



# UKRAINE

**ARTICLE 5 DEADLINE: 1 JUNE 2016**  
(IN SERIOUS VIOLATION OF ARTICLE 5)

<b>PROGRAMME PERFORMANCE</b>	For 2015	For 2014
Problem understood	4	5
Target date for completion of mine clearance	2	4
Targeted clearance	5	5
Efficient clearance	5	5
National funding of programme	6	6
Timely clearance	4	4
Land release system in place	5	5
National mine action standards	5	6
Reporting on progress	4	4
Improving performance	4	5
<b>PERFORMANCE SCORE: POOR</b>	<b>4.4</b>	<b>4.9</b>

## PERFORMANCE COMMENTARY

Ukraine's mine action performance was decidedly mixed in 2015. Ukraine has made progress towards establishing a mine action law and national mine action programme, which, once in place should help Ukraine better coordinate and carry out demining activities. In addition, survey and clearance of mines in government-controlled areas of eastern Ukraine is now taking place. However, Ukraine has not yet submitted an Article 5 extension request, and is therefore in serious violation of the Anti-Personnel Mine Ban Convention (APMBC). As such, Ukraine's overall performance declined.

### RECOMMENDATIONS FOR ACTION

- Ukraine should ensure it does not use anti-personnel mines.
- Ukraine should request an extension to its APMBC Article 5 clearance deadline, without further delay.
- Ukraine should take all necessary measures to protect civilians from mines and explosive remnants of war (ERW).
- Ukraine should establish an operational national mine action centre (NMAC) under civilian control.
- Ukraine should establish a centralised database to collate information on mine and ERW contamination resulting from the ongoing conflict.
- Ukraine should continue to undertake survey to identify the extent and impact of anti-personnel mines (in particular in Donetsk and Luhansk), and conduct clearance as soon as possible.

## CONTAMINATION

In the first half of 2014, armed violence erupted between Ukrainian government forces and Russian-backed separatists in the Crimean peninsula and in the east of the country in the Luhansk and Donetsk regions. Firm evidence exists that mines have been used in the resultant armed conflicts,<sup>1</sup> including by Ukrainian armed forces, though the full nature and extent of contamination is likely to remain unclear until the cessation of hostilities. A June 2016 report of the Office of the United Nations High Commissioner for Human Rights (OHCHR), covering 16 February to 15 May 2016, stated that "Ukrainian armed forces and armed groups continue to lay landmines, including anti-personnel mines, despite Ukraine's obligations as a State party to the 1997 Mine Ban Treaty."<sup>2</sup>

Prior to the current conflicts, Ukraine was affected by mines and other ordnance, mostly as a result of heavy fighting between German and Soviet forces in World War II, but also from combat in World War I. Ministry of Defence engineering units partially cleared affected areas in the mid-1970s, suggesting that a problem may

remain, but the location and extent of any mine threat is not known. In its latest APMBC Article 7 transparency report (for 2015), Ukraine reports that exact information is not available on known or suspected areas containing anti-personnel mines under its jurisdiction or control, and no further information is provided on the nature or extent of the contamination, other than the fact that mined areas are being cleared in Donetsk and Luhansk.<sup>3</sup>

In February 2015, the Organization for Security and Co-operation in Europe (OSCE) reported contamination in Ukraine with OZM-72 bounding fragmentation mines, MON (50, 90, 100, and 200) directional anti-personnel mines, and TM-62 anti-vehicle mines.<sup>4</sup> In an April 2015 Technical Briefing Note, Human Rights Watch reported the presence of at least two types of blast anti-personnel mines, three types of MON-series directional fragmentation mines, and OZM-72 bounding fragmentation mines that can function as anti-personnel mines depending on the type of fuze used, as well as PDM-1M anti-landing mines equipped with fuzes capable of being activated by the unintentional act of a person.<sup>5</sup>

1 Human Rights Watch, "Landmines in Ukraine: Technical Briefing Note", 6 April 2015, at: <https://www.hrw.org/news/2015/04/06/landmines-ukraine-technical-briefing-note>; Protection Cluster Ukraine, "Eastern Ukraine: Brief on the need for humanitarian mine action activities", at: [http://www.globalprotectioncluster.org/\\_assets/files/field\\_protection\\_clusters/Ukraine/mine\\_action/IASC\\_GPC\\_2%20pager%20on%20MA%20needs.pdf](http://www.globalprotectioncluster.org/_assets/files/field_protection_clusters/Ukraine/mine_action/IASC_GPC_2%20pager%20on%20MA%20needs.pdf); "Minefields Kill 261, Wound 479", *Kyiv Post*, 21 January 2016, at: <https://www.kyivpost.com/article/content/kyiv-post-plus/minefields-kill-261-wound-479-406428.html>; and "Ukraine's desperate attempt to defuse landmines – as more are planted", *The Guardian*, 4 April 2016, at: <https://www.theguardian.com/global-development/2016/apr/04/ukraine-attempt-defuse-landmines-as-more-are-planted>.

