

UKRAINE



PROGRAMME PERFORMANCE

	2017	2016
Problem understood	4	4
Target date for completion of cluster munition clearance	3	3
Targeted clearance	5	5
Efficient clearance	5	5
National funding of programme	6	6
Timely clearance	5	5
Land-release system in place	6	6
National mine action standards	6	6
Reporting on progress	4	4
Improving performance	5	5
PERFORMANCE SCORE: POOR	4.9	4.9

PERFORMANCE COMMENTARY

The overall effectiveness and efficiency of mine action in Ukraine is being impeded by delay in the adoption of mine action legislation, which is needed to strengthen coordination among the different ministries and agencies engaged in mine action, and to facilitate strategic planning, the establishment of National Mine Action Standards and information management.

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 ordnance.
- Ukraine should systematically collect data on contamination from mines, cluster munition remnants (CMR), and other explosive remnants of war (ERW), as well as progress in survey and clearance, and establish a centralised database for planning purposes.
- Ukraine should submit a request for an extension to its Anti-Personnel Mine Ban Convention (APMBC) Article 5 deadline request as Ukraine's violation of international law under that treaty is negatively affecting progress in mine action as a whole, including with respect to CMR.
- Ukraine should consider allowing humanitarian demining organisations to use explosives to destroy ordnance as the current situation is severely hampering progress within the sector.

CONTAMINATION

The extent of contamination from CMR in Ukraine is not known. Amid the violence that erupted in Ukraine in 2014, evidence indicates 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.¹

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 submunitions had been used in Kramatorsk and Slavyansk, in the Donetsk region of eastern Ukraine.²

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 type 9N235.³ According to the 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 Ilovaik) and Luhansk (Novosvitlivka).⁴

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.⁵ The OSCE SMM also reported evidence of CMR in Komsomolske, south-east of Donetsk, resulting from an attack on 2 February,⁶ and in Kramatorsk, in the north of the Donetsk region, on 10 February.⁷ In addition, the *Kiev Post* reported cluster munitions had been fired on the cities of Mariupol and Kramatorsk in 2015.⁸

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.⁹

Ukraine has claimed that many unexploded submunitions contaminate the Donetsk and Luhansk regions,¹⁰ with the most intensive use of cluster munitions in and around the city of Debalcevo in Donetsk oblast.¹¹ In 2017, Ukraine estimated, highly improbably, that total contamination by mines and ERW (including CMR) could extend over 7,000km².¹² The Ukrainian Ministry of Defence accepts that this is a rough estimate.¹³ It is further suggested that 15–20% of the contamination is from mines while the rest is from ERW.¹⁴ However, Ukraine cannot reliably estimate the overall extent of CMR contamination until surveys have been completed.¹⁵ 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.¹⁶

On 20 April 2018, the Resident and Humanitarian Coordinator in Ukraine reported that explosive hazard contamination in eastern Ukraine is impacting 1.9 million people, including around 200,000 children.¹⁷ Danish Demining Group (DDG), which collects casualty data from open media sources, recorded a total of 1,432 casualties from mines, submunitions, and other ERW between June 2014 and May 2017.¹⁸ The HALO Trust recorded 1,858 casualties due to mines and ERW between May 2014 and April 2018 (1,206 injured and 652 killed).¹⁹ In 2017 alone, more than 235 civilians were killed or injured by mines and ERW.²⁰ Explosive ordnance was the leading cause of child casualties, accounting for two-thirds of all recorded deaths and injuries. Many children were left with lifelong disabilities as a result of blast and fragmentation injuries.²¹

The presence or suspicion of mines and ERW inhibits freedom of movement, posing a serious threat to people crossing the contact line at the five checkpoints where one million crossings occur each month.²² Access to some villages near the contact line is also restricted as roads are contaminated by mines and ERW, cutting people off from essential services.²³ Civilians living along the contact line are unable to engage in agricultural activities, severely affecting their access

to food and livelihoods.²⁴ At the same time, they are ineligible for social assistance and still have to pay land tax, because they are deemed to own land plots with which they should be able to feed themselves.²⁵ Access to basic utilities such as water, electricity, and gas is frequently interrupted, and maintenance and repair of these utilities is impeded or made impossible by the presence of mines and ERW.²⁶ To heat homes in the winter, people go into the forest, facing significant risk from explosive ordnance as a result. This is said to have resulted in many fatalities and injuries.²⁷

In addition, explosive ordnance poses 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.²⁸

