup>29</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>30</sup>

Two draft bills were submitted to the parliament’s Committee on National Security and Defense. One of the drafts (no. 5189), is dated 28 September 2016 and was put forward by a member of parliament. The Committee recommended its rejection in April 2017.<sup>31</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>32</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>33</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>34</sup> In 2016, the draft law faced opposition in the committee stage in parliament.<sup>35</sup> It was sent back for improvements in April 2017.<sup>36</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 Defense, but it was hoped parliament would soon adopt the necessary resolution.<sup>37</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>38</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>39</sup> The HALO Trust reported that it has actively participated in roundtables and public hearings on mine action legislation, organised by the MoD, 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>40</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>41</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>42</sup>

While all areas of mine action in the Donetsk and Luhansk region, including humanitarian demining operations, are planned, coordinated, and controlled by the MoD,<sup>43</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>44</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>45</sup> Experts from the North Atlantic Treaty Organization (NATO) provide training and advice at the centre.<sup>46</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>47</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>48</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 QC of SESU units, information management, and handover of land cleared by SESU to local authorities, as well as risk education.<sup>49</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>50</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>51</sup>

The Ministry of Temporarily Occupied Territories and Internally Displaced Persons was established by the Cabinet of Ministers of Ukraine in resolution 376, which was 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>52</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>53</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>54</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>55</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>56</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>57</sup> The key findings of the UN mission were that:

- The humanitarian impact of ERW is high, with two to five accidents each week and the ERW contamination covers a huge area<sup>58</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>59</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>60</sup>
- The establishment of a civilian oversight and policy-making body for national mine action activities.<sup>61</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>62</sup> The programme planned for 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 MoD in February 2016,<sup>63</sup> and as at July 2017, was on hold pending progress with the draft mine action law.<sup>64</sup> In the meantime, Ukraine continues to work from an annual plan.<sup>65</sup>

In October 2016, 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>66</sup> As at June 2017, next steps in strategic planning were under consideration, related to progress in the draft mine action law.<sup>67</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>68</sup> These remained Ukraine’s goals for 2016, and in addition, local government authorities have been helping to prioritise clearance tasks based on humanitarian criteria.<sup>69</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>70</sup> Development of national standards in Ukraine has taken place with support from GICHD, the OSCE Project Co-ordinator, and DCAF.<sup>71</sup> On 27 January 2016, during the UN needs assessment mission, the Ukrainian MoD expressed its support for IMAS to serve as national mine action standards.<sup>72</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>73</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>74</sup> As at November 2016, Ukraine reported that it had adopted 42 international standards as national standards, with the support of GICHD, the OSCE, and UNICEF.<sup>75</sup>

In January 2017, a subcommittee of mine action standardisation was created to help elaborate national mine action standards,<sup>76</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>77</sup> As at June 2017, the Committee had not yet been officially established, and discussions among key ministries were reported to be ongoing.<sup>78</sup> In the meantime, the MoD 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>79</sup>

## Operators

Following a presidential decree in September 2013, the MoD is the central coordinating body for demining in Ukraine. However, a number of other ministries continue to deploy units that undertake clearance and destruction of mines and ERW, including the Ministry of Internal Affairs (through the SESU), the Security Service, the State Special Transport Service, and the State Border Service.<sup>80</sup>

A Commission on Humanitarian Demining of SESU coordinates the activities of SESU pyrotechnic teams and determines SESU’s priorities.<sup>81</sup> In December 2015, Ukraine reported that during the ongoing conflict SESU had suffered severe losses to its buildings and vehicles.<sup>82</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 to use the demining equipment and how to conduct operations in accordance with IMAS, in addition to providing life-support training to SESU medics associated with the teams.<sup>83</sup> A similar project is also being implemented by the OSCE Project Co-ordinator<sup>84</sup> and by NATO.<sup>85</sup>

In addition to overall coordination of humanitarian demining in the Donetsk and Luhansk region, the MoD 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 UXO spot clearance. 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>86</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>87</sup> Ukroboronservice, a state enterprise whose activities include arms manufacture, also has a “humanitarian demining” section.<sup>88</sup> As at June 2017, Ukroboronservice was not known to be conducting clearance operations in Ukraine.<sup>89</sup>