2 OHCHR, "Report on the human rights situation in Ukraine 16 February to 15 May 2016", June 2016, p. 14.

3 See APMBC Article 7 Report (for 2015), Form C.

4 OCSE, "ERW clearance in a conflict setting", presentation by Anton Shevchenko, 18th International Meeting of Mine Action National Programme Directors and UN Advisors, Geneva, 16 February 2015.

5 Human Rights Watch, "Landmines in Ukraine: Technical Briefing Note", 6 April 2015.

In September 2015, OSCE observed four blast PMN type anti-personnel mines on the outskirts of Pavlopol, a government-controlled village, 26km north-east of Mariupol.<sup>6</sup> In April 2016, OSCE observed an anti-personnel mine south-west of an “LPR” checkpoint near Stanytsia Luhanska bridge (16km north-east of Luhansk).<sup>7</sup> In September 2016, OSCE observed a “string of anti-personnel mines (POM2)”, in “DPR”-controlled Petrivske, and anti-tank and anti-personnel mines along the closed crossing route between “LPR”-controlled Pervomaisk and government-controlled Zolote.<sup>8</sup>

In June 2015, at the APMBC intersessional meetings, Ukraine claimed that it had not used anti-personnel mines since signing the APMBC in 1999, but accused Russia of having used anti-personnel mines in the current conflict.<sup>9</sup> At the intersessional meetings, Ukraine also asserted that approx. 8% of the territory in eastern Ukraine is contaminated with anti-personnel mines and improvised explosive devices (IEDs).<sup>10</sup> It appears that reports of minefields being employed to demarcate border areas after the annexation of the Crimea may actually have been either ‘phony minefields’ or areas containing trip-flares.<sup>11</sup>

While Ukraine did not report the detailed location of suspected or confirmed anti-personnel contamination in its APMBC Article 7 transparency report for 2015, it did state that anti-personnel mines had been cleared and destroyed by engineering and demining units of the Armed Forces of Ukraine, the National Border Guard Service, and the State Emergency Service of Ukraine (SESU), “during antiterrorist operations”.<sup>12</sup>

According to a September 2016 OHCHR report, during the reporting period of 16 May to 15 August 2016, mines, ERW, booby-traps, and IEDs killed at least 13 (one woman and a girl, nine men, and two boys) and injured a further 41 (five women and a girl, twenty-nine men and four boys, and two children whose sex is unknown). Furthermore, seven civilians (one woman and six men) were injured by unidentified explosives (either by shelling or ERW or abandoned explosive ordnance).<sup>13</sup> Mines, ERW, booby-traps, and IEDs accounted for 30% of the total civilian casualties during this same reporting period.<sup>14</sup> Danish

Demining Group (DDG), which collects casualty data from open media sources, recorded a total of 1,048 casualties (killed and injured) from mines, cluster munition remnants (CMR), and other ERW between 19 July 2014 and 19 October 2016.<sup>15</sup>

In addition to posing a serious risk to human life, mines and ERW also have a detrimental socio-economic impact, preventing safe use of agricultural land for crops or grazing land for livestock – two major sources of livelihood.<sup>16</sup> Indeed, mines and booby-traps are said to have been laid deliberately to block access to essential infrastructure as well as to forested areas where people gather wood to heat their homes.<sup>17</sup> Those living in conflict-affected areas, especially around the contact line, are among the most vulnerable, including the elderly, persons with disabilities, and the poor. To heat homes in the winter, people go into the forest. This is said to have resulted in many fatalities and injuries.<sup>18</sup> The risks posed by mines and booby-traps are particularly acute for people living in towns and settlements near the contact line, as well as the 23,000 people who cross the contact line every day.<sup>19</sup>

Explosive contamination also pose a particular risk to the internally displaced and returning refugees, especially in areas fought over previously and which are now away from the front line.<sup>20</sup>

## 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, the Ministry of Emergency Situations, and Ukroboronservice (a state-owned commercial company), to put forward proposals for a national body to oversee demining.<sup>21</sup> On 2 September 2013, Presidential Decree No. 423 on the “National Mine Action Authority” authorised the authority’s establishment.<sup>22</sup> Following the decree, the Ministry of Defence’s Department of Environmental Safety and Mine Action was tasked with coordinating demining nationally and serving as the secretariat to the NMAA in Ukraine.<sup>23</sup>

6 OCSE, “Latest from OSCE Special Monitoring Mission (SMM) to Ukraine based on information received as of 28 September 2015”, 29 September 2015.

7 OCSE, “Latest from SMM to Ukraine, based on information received as of 19:30hrs, 5 April 2016”, 6 April 2016.

8 OCSE, “Latest from SMM to Ukraine, based on information received as of 19:30, 27 September 2016”, 28 September 2016; and OCSE, “Latest from SMM to Ukraine, based on information received as of 19:30, 26 September 2016”, 27 September 2016.

9 Statement of Ukraine, APMBC Intersessional Meetings (Cooperative Compliance Committee), Geneva, 25–26 June 2015.

10 Ibid.

11 CCW Amended Protocol II (Art. 2[8]) defines a phoney minefield as “an area free of mines that simulates a minefield. The term ‘minefield’ includes phoney minefields.”