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 (see Mine Action Review's *Clearing the Mines* report on Ukraine for further information). It is also affected by unexploded ordnance (UXO) and abandoned explosive ordnance (AXO) remaining from the First World War and Second World War²⁹ 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 items from past wars covered 1,500km².³⁰ These figures are the same as those put forward in April 2015.³¹

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.³²

On 2 September 2013, Presidential Decree No. 423 on the "Mine Action National Authority" was signed, authorising the authority's establishment.³³ 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.³⁴

The Geneva International Centre for Humanitarian Demining (GICHD) has been working with the OSCE Project Co-ordinator (OSCE PCU) in Ukraine to help foster mine action institutions, including legislation.³⁵ 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.³⁶

While all areas of mine action in the Donetsk and Luhansk region, including humanitarian demining operations, are planned, coordinated, and controlled by the MoD,³⁷ 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 Defence the National Police; and the State Border Service.³⁸

The demining centre of the Ukrainian Armed Forces, in Kamyanets-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 [improvised explosive devices], and demining specialists.³⁹ Experts from the North Atlantic Treaty Organization (NATO) provide training and advice at the centre.⁴⁰ 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.⁴¹

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.⁴²

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.⁴³

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).⁴⁴ 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.⁴⁵

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).⁴⁶ In 2017, the Ministry set up a mine action unit. Although it does not have any demining capacity, it has been active in risk education and information management.⁴⁷

The OSCE has a strong presence in Ukraine, with two separate missions each having its own mandate: the SMM and the OSCE PCU. 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.⁴⁸ The OSCE PCU 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.⁴⁹

In 2016–18, the OSCE PCU, 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.⁵⁰ The OSCE PCU has also been supporting, again with GICHD assistance, Ukraine's use of the Information Management System for Mine Action (IMSMA). The OSCE PCU, with the support of the donors (Canada, the European Union, United Kingdom, and United States), was planning to implement two projects to enhance the training capacities of mine action training centres by revising the training curriculum, training national instructors, and supporting the procurement of new demining equipment.⁵¹ However, project activities that were contingent on the adoption of mine action legislation, such as the revision of the training curriculum, have been put on hold.⁵² Instead the OSCE PCU has focused on training activities, such as training of IMSMA operators and national instructors, and equipment procurement.⁵³ The donors have agreed to an extension of the project until the end of 2018 due to the delays in the adoption of the mine action law.⁵⁴

At the request of the Government of Ukraine, the United Nations conducted a mine action needs assessment mission on 23 January–5 February 2016. The mission's key findings were that:

- The humanitarian impact of ERW is high, with two to five accidents each week and contamination covers a huge area.⁵⁵
- 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 towards survey and information management.
- The understanding of mine action needs to be addressed at all levels of government. At present, the focus is only on military mine clearance; it needs to be extended to risk education, survey, victim assistance, and information management.
- A civilian oversight and policy-making body for national mine action activities needs to be created.⁵⁶

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 2009–14.⁵⁷ The programme planned clearance of 15km² over five years with the destruction of 500,000 items of ERW, but this was not achieved.⁵⁸

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 for the Cabinet of Ministers to approve the State Programme for Mine Action in Ukraine for 2017–2021. Announced by the MoD in February 2016,⁵⁹ as at May 2018 the programme was on hold pending progress with the mine action law.⁶⁰

Ukraine has developed a plan for 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.⁶¹ These remained Ukraine's goals for 2016 and 2017.⁶²

Legislation and Standards

As at May 2018, Ukraine was in the process of developing 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.⁶³ 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.⁶⁴ Furthermore, without a mine action law in place no formal process for land release exists.⁶⁵

Two draft bills were submitted to the parliament's Committee on National Security and Defence (CNSD). One of the drafts (no. 5189), dated 28 September 2016, was put forward by a Member of Parliament. The Committee recommended its rejection in April 2017.⁶⁶ The other draft (no. 5189-1), dated 12 October 2016, from the Cabinet of Ministers of Ukraine, was originally sent to the Cabinet in late 2015, endorsed in February 2016, and then submitted by the Cabinet for parliamentary approval.⁶⁷ A Cabinet reshuffle in April 2016 resulted in the Bill needing re-endorsement, after which it would be re-submitted for parliamentary approval.⁶⁸ In 2016, the draft law faced opposition in the committee stage in parliament.⁶⁹ It was sent back for improvements in April 2017.⁷⁰ Both draft bills were rejected by the CNSD on 7 June 2017.⁷¹