Three international demining organisations – DDG, the Swiss Foundation for Mine Action (FSD), and The HALO Trust – are operating in Ukraine.<sup>90</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>91</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>92</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>93</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>94</sup> In 2017, DDG was planning to train and deploy capacity in both BAC and manual demining, in addition to building support for the SESU in terms of equipment and training.<sup>95</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 (oblasts).<sup>96</sup> In early 2016, The 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>97</sup> HALO Trust’s capacity as at end of 2016 was 91 deminers, which, by 24 May 2017, had increased to 143 deminers, with a further 26 deminers forecast to join the organisation by the end of May.<sup>98</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>99</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>100</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>101</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>102</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>103</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 Slaviansk and supported from its administrative headquarters in Kiev. FSD subsequently gained accreditation for survey and clearance operations, and has 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 explosive hazards from conflict-affected areas.<sup>104</sup>

In addition, a Ukrainian organisation, “Demining Team of Ukraine” is active in demining in eastern Ukraine.<sup>105</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>106</sup>

## Quality Management

The draft mine action law envisages a national mine action centre with a QA function.<sup>107</sup> In the meantime, quality management (QM) of government clearance operations is overseen by the demining centre of the Ukrainian Armed Forces.<sup>108</sup> Both DDG and The 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>109</sup>

The HALO Trust is planning to deliver QM training to the future national mine action authority.<sup>110</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 Kamianets-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>111</sup>

## Information Management

In cooperation with OSCE Project Co-ordinator and GICHD, SESU has begun using the IMSMA database.<sup>112</sup> In 2015, IMSMA was piloted by GICHD and SESU in four regions of Ukraine.<sup>113</sup> In November and December 2015, IMSMA training was conducted for 10 regional operators, and SESU plans to expand use to 24 regional operators, grouped into eight regional centres (Carpathian, Central, Dniprovskiyi, Eastern Poliskiyi, Podolsky, Tauric, Volyn, and the Operational Centre in Kiev).<sup>114</sup> GICHD reported that it has provided subsequent IMSMA training to staff from the various government ministries and agencies and international NGOs.<sup>115</sup> The HALO Trust is also supporting the OSCE Project Co-ordinator to set up IMSMA, and will assist OSCE to develop technical and structural recommendations for an IMSMA system and work with the MoD and other mine action stakeholders to develop standardised IMSMA-compatible reporting templates.<sup>116</sup>

As at October 2016, three government departments in Ukraine were using IMSMA: SESU, the MoD, 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>117</sup> The databases are reportedly complementary, as they are separated based on region, thematic area, and operational purpose.<sup>118</sup> The MoD reported that it plans to create a national IMSMA server.<sup>119</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 MoD.<sup>120</sup>

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## LAND RELEASE

Since the outbreak of fighting in eastern Ukraine, clearance of ERW has been undertaken by both Ukrainian government authorities and separatist groups.<sup>121</sup> Clearance 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>122</sup> Once identified, ERW are marked on the ground and their position fixed and reported to the local authorities.<sup>123</sup> ERW are either destroyed in situ or removed to storage areas or compounds for destruction later.<sup>124</sup>

SESU clearance has been slower in rural areas than in towns and cities.<sup>125</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>126</sup> Non-technical survey is helping to identify contaminated land, especially in liberated areas.<sup>127</sup> The Ukrainian Armed Forces are responsible for clearing ERW in areas close to the front-lines and former military positions.<sup>128</sup> In December 2015, the working group of the Trilateral Contact Group on Ukraine agreed 12 priority areas for humanitarian demining.<sup>129</sup>

In areas controlled by pro-Russian groups, separatists are said to be also clearing ERW and mines. In areas of Donetsk that are not under the control of the Ukrainian government, 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 conducted both day and night.<sup>130</sup>

The Ukrainian authorities and the pro-Russian separatists are, to varying degrees, recording written logs of emergency call-outs and clearance operations,<sup>131</sup> but data is not always disaggregated into weapon type.<sup>132</sup> Clearance data is not available from pro-Russian separatist groups, and an accurate picture is not available of the scale of ERW clearance being undertaken in eastern Ukraine and of remaining CMR contamination.