12 APMBC Article 7 Report (for 2015), Forms C and F.

13 OHCHR, “Report on the human rights situation in Ukraine 16 May to 15 August 2016”, September 2016, p. 12.

14 Ibid., p. 13.

15 Email from Rowan Fernandes, Head of Programme, DDG Ukraine, 20 October 2016.

16 OSCE, “Cleaning-up unexploded ordnance in eastern Ukraine”, 31 July 2015; OSCE, “Latest from SMM to Ukraine based on information received as of 18:00 (Kyiv time), 6 April 2015, 7 April 2015; OSCE, “Latest from SMM to Ukraine based on information received as of 18:00 (Kyiv time) 3 April 2015, 6 April 2015; and OSCE, “Latest from SMM to Ukraine based on information received as of 18:00 (Kyiv time), 2 April 2015, 3 April 2015.”

17 Protection Cluster Ukraine, “Eastern Ukraine: Brief on the need for humanitarian mine action activities”.

18 Ibid.; and OHCHR, “Report on the human rights situation in Ukraine, 16 February to 15 May 2016”, June 2016, p. 14.

19 OHCHR, “Report on the human rights situation in Ukraine 16 February to 15 May 2016”, p. 14.

20 Protection Cluster Ukraine, “Eastern Ukraine: Brief on the need for humanitarian mine action activities”.

21 Cabinet of Ministers Order No. 73471/1/1-09, 25 December 2009.

22 CCW Amended Protocol II Article 13 Report (for 2014), Form D; and Protocol V Article 10 Report (for 2014), Form A.

23 Interview with Col. Oleksandr Shchebetiuk, Head of Engineers Ammunition Service, Central Engineering Department, Ukrainian Armed Forces, in Geneva, 26 June 2015; and email from Anton Shevchenko, Project Officer, Politico-Military and Environmental Projects, OSCE, 23 June 2015.

As at May 2016, Ukraine was in the process of passing mine action legislation that would list the executive bodies involved in mine action in Ukraine, regulate the national mine action authority, and mandate development of a priority action plan.<sup>24</sup> The Mine Action Bill was sent to the Cabinet in late 2015, endorsed in February 2016, and then submitted by the Cabinet for parliamentary approval.<sup>25</sup> A change of Cabinet in April 2016 resulted in the Bill needing re-endorsement, after which it will be re-submitted for parliamentary approval.<sup>26</sup> On 26 July 2016, it was reported that “The Cabinet of Ministers will soon consider a draft law on mine action”.<sup>27</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>28</sup> A timeline for the establishment of a national mine action centre, under a multi-ministry NMAA, is to be agreed once the mine action legislation has been adopted.<sup>29</sup>

Currently, while responsibility for mine action coordination falls principally to the National Security and Defence Council and the Ministry of Defence, several other ministries are also involved in the sector, including Internal Affairs (the National Police and National Guard), the Security Services, SESU (formerly known as the Ministry of Emergencies), the State Special Transport Services of the Ministry of Infrastructure, and the State Border Service.<sup>30</sup>

The demining centre of the Ukrainian Armed Forces, in Kamianets-Podilsky, mainly 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>31</sup> Experts from the North Atlantic Treaty Organization (NATO) provide training and advice at the centre, and in December 2015 several units from Canada were training deminers alongside Ukrainian experts.<sup>32</sup> All Ukrainian Armed Forces engineering

units are involved in humanitarian demining in eastern Ukraine and not solely EOD spot tasks. Furthermore, the engineering units are responsible for the destruction of all ERW and mines detected by SESU and clearance NGOs.<sup>33</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 (NTS), demining, internal quality control (QC) of SESU units, information management, and handover of land cleared by SESU to local authorities, as well as risk education.<sup>34</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 focus on EOD and battle area clearance (BAC).<sup>35</sup> Furthermore, SESU has initiated establishment of a Regional Centre for Humanitarian Demining, based in Lysychansk in Luhansk region. The new centre is intended to ensure trained SESU deminers can be sent to affected areas in the east under government control.<sup>36</sup>

The OSCE has a strong presence in Ukraine, and has two separate missions, each with its own mandate: the Special Monitoring Mission (SMM) and its Project Coordinator. The SMM is mandated to contribute to reducing tensions and to help foster peace, stability, and security. As part of this role, it gathers information and reports on alleged violations of fundamental OSCE principles.<sup>37</sup> The OSCE Project Coordinator 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>38</sup>

24 “Mine Action in Ukraine”, Side-event presentation by Lt.-Col. Yevhenii Zubarevskiyi, Ministry of Defence, Geneva, 17 February 2016; and interviews in Geneva, 19 February and 20 May 2016.

25 “Mine Action in Ukraine”, Side-event presentation by Lt.-Col. Yevhenii Zubarevskiyi, Ministry of Defence, Geneva, 17 February 2016; and interview, in Geneva, 19 February 2016.

26 Interview with Lt.-Col. Yevhenii Zubarevskiyi, Ministry of Defence, in Geneva, 20 May 2016.

27 “Ukraine prepares bill on mine action based on current standards”, *Interfax*, 26 July 2016, at: <http://en.interfax.com.ua/news/general/360019.html>.

28 GICHD, “Conference on Ukraine’s current security, humanitarian demining and ERW challenges”, News release, Geneva, 24 April 2015.