Later in 2017, the CNSD established a working group to prepare a third draft bill as the two draft bills submitted previously were not deemed satisfactory.⁷² As at July 2018, the CNSD was said to be in the process of finalising this draft bill.⁷³

Some of the demining operators in Ukraine have been consulted as part of the legislative process towards the establishment of mine action institutions in Ukraine.⁷⁴ 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 VR's Defence and Security Committee. During these meetings, HALO Trust supported the adoption of national legislation, and shared best practices and lessons learned from other countries.⁷⁵

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 2014.⁷⁶ Development of national standards in Ukraine has taken place with support from GICHD, the OSCE PCU and the Geneva Centre for the Democratic Control of Armed Forces (DCAF).⁷⁷ 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 (NMAS).⁷⁸ 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.⁷⁹ Ukraine subsequently adopted IMAS as "trial national regulatory acts" on 1 September 2016, under National Standardization Authority Order 230 of 8 August 2016.⁸⁰ 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.⁸¹

A plan for the adoption of NMAS was formulated at a workshop organised by GICHD and OSCE PCU from 31st October to 1st November 2017.⁸² In April 2018, the MoD sent a first draft of the national standards to GICHD and OSCE PCU for review.⁸³ A workshop organised by GICHD and OSCE PCU was held in June 2018 to discuss the draft NMAS and provide recommendations. The draft NMAS was under review as of finalising this report and the MoD was hoping it would be adopted before the end of 2018. The standards must also be approved by the National Standardisation Authority, and the process of adoption includes the sharing of national standards with key national and international stakeholders for review. The full implementation of the NMAS does, however, depend on the passing of the mine action law.⁸⁴

Quality Management

The draft mine action law envisages the operation of a national mine action centre with a QA function.⁸⁵ In the meantime, quality management (QM) of government clearance operations is overseen by the demining centre of the Ukrainian Armed Forces.⁸⁶ Both DDG and The HALO Trust conduct internal QM. For DDG, team leaders and senior mine action personnel conduct all QM, while in The HALO Trust team leaders and supervisors conduct QC during clearance while a roving officer conducts QA.⁸⁷ HALO Trust planned to appoint an internal QA manager in 2018 who will be responsible for all internal QM.⁸⁸

The HALO Trust is planning to deliver QM training to the future national mine action authority.⁸⁹ 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 manual and mechanical demining and the use of 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.⁹⁰ The HALO Trust also hosted a visit from the MoD's Demining Centre who were undergoing an accreditation process in 2018 to become the body responsible for accrediting other demining organisations and, if successful, will also conduct external QA.⁹¹

Information Management

In cooperation with the OSCE PCU and the GICHD, SESU has begun using IMSMA.⁹² In 2015, IMSMA was piloted by the GICHD and SESU in four regions of Ukraine.⁹³ 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).⁹⁴ The GICHD reported providing IMSMA training to staff from the various government ministries and agencies and international NGOs.⁹⁵ The HALO Trust has also been supporting the OSCE PCU to set up IMSMA, and in 2017 it supported the OSCE in developing technical and structural recommendations for an IMSMA system. The HALO Trust continues to work with the MoD and other mine action stakeholders to develop standardised IMSMA-compatible reporting templates.⁹⁶

As at October 2016, three government departments in Ukraine were using IMSMA: SESU, the MoD, and the State Special Transport Services. There are two functioning IMSMA databases, one managed by SESU and the other by the MoD, which collects and analyses contamination and land release data from national operators and NGOs.⁹⁷ As at July 2018, data on mine accidents, risk education, and victim assistance are not yet collected.⁹⁸ The databases are reportedly complementary, as they are separated based on region, thematic area, and operational purpose.⁹⁹ Consolidation of the SESU and MoD databases will only be possible once Ukraine has adopted mine action legislation, which will serve as the basis for the national mine action authority and mine action centre. It will be the task of the national mine action centre to consolidate the two existing databases and to create a central national IMSMA database.¹⁰⁰

In June 2017, the GICHD reported it had conducted an Information Management assessment that will serve as basis to develop a roadmap for future collaboration with the SESU and MoD.¹⁰¹ As at July 2018, the plan was for the IMSMA server to be installed by the end of the year.¹⁰²

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 SESU), the Security Service, the State Special Transport Service, and the State Border Service.¹⁰³