## Survey in 2016

According to Ukraine, in 2016, non-technical survey in eastern Ukraine was conducted by international NGOs DDG, FSD, and The HALO Trust.<sup>133</sup>

According to the Global Protection Cluster report published in November 2016, “non-technical survey is being conducted together with international partners on the territory of approximately 3,000,000 hectares, out of which 460 hectares [4.6km<sup>2</sup>] have been identified as Suspected Hazardous Areas and 620 hectares [6.2km<sup>2</sup>] as Confirmed Hazardous areas. 294 dangerous explosives have been identified so far.”<sup>134</sup> The 4.6km<sup>2</sup> of suspected hazardous area and 6.2km<sup>2</sup> of confirmed hazardous area are the same size areas as those recorded by Ukraine through non-technical survey in 2016, for “suspicious territory” and “dangerous territory” respectfully.<sup>135</sup> In addition, Ukraine claimed that in 2016, non-technical survey was conducted on 12,500km<sup>2</sup> overall, during which 394 explosive objects were found and neutralised.<sup>136</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>137</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>138</sup> Through its non-technical survey in 2016, The HALO Trust confirmed a total of 572,958m<sup>2</sup> as contaminated with CMR. This comprised 95,692m<sup>2</sup> confirmed in one area in Zoria village in Nykolski district in the Donetsk region and 477,266m<sup>2</sup> confirmed in two areas in Svatove village, Svativskyi district, in the Luhansk region.<sup>139</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>140</sup> No CMR were encountered during DDG’s non-technical survey in 2017.<sup>141</sup> DDG had initially hoped to commence clearance operations in 2016.<sup>142</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>143</sup>

## Clearance in 2016

As at May 2017, only relevant data on BAC from The HALO Trust and DDG had been made available to Mine Action Review for 2016. Thus, it was not known how much CMR-contaminated land was cleared by the various Ukrainian authorities.

According to the November 2016 Global Protection Cluster report, “thus far, partners cleared 18,500 hectares from UXOs and mines and more than 210,000 pieces of explosives have been destroyed. However, large areas in both GCA and NGCA are believed to remain mine-contaminated.”<sup>144</sup>

The HALO Trust began mine clearance and BAC in March 2016. Planned clearance is prioritised in consultation with local stakeholders, but generally its clearance is in response to requests from village and district councils.<sup>145</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 CMR to the closest population.<sup>146</sup>

Through its CMR clearance operations in 2016, The HALO Trust cleared a total area of 199,639m<sup>2</sup>. This comprised 80,917m<sup>2</sup> cleared, with four submunitions destroyed, in one area in Zoria village in Nykolski district in the Donetsk region; and 118,722m<sup>2</sup> cleared, with 46 submunitions and 86 other items of UXO destroyed, in two areas in Svatove village, in the Svativskyi district of the Luhansk region.<sup>147</sup>

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>148</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. According to The HALO Trust, technical survey will be conducted for the first time in order to confirm or reject the presence of mines and ERW.<sup>149</sup>

Items discovered by The HALO Trust are destroyed by the MoD, as only the Ukrainian Armed Forces are permitted to use explosives in the conflict zones.<sup>150</sup> HALO Trust’s demining in Ukraine is conducted in coordination with the Ukrainian authorities and international organisations.<sup>151</sup>

DDG did not conduct BAC in 2016.<sup>152</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>153</sup> FSD had not encountered any CMR during its operations, as at the beginning of June 2017.<sup>154</sup>

Non-technical survey has begun 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>155</sup>

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## ARTICLE 4 COMPLIANCE

Ukraine is not a state party or 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. Russia has similar obligations in any areas of Ukraine over which it exercises effective control.

National funding is provided for clearance of ERW and mines, and the Department of Environmental Safety and Mine Action is a division of the MoD, from which it is funded.<sup>156</sup> Ukraine also receives assistance from foreign partners (OSCE and NATO) for demining equipment.<sup>157</sup>

With regards to international funding of humanitarian operators in 2017, The HALO Trust reported fewer donors, but increased overall funding.<sup>158</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>159</sup>

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