29 Interview with Lt.-Col. Yevhenii Zubarevskiyi, Ministry of Defence, in Geneva, 18 February 2016.

30 *Ibid.*; and email from Anton Shevchenko, OSCE, 14 June 2016.

31 Emails from Anton Shevchenko, OSCE, 14 June 2016; and Lt.-Col. Yevhenii Zubarevskiyi, Ministry of Defence, 17 June 2016.

32 National Security and Defence Council and the SESU, “Humanitarian demining in Ukraine: current issues and challenges”, Ukraine Side-event, 14MSP, Geneva, 2 December 2015; and National Defence and the Canadian Armed Forces, “Operations UNIFIER”, accessed 11 June 2016, at: <http://www.forces.gc.ca/en/operations-abroad/op-unifier.page>.

33 Email from Lt.-Col. Yevhenii Zubarevskiyi, Ministry of Defence, 21 October 2016.

34 *Ibid.*; and Humanitarian mine and UXO clearing of the territory of Ukraine conducted by the State Emergency Service of Ukraine”, Side-event presentation by Col. Oleh Bondar, SESU, Geneva, 17 February 2016; and email from Lt.-Col. Yevhenii Zubarevskiyi, Ministry of Defence, 17 June 2016.

35 Email from Anton Shevchenko, OSCE, 14 June 2016.

36 “Humanitarian mine and UXO clearing of the territory of Ukraine conducted by the State Emergency Service of Ukraine”, Side-event presentation by Col. Oleh Bondar, SESU, Geneva, 17 February 2016.

37 OSCE Special Monitoring Mission to Ukraine, “Mandate”, at: <http://www.osce.org/ukraine-smm/117729>.

38 OSCE Project Coordinator in Ukraine, “Mandate”, at: <http://www.osce.org/ukraine/106005>.

In 2016–18, the Project Coordinator, with GICHD assistance, plans to provide policy and legal support to Ukraine, including for the establishment of a national mine action programme overseen by an NMAA and mine action centre and underpinned by national standards.<sup>39</sup> The OSCE Project Coordinator has also been supporting, again with GICHD assistance, Ukraine's use of the Information Management System for Mine Action (IMSMA); demining training programmes; and has provided equipment and supplies.<sup>40</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 contamination by 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>41</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>42</sup> The programme foresaw clearance of 15km<sup>2</sup> over five years with the destruction of 500,000 items of ERW. As at June 2016, the government was in the process of developing a State Programme on mine action for 2017–21, which will cover all areas of mine action.<sup>43</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 unexploded ordnance (UXO) from agricultural areas.<sup>44</sup> These remained Ukraine's goals for 2016, while, in addition, local government authorities have been helping to prioritise clearance tasks based on humanitarian criteria.<sup>45</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>46</sup> On 27 January 2016, during the UN needs assessment mission, the Ukrainian Ministry of Defence expressed its support for IMAS to serve as national mine action standards.<sup>47</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 Standardization Authority in Ukraine.<sup>48</sup> Ukraine subsequently adopted IMAS as a "trial national regulatory acts" on 1 September 2016, under National Standardization Authority Order 230 of 8 August 2016.<sup>49</sup>

## Operators

Following a presidential decree in September 2013, the Ministry of Defence is the central coordinating body for demining in Ukraine. However, a number of other ministries continue to deploy units to undertake clearance and disposal of ERW and mines, including SESU, the Ministry of Internal Affairs (National Police and National Guard), the Security Service, the State Special Transport Service, and the State Border Service.<sup>50</sup>

A Commission on Humanitarian Demining of SESU coordinates the activities of SESU pyrotechnic teams and determines SESU's priorities.<sup>51</sup> In December 2015, Ukraine reported that during the ongoing conflict SESU had suffered severe losses to its buildings and vehicles.<sup>52</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 in demining, including how to conduct operations in accordance with IMAS, as well as providing training to SESU medics associated with the teams.<sup>53</sup> A similar project is also being implemented by the OSCE Project Co-ordinator<sup>54</sup> and by NATO.<sup>55</sup>

39 "Mine Action Activities", Side-event presentation by Amb. Vaidotas Verba, Head of Mission, OSCE Project Coordinator in Ukraine, at the 19th International Meeting, 17 February 2016.

40 Ibid.

41 UN Ukraine, "Joint UN Mission to Assess Mine Action Needs in Ukraine", 25 January 2016.

42 Email from Lt.-Col. Vitaliy Baranov, Ministry of Defence, 20 January 2010.

43 "Mine Action in Ukraine", Side-event presentation by Lt.-Col. Yevhenii Zubarevskiyi, Ministry of Defence, Geneva, 17 February 2016; and email from Anton Shevchenko, OSCE, 14 June 2016.

44 Statement of Ukraine, CCW Protocol V Meeting of Experts, Geneva, April 2015.

45 Interview with Lt.-Col. Yevhenii Zubarevskiyi, Ministry of Defence, in Geneva, 20 May 2016.

46 CCW Amended Protocol II Article 13 Report (for 2014), Form D; and Protocol V Article 10 Report (for 2014), Form A.

47 Ministry of Defence, "Joint UN Mission to Assess Mine Action Needs works in Ukraine", 29 January 2016, at: <http://www.mil.gov.ua/en/>

[news/2016/01/29/joint-un-mission-to-assess-mine-action-needs-works-in-ukraine/](http://www.mil.gov.ua/en/news/2016/01/29/joint-un-mission-to-assess-mine-action-needs-works-in-ukraine/).