A Commission on Humanitarian Demining within SESU coordinates the activities of SESU pyrotechnic teams and determines SESU's priorities.¹⁰⁴ In December 2015, Ukraine reported that during the ongoing conflict SESU had suffered severe losses to its buildings and vehicles.¹⁰⁵ 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 in key aspects of demining, in addition to providing training to SESU medics.¹⁰⁶ Support was also being provided by the OSCE PCU¹⁰⁷ and by NATO.¹⁰⁸

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 Joint Forces Operation 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 Defence'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.¹⁰⁹

As at June 2018, the Ukrainian authorities were deploying 55 demining teams (totalling 259 personnel), of which 37 teams were deployed by the Ministry of Defence.¹¹⁰ Ukroboronservice, a state enterprise whose activities include arms manufacture, also has a "humanitarian demining" section.¹¹¹ As at June 2018, Ukroboronservice was conducting commercial clearance outside Ukraine.¹¹²

Three international demining organisations – DDG, the Swiss Foundation for Mine Action (FSD), and The HALO Trust – are operating in Ukraine.¹¹³ 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 2017.¹¹⁴ DDG Ukraine currently primarily runs its operations out of offices in Severodonetsk, but also from Mariupol, and has its head office in Kiev.¹¹⁵ As at May 2018, DDG was deploying two manual demining teams which are also able to conduct BAC with a plan to increase its capacity to three demining teams during the year.¹¹⁶ DDG completed limited non-technical survey of conflict-affected communities in Luhansk and Donetsk oblasts during 2017.¹¹⁷ Information gathered by the teams will be used to plan where clearance is

most urgently needed.¹¹⁸ In April 2017, DDG provided EOD training to two staff from SESU and two from the Special Transport Service.¹¹⁹

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).¹²⁰ 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.¹²¹ As at June 2018, The HALO Trust had 244 staff of whom 218 were engaged in survey, mine clearance, or BAC operations. A new training course for a further 40 staff began in June 2018.¹²² 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.¹²³ Since the first quarter of 2017, The HALO Trust has recruited women who have subsequently begun working as the first female deminers in Ukraine.¹²⁴

As at June 2018, The HALO Trust had imported one unarmoured CASE 621C front-loader, which was being armoured in-country. HALO Trust has planned to import a second armoured loader, as well as three lightly armoured remote-controlled vegetation-cutting machines. Trials of these machines was scheduled for mid-2018, with the potential to greatly increase tripwire search efficiency.¹²⁵

The HALO Trust has been conducting survey in Volnovaskyyi, Marinskyi, Yasynuvatskyi, Slovianskyi, Nikolskyi, Pokrovskyi, Bakhmutskyi, Kostantynivskyi, Dobropilskyi, Oleksandrivskyi, and Lymanskyi districts in the Donetsk region, and Stanychno-Luhanskyi, Novoaidarskyi, and Milovskyyi districts in the Luhansk region. HALO Trust's survey operations may take place less than 1km from the Line of Contact. As of writing, HALO Trust's nearest clearance task was situated 3km from the Line of Contact.

As at July 2018, humanitarian demining organisations in Ukraine did not have access to explosives to destroy ordnance and, as such, cannot conduct demolitions. This is severely hampering progress within the sector.¹²⁶ The HALO Trust EOD callouts involve handing over ammunition to state authorities. In 2017, HALO Trust handed over six landmines as a result of EOD callouts (two tripwire-initiated F1 fragmentation grenades, one MON-50, one MON-90, and one POMZ-2).¹²⁷ FSD is investigating the use of non-explosive methods to destroy ordnance while The HALO Trust continues to explore avenues for the granting of a licence to use explosives.¹²⁸ The lack of a functioning mine action authority means that there is no clear route for humanitarian organisations to receive such a licence.¹²⁹

FSD started operations in Ukraine in early 2015 with a small grant for risk education in conflict-affected areas in the east. FSD subsequently gained accreditation for survey and clearance operations, and has had survey teams operating in eastern Ukraine since early

2017, including mine clearance and EOD. FSD works closely with regional security forces to clear explosive ordnance from conflict-affected areas.¹³⁰ In 2017, FSD increased its capacity to include a clearance team. The training was conducted at the Ukrainian Armed Forces Demining Centre at Kamianets-Podilsky in April 2017 and clearance operations began in May 2017. A further training course was conducted from March to April 2018 for additional clearance personnel and a non-technical survey team. FSD now employs female clearance personnel and they have appointed a female team leader

to the non-technical survey team. It is expected that FSD will relocate a mechanical clearance machine to Ukraine from another FSD programme later in 2018.¹³¹