48 Interview with Lt.-Col. Yevhenii Zubarevskiyi, Ministry of Defence, in Geneva, 20 May 2016; and email, 17 June 2016.

49 Email from Pascal Rapillard, Head, External Relations and Governance, Policy and Communication, GICHD, 21 October 2016.

50 Interview with Col. Oleksandr Shchebetiuk, Ukrainian Armed Forces, in Geneva, 26 June 2015; email from Anton Shevchenko, OSCE, 23 June 2015; and "Mine Action in Ukraine", Side-event presentation by Lt.-Col. Yevhenii Zubarevskiyi, Ministry of Defence, Geneva, 17 February 2016.

51 Ibid.

52 Statement of Ukraine, APMB 14MSP, Geneva, 2 December 2015.

53 Emails from Rowan Fernandes, DDG Ukraine, 20 May and 17 June 2016.

54 Email from Anton Shevchenko, OSCE, 14 June 2016.

55 NATO, "NATO supports humanitarian demining in Ukraine", 27 May 2016, at: [http://www.nato.int/cps/en/natohq/news\\_131607.htm](http://www.nato.int/cps/en/natohq/news_131607.htm).

The Ministry of Defence is responsible for all areas where the military are permanently stationed as well as for the Anti-Terrorist Operation (ATO) zone in Donbass, the east of Ukraine that covers both the Donetsk and Luhansk regions. The Ministry's Engineering Division conducts spot clearance of UXO. 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>56</sup>

As at April 2015, the Ministry of Internal Affairs deployed 27 units totalling nearly 200 people. Forty per cent of capacity is dedicated to humanitarian demining and ERW clearance in areas contaminated as a result of former conflicts.<sup>57</sup> The Ministry of Defence was deploying 25 manual clearance teams totalling 125 deminers, 2 explosive detection dog (EDD) teams, 15 demining robots, and 4 BMR-2 armoured demining machines.<sup>58</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>59</sup> Ukroboronservice, a state enterprise whose activities include arms manufacture, also has a "humanitarian demining" section.<sup>60</sup> As at May 2016, Ukroboronservice was not conducting clearance operations in Ukraine.<sup>61</sup>

Three international demining organisations – DDG, the Swiss Foundation for Mine Action (FSD), and HALO Trust – were operating in Ukraine as at May 2016.<sup>62</sup> DDG began risk education in late 2014 in Donbass and in February 2016 it began to conduct NTS in government-controlled areas of the region. It received formal approval from the authorities to conduct survey at the beginning of April.<sup>63</sup> As at May 2016, DDG was deploying three survey teams,

comprising eleven personnel, including one driver and two managers.<sup>64</sup> DDG Ukraine currently runs operations out of offices in Severodonetsk and Mariupol, and has its head office in Kiev.<sup>65</sup> DDG's NTS project, funded by the EU, was coming to an end in October 2016, and DDG planned to re-orientate its capacity, including by training NTS staff to conduct technical survey and clearance.<sup>66</sup>

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>67</sup> In early 2016, HALO Trust began conducting NTS, mine clearance, and BAC in government-controlled areas of Luhansk and Donetsk regions, more than 15km from the contact line.<sup>68</sup> HALO's capacity as at September 2016 was eight clearance teams (each with eleven deminers, one driver, and one team leader) and four NTS teams.<sup>69</sup> HALO was employing 119 Ukrainian staff, providing training and management expertise while local capacity was being developed.<sup>70</sup> As at September, no mechanical clearance had taken place due to limited resources, but HALO planned to deploy mechanical assets as soon as funding permitted.<sup>71</sup>

As at September 2016, FSD had only been undertaking risk education activities in government-controlled areas of Donetsk and Luhansk regions, but hoped to begin NTS in November 2016. In addition, with funding secured from Canada, FSD was preparing to commence mine clearance and/or BAC, with the aim of initiating clearance operations in government-controlled areas of Donetsk and Luhansk by early 2017.<sup>72</sup>

It has also been claimed that Emercom, Russia's state agency for emergencies, has planned to begin clearance in areas under the control of separatists in the east.<sup>73</sup>

56 Interview with Col. Oleksandr Shchebetiuk, Ukrainian Armed Forces, in Geneva, 26 June 2015; and email from Anton Shevchenko, OSCE, 23 June 2015.

57 Statement of Ukraine, CCW Protocol V Meeting of Experts, Geneva, April 2015.

58 OSCE, "ERW clearance in a conflict setting", Presentation by Anton Shevchenko, 16 February 2015.

59 "Mine Action in Ukraine", Side-event presentation by Lt.-Col. Yevhenii Zubarevskiy, Ministry of Defence, Geneva, 17 February 2016.

60 See Ukroboronservice, undated, at: <http://en.uos.ua/>.

61 Interview with Col. Yevhenii Zubarevskiy, Ministry of Defence, in Geneva, 20 May 2016.

62 Ibid.; and email from Rowan Fernandes, DDG Ukraine, 17 June 2016.

63 Email from Rowan Fernandes, DDG Ukraine, 20 May 2016.

64 Ibid.

65 DDG website, accessed 29 September 2016, at: <http://danishdemininggroup.dk/danish-demining-group/where-we-work/ukraine>.

66 Email from Oleksandr Lobov, National Operations Coordinator, DDG, 19 October 2016.

67 HALO Trust, "Boris Johnson pledges £2m from UK for demining in Ukraine", 15 September 2016, at: <https://www.halotrust.org/media-centre/news/boris-johnson-pledges-2m-from-uk-for-demining-in-ukraine/>.

68 Interview with Adam Jasinski, Programme Manager for Ukraine, HALO Trust, Thornhill, 28 April 2016; and email, 18 May 2016.

69 Email from Yuri Shahramanyan, Programme Manager, HALO, 3 October 2016.

70 HALO Trust, "Boris Johnson pledges £2m from UK for demining in Ukraine", 15 September 2016.

71 Email from Yuri Shahramanyan, HALO Trust, 3 October 2016.

72 Email from Mike Barry, Programme Manager, FSD Ukraine, 30 September 2016.

73 Protection Cluster Ukraine, "Eastern Ukraine: Brief on the need for humanitarian mine action activities".

## Quality Management

The draft mine action law envisages a national mine action centre with a QA function.<sup>74</sup> In the meantime, quality management (QM) of government clearance operations is overseen by the demining centre of the Ukrainian Armed Forces.<sup>75</sup> Both DDG and HALO Trust are conducting internal QM. For DDG, team leaders and lead mine action personnel conduct QM tasks, while in HALO Trust team leaders and supervisors conduct QC during clearance while a roving office conducts QA.<sup>76</sup>

## Information Management

In cooperation with the OSCE Project Co-ordinator and GICHD, SESU began using the IMSMA database.<sup>77</sup> In 2015, IMSMA was piloted by GICHD and SESU in four regions of Ukraine.<sup>78</sup> In November and December, IMSMA training was conducted for 10 regional operators, and SESU plans to expand use to 24 regional operators, grouped into eight regional centres (Volyn, Carpathian, Podolsky, Tauric, Dniprovskiy, Eastern Poliskyi and Central) and the Operational Centre in Kiev.<sup>79</sup>

As at October 2016, three government departments in Ukraine were using IMSMA: SESU, the Ministry of Defence (MoD), and the State Special Transport Services of the Ministry of Interior. SESU is working with data from its demining teams. The MoD is working to create a national database of contamination data from all non-governmental organisations (NGOs) engaged in humanitarian demining in Ukraine.<sup>80</sup> It is also setting up a national database of contamination data from all national entities and government departments involved in mine action in Ukraine, as well as from non-governmental organisations (NGOs).<sup>81</sup>

## LAND RELEASE

Since the outbreak of fighting in eastern Ukraine, clearance of mines and ERW has been undertaken by both Ukrainian government authorities and separatist groups.<sup>82</sup> Clearance of ordnance 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>83</sup> Once identified, munitions are marked on the ground, and their position fixed and reported to the local authorities.<sup>84</sup> Devices are either destroyed in situ or removed to storage areas or compounds.<sup>85</sup>

SESU clearance has been slower in rural areas than in towns and cities.<sup>86</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>87</sup> NTS is helping to identify contaminated land, especially in liberated areas.<sup>88</sup> The Ukrainian Armed Forces are responsible for clearing ordnance in areas close to the front lines and former military positions.<sup>89</sup> In December 2015, the working group of the Trilateral Contact Group on Ukraine agreed 12 priority areas for humanitarian demining.<sup>90</sup>

In areas controlled by pro-Russian rebel groups, separatists are said to be also clearing mines and ERW. In Donetsk, 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 said to be conducted both day and night.<sup>91</sup>

The Ukrainian authorities and the pro-Russian rebels are, to varying degrees, recording written logs of emergency call-outs and clearance operations,<sup>92</sup> but data is not always disaggregated into weapon type.<sup>93</sup> Clearance data is not available from pro-Russian separatist groups, and an accurate picture is not available of the scale of clearance being undertaken in eastern Ukraine and of remaining contamination.

74 Email from Adam Jasinski, HALO Trust, 18 May 2016.

75 Interview with Lt.-Col. Yevhenii Zubarevskiy, Ministry of Defence, in Geneva, 20 May 2016.

76 Emails from Adam Jasinski, HALO Trust, 18 May 2016; and Rowan Fernandes, DDG Ukraine, 20 May 2016.

77 Statement of Ukraine, APMB 14MSP, Geneva, 2 December 2015; "Humanitarian mine and UXO clearing of the territory of Ukraine conducted by the State Emergency Service of Ukraine", Side-event presentation by Col. Oleh Bondar, SESU, Geneva, 17 February 2016; and email from Pascal Rapillard, GICHD, 15 June 2016.