In addition, a Ukrainian organisation, “Demining Team of Ukraine” is active in demining in eastern Ukraine.¹³²

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.¹³³

LAND RELEASE

Since the outbreak of fighting in eastern Ukraine, clearance of ERW has been undertaken by both Ukrainian government authorities and separatist groups.¹³⁴ 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.¹³⁵ Once identified, ERW are marked on the ground and their position fixed and reported to the local authorities.¹³⁶ ERW are either destroyed in situ or removed to storage areas or compounds for destruction later.¹³⁷

SESU clearance has been slower in rural areas than in towns and cities.¹³⁸ In February 2016, SESU claimed that, since the beginning of fighting in 2014, it had cleared some 140km² across the whole country, and disposed of more than 202,000 explosive objects.¹³⁹ Non-technical survey is helping to identify contaminated land, especially in liberated areas.¹⁴⁰ The Ukrainian Armed Forces are responsible for clearing ERW in areas close to the front-lines and former military positions.¹⁴¹ In December 2015, the working group of the Trilateral Contact Group on Ukraine agreed 12 priority areas for humanitarian demining.¹⁴²

In areas controlled by pro-Russian groups, separatists are said to be also clearing ERW and mines. In areas of Donetsk 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.¹⁴³

The Ukrainian authorities and the pro-Russian separatists are, to varying degrees, recording written logs of emergency call-outs and clearance operations,¹⁴⁴ but data is not always disaggregated into weapon type.¹⁴⁵ 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 2017

In 2017, The HALO Trust confirmed through survey as CMR contaminated four hazardous areas in Svatove village, in Svativskyi district of Luhansk oblast, totalling an estimated area of 431,537m².¹⁴⁶

In 2017, FSD reduced one site by technical survey in the city of Kotovsk, Odessa Oblast. No CMR were found during the survey.¹⁴⁷

In 2017, DDG confirmed 1.45km² as contaminated with mines/ERW in the Myrna Dolyna village, Popasnianskyi district, Luhansk region. A total of seven suspected hazardous areas (SHAs) were confirmed as contaminated by non-technical survey.¹⁴⁸ No CMR were found during the survey.¹⁴⁹

Clearance in 2017

The HALO Trust cleared four areas in 2017 in Svatove village in Luhansk oblast totalling 50,432m². This clearance was of an ammunition storage area that exploded in 2015. No CMR were found during clearance.¹⁵⁰

FSD began BAC operations in May 2017 and by the end of the year two sites had been cleared while a third task was suspended in early December 2017 because of poor weather. No CMR were found during clearance.¹⁵¹

DDG did not conduct BAC in 2017.¹⁵²

Progress in 2018

The Ministry of Defence planned to focus on demining civilian territories and water pipe and gas pipe infrastructure in 2018, along with continued non-technical and technical survey, risk education, and victim assistance.¹⁵³

The HALO Trust was expecting to expand its operational capacity to approximately 300 staff by the end of 2018. HALO Trust’s priority for 2018 was to expand clearance capacity in the buffer zone, where 84% of mine and ERW incidents take place. The deployment of mechanical clearance assets, combined with the increase in capacity of manual deminers, will allow HALO Trust to finish current clearance tasks in areas further from the line of contact. This increased capacity will then focus on a number of high priority tasks that HALO Trust has

identified in Bakhmutyskiy, Mariupolskiy, and Stanychno-Luhanskiy regions. The HALO Trust also intended to support capacity development in 2018, with QM training of the MoD's Demining Centre in Kamenets Podylskiy and non-technical survey training of SESU.¹⁵⁴

FSD was planning to increase its clearance capacity in 2018 with the creation of dedicated "large loop" crews to assist with BAC tasks.¹⁵⁵

DDG planned to expand capacity by deploying an additional demining team.¹⁵⁶

ARTICLE 4 COMPLIANCE

Ukraine is not a state party 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.¹⁵⁷ Ukraine also receives assistance from foreign partners (OSCE and NATO) for demining equipment.¹⁵⁸

The HALO Trust was expecting to receive more funding in 2018 than the previous year as funding from its two largest donors was likely to increase.¹⁵⁹ FSD expected to receive the same amount of funding in 2018.¹⁶⁰ DDG was expecting to receive increased funding in 2018 after a slight reduction in 2017.¹⁶¹

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