78 Email from Megan Latimer, Advisor, Land Release and Operational Efficiency, GICHD, 3 July 2015; "Mine Action Activities", Side-event presentation by Amb. Vaidotas Verba, OSCE Project Co-ordinator in Ukraine; and "Humanitarian mine and UXO clearing of the territory of Ukraine conducted by the State Emergency Service of Ukraine", Side-event presentation by Col. Oleh Bondar, SESU, Geneva, 17 February 2016.

79 Ibid.

80 Email from Lt.-Col. Yevhenii Zubarevskiy, Ministry of Defence, 21 October 2016.

81 Interview with Lt.-Col. Yevhenii Zubarevskiy, Ministry of Defence, in Geneva, 18 February 2016; and email, 21 October 2016; and email from Pascal Rapillard, GICHD, 15 June 2016.

82 Side-event presentation by Mark Hiznay, HRW, in Geneva, February 2015, and interview, 18 February 2015.

83 Ibid.

84 National Security and Defence Council and SESU, "Humanitarian demining in Ukraine: current issues and challenges", Ukraine Side-event, APMB 14MSP, Geneva, 2 December 2015.

85 Ibid.

86 Side-event presentation by Mark Hiznay, HRW, in Geneva, February 2015, and interview, 18 February 2015.

87 "Humanitarian mine and UXO clearing of the territory of Ukraine conducted by the State Emergency Service of Ukraine", Side-event presentation by Col. Oleh Bondar, SESU, at the 19th International Meeting, 17 February 2016.

88 Interview with Lt.-Col. Yevhenii Zubarevskiy, Ministry of Defence, in Geneva, 18 February 2016.

89 Email from Eva Veble, Programme Director, Albania, Norwegian People's Aid (NPA), 10 June 2015; meeting with Col. Oleksandr Shchebetiuk, Ukrainian Armed Forces, in Geneva, 26 June 2015; and "Mine Action in Ukraine", Side-event presentation by Lt.-Col. Yevhenii Zubarevskiy, Ministry of Defence, in Geneva, 17 February 2016.

90 BELTA, "Ukraine working group for security agrees on 12 priority demining zones", 16 December 2015, at: <http://eng.belta.by/politics/view/security-subgroup-of-ukraine-contact-group-agrees-on-12-priority-demining-zones-87672-2015/>.

91 Email from Megan Latimer, GICHD, 3 July 2015.

92 Side-event presentation by Mark Hiznay, HRW, in Geneva, February 2015; and interview, 18 February 2015.

93 Interview with Lt.-Col. Yevhenii Zubarevskiy, Ministry of Defence, in Geneva, 20 May 2016.

## Progress in 2016

In early 2016, HALO Trust began conducting NTS in government-controlled areas of Donetsk and Luhansk around the contact line, and up to 15km from the front line (contact line).<sup>94</sup> These are primarily areas of conflict in 2014 and early 2015, before the contact line settled in its current position.<sup>95</sup> NTS aimed to provide a clearer picture of remaining contamination and to support the planning and prioritisation of clearance.<sup>96</sup>

HALO Trust began mine clearance and BAC in March 2016. Planned clearance is prioritised in consultation with local stakeholders, but generally HALO's clearance is in response to requests from village and district councils.<sup>97</sup> In August 2016, HALO received permission to begin working within the 15km buffer zone around the contact line. The two-year project will include survey and clearance of high priority sites to support safe cultivation, rebuilding of homes, and reconstruction of infrastructure.<sup>98</sup> Clearance of a minefield in the village of Pavlopil, 20km north-east of the city of Mariupol, and 1.5km from the contact line, began in September in response to an appeal from the local community.<sup>99</sup> NTS and clearance within the buffer zone is reported to be slow due to access restrictions, but HALO hoped the process would speed up as and when the situation stabilised.<sup>100</sup> All clearance sites are surveyed by HALO Trust prior to the start of work, to ensure there is an IMSMA hazard report for each site.<sup>101</sup>

Currently HALO Trust only undertakes manual clearance, but as soon as funding permits it plans to import armoured plant machinery to assist in clearing urban/semi-urban areas with rubble.<sup>102</sup> All teams are trained and equipped for both mine clearance and BAC, and for all expected threats in the conflict zone, as NTS has yet to determine the proportion of different types of hazard.<sup>103</sup> Items discovered by HALO Trust are destroyed by the Ministry of Defence, as only the Ukrainian Armed Forces are permitted to use explosives in the conflict zones.<sup>104</sup> HALO's demining work in Ukraine is conducted in coordination with the Ukrainian authorities and international organisations. During the course of 2016 clearance capacity was set to expand as more local deminers are trained.<sup>105</sup>

DDG also began NTS in government-controlled areas of the Donetsk and Luhansk regions 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>106</sup> Initial areas tasked were due for completion in the summer and additional areas have been requested.<sup>107</sup> DDG was scheduled to complete NTS by the end of October 2016,<sup>108</sup> and had initially hoped to commence clearance operations in 2016.<sup>109</sup> However, due to lack of funding, and the fact that Ukraine has not yet adopted national mine action legislation, clearance operations have been postponed until the next operational season in 2017.<sup>110</sup>

As at September 2016, HALO Trust and DDG survey had collectively identified use of anti-vehicle mines (TM-57 and TM-62 (both plastic and metal series) and PTM series); anti-personnel mines (OZM-72 fragmentation mines, and MON, PMN, and POM series); improvised fragmentation mines, and booby-trapped ERW (mainly tripwire-initiated systems connected to conventional munitions); cluster munitions (9N series) and remnants; rockets from multiple launch rocket systems (PG series); and unexploded mortar shells and grenades.<sup>111</sup>

## ARTICLE 5 COMPLIANCE

Under Article 5 of the APMBC, Ukraine was required to destroy all anti-personnel mines in mined areas under its jurisdiction or control as soon as possible, but not later than 1 June 2016. As at September 2016, Ukraine had not yet submitted an Article 5 deadline extension request, and was in serious violation of the Convention and thereby of international law.

Ukraine should inform states parties of the location of mined areas, and undertake to destroy or ensure the destruction of all anti-personnel mines as soon as possible. To put an end to its violation of international law, Ukraine needs to both request and be granted an extension to its Article 5 deadline by the other states parties, preferably at the Fifteenth Meeting of States Parties in Santiago, Chile.

94 Interview with Adam Jasinski, HALO Trust, Thornhill, 28 April 2016, and email, 18 May 2016.

95 Email from Adam Jasinski, HALO Trust, 18 May 2016.

96 HALO Trust website, accessed 29 September 2016, at: <https://www.halotruster.org/where-we-work/europe-and-caucasus/ukraine/97> Email from Adam Jasinski, HALO Trust, 18 May 2016.

98 HALO Trust, "Boris Johnson pledges £2m from UK for demining in Ukraine", 15 September 2016; and email from Yuri Shahramanyan, HALO Trust, 3 October 2016.

99 HALO Trust, "Boris Johnson pledges £2m from UK for demining in Ukraine", 15 September 2016.

100 Email from Yuri Shahramanyan, HALO Trust, 3 October 2016.

101 Email from Adam Jasinski, HALO Trust, 18 May 2016.

102 Ibid.; and email from Yuri Shahramanyan, HALO Trust, 3 October 2016.

103 Email from Adam Jasinski, HALO Trust, 18 May 2016.

104 Interviews with Adam Jasinski, HALO Trust, Thornhill, 28 April 2016; and Lt.-Col. Yevhenii Zubarevskiy, Ministry of Defence, in Geneva, 20 May 2016.

105 HALO Trust website, accessed 29 September 2016, at: <https://www.halotruster.org/where-we-work/europe-and-caucasus/ukraine/>.

106 Emails from Rowan Fernandes, DDG Ukraine, 20 May and 17 June 2016.

107 Email from Rowan Fernandes, DDG Ukraine, 17 June 2016.

108 Email from Oleksandr Lobov, DDG, 19 October 2016.

109 Email from Rowan Fernandes, DDG Ukraine, 17 June 2016.

110 Email from Oleksandr Lobov, DDG, 19 October 2016.

111 Emails from Yuri Shahramanyan, HALO Trust, 3 October 2016; and Oleksandr Lobov, DDG Ukraine, 19 October 2016.



At the APMBC Fourteenth Meeting of States Parties (30 November to 4 December 2015), Ukraine reported that it did not have access to some mined areas. According to the final report of the meeting, "Ukraine emphasized that it was fully aware of the need for strict compliance with the obligations under the Convention and notified its intention to seek an extension of the period of Ukraine's implementation of Article 5. The official, duly compiled, request would be soon submitted to the States Parties for their consideration".<sup>112</sup>

On 30 March 2016, though, Ukraine deposited an official communication to the other APMBC states parties via the UN Secretary-General, noting that it did not have full control over parts of its territory – namely the Autonomous Republic of Crimea, the city of Sevastopol, and certain districts of the Donetsk and Luhansk oblasts of Ukraine.<sup>113</sup> However, APMBC Article 5 specifies that a state party is responsible for clearing mined areas under its jurisdiction *or* control. Therefore, suspected or confirmed mined areas that are under Ukraine's control or under Ukraine's jurisdiction (even if it does not have control or physical access to those areas), should all be covered in an extension request. Furthermore, Ukraine's obligations under the APMBC still fully apply, including with regard to Article 5, irrespective of the fact that Ukraine is currently engaged in armed hostilities.

Russia is not a state party or signatory to the APMBC. Nonetheless, Russia has obligations under international human rights law to clear mines as soon as possible, in particular by virtue of its duty to protect the right to life of every person under its jurisdiction, in any areas of Ukraine over which it exercises effective control.<sup>114</sup>

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112 "Final report of the Fourteenth Meeting of States Parties to the APMBC", 15 December 2015, p. 9, at: <http://www.apminebanconvention.org/fileadmin/APMBC/MSP/14MSP/14MSP-Final-report-en.pdf>.

113 Official communication to the UN from Ukraine, Ref. C.N.121.2016.TREATIES-XXVI.5 [depository Notification] 30 March 2016, at: <https://treaties.un.org/doc/Publication/CN/2016/CN.121.2016-Eng.pdf>.

114 Russia is a state party to the 1950 European Convention on Human Rights, which requires in its Article 2 that member states respect and protect the right to life.