

UKRAINE

ARTICLE 5 DEADLINE: 1 JUNE 2016
(FIVE-AND-A-HALF-YEAR EXTENSION REQUESTED TO 1 DECEMBER 2021)

PROGRAMME PERFORMANCE

	2017	2016
Problem understood	4	4
Target date for completion of mine clearance	2	2
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	5
Reporting on progress	4	4
Improving performance	4	4
PERFORMANCE SCORE: POOR	4.4	4.4

PERFORMANCE COMMENTARY

In a much welcome development, as this report was going to print in early November 2018, Ukraine finally submitted an extension to its Anti-Personnel Mine Ban Convention (APMBC) Article 5 deadline, seeking a five-and-a-half-year period (although the request says five years) until 1 December 2021. Prior to submission of the extension request, Ukraine had continued to refuse to seek a deadline extension as a result of new use of anti-personnel mines since conflict erupted in 2014, putting it in serious violation of the APMBC. Assuming its extension request is granted by states parties at the Seventeenth Meeting of States Parties, Ukraine will return to compliance with Article 5. There are, however, unconfirmed reports that all parties to the conflict, including the national government forces, continue to emplace mines in populated areas and near civilian

infrastructure. While some survey and clearance of areas contaminated with anti-personnel mines did take place in 2017, the full extent of demining 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 continued delay in the adoption of a mine action law. This is 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. It also impedes the introduction of a formal handover process for land release.

RECOMMENDATIONS FOR ACTION

- Ukraine should cease all use of landmines.
- 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 mines, cluster munition remnants (CMR), and other explosive remnants of war (ERW).
- Ukraine should systematically collect disaggregated data on contamination from mines, CMR, and other ERW, as well as on progress in survey and clearance, and establish a centralised database for planning purposes.
- Ukraine should take all necessary measures to protect civilians from mines, CMR, and other ERW.
- Ukraine should continue to undertake non-technical survey to identify the extent and impact of anti-personnel mines (in particular in Donetsk and Luhansk), and should also undertake technical survey when possible, to confirm or reject the presence of mines, and help inform decisions on land release. Clearance should take place as soon as possible of areas confirmed as mined.
- Ukraine should consider allowing humanitarian demining organisations to use explosives to destroy anti-personnel mines and other ERW as the current situation is severely hampering operational efficiency within the sector.

CONTAMINATION

Ukraine is contaminated by anti-personnel mines as a result of the ongoing conflict which broke out in 2014. 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 (oblasts). Firm evidence exists that mines have been used in the resultant armed conflicts,¹ including by Ukrainian armed forces, though the full nature and extent of contamination is likely to remain unclear until an effective cessation of hostilities. A December 2017 report from the Office of the United Nations High Commissioner for Human Rights (OHCHR), covering 16 August to 15 September 2017, stated that: "The parties to the conflict continued the practice of placement of IEDs and anti-personnel mines in populated areas and near objects of civilian infrastructure."² They have also made this statement in previous reports.³

Ukraine cannot reliably estimate the overall extent of mine contamination until surveys have been completed.⁴ 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.⁵

Prior to the current conflicts, Ukraine was affected by residual contamination of 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 the First World War. 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 Article 7 transparency report (for 2017) Ukraine reported that exact information on the number and types of mines was not available, but noted that non-technical survey by non-governmental organisations (NGOs) identified mined areas in Lemans, Slavyansk, and Volnovansky districts in the Donetsk region, and Popasnyansky district, in Lugansk region.⁶ In June 2017, Ukraine had estimated, highly improbably, that total contamination by mines and ERW (including CMR) could extend over 7,000km².⁷ The Ukrainian Ministry of Defence (MoD) accepts that this is a “rough” estimate.⁸ It is further suggested that 15–20% of the contamination is from mines while the rest is from ERW.⁹

The area inside the 15km buffer zone is believed to be heavily contaminated with mines and ERW, but access to the buffer zone for humanitarian survey and clearance operations is severely limited on the government side, and there is no access for humanitarian demining in areas not controlled by the government.¹⁰

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.¹¹ 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.¹²

Over the last few years, the OSCE’s Special Monitoring Mission (SMM) in Ukraine has frequently reported observations on the use of anti-personnel mines, recent examples of which are detailed below. On 21 January 2017, “DPR” members refused to remove anti-vehicle and anti-personnel mines observed by OSCE SMM to allow SMM to proceed through a checkpoint to T0519 road in Pikuzy.¹³ On 5 February 2017, in “LPR”-controlled Sokilnyky (38km north-west of Luhansk) the OSCE SMM saw two directional anti-personnel mines (one MON-50 and one MON-100 or 200) along the H-20 road west of Kruta Balka.¹⁴ On 8 February 2017, the OSCE SMM noted two anti-personnel mines still present near the Donetsk Water Filtration Station. One (POM-2) was about 10 metres from the main gate, north of the entry-exit road, and marked with a mine hazard sign. The other (MON-50/90) was west of the H20 highway and about 100m from a Ukrainian Armed Forces bunker.¹⁵ In addition, on 17 February 2017, the OSCE SMM saw a directional type of anti-personnel mine (assessed as MON-100) located across the road outside the above-mentioned filtration station.¹⁶ On 23 April 2017, a vehicle of an OSCE SMM patrol was destroyed in an explosion, most likely caused by a landmine, on a regularly used road in Pryshyb village (controlled by armed groups) of Luhansk region, killing one and injuring two patrol members. The event claimed the first fatality since the Mission’s establishment.¹⁷ On 19 July 2017, OSCE SMM observed Ukrainian Armed Forces soldiers placing anti-vehicle mines into position on the road south-east of Svitlodarsk.¹⁸

In 2018, on 22 June 2018, the OSCE SMM was forced to drive on a mined road by an armed member of the armed formations in Petrivske.¹⁹ On 29 August, the OSCE SMM spotted 16 anti-vehicle mines (type TM-62) laid in three rows on the road between Holmivskyi and Travneve (a government-controlled area), and, about 1km further north, an additional 13 TM-62 anti-vehicle mines laid across the same road.²⁰

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.²¹ 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).²² It appeared that reports of minefields being emplaced to demarcate border areas after the annexation of the Crimea may actually have been either ‘phony minefields’ or areas containing trip-flares.²³ However, in May 2016, Ukraine reported that it was possible that mines have been laid in occupied territories of the Autonomous Republic of Crimea, Kherson Province, and Donetsk.²⁴ In December 2017, Ukraine stated that all anti-personnel mines emplaced in eastern Ukraine were produced in Russia and are only in the service of Russian armed forces.²⁵

Ukraine stated that illegal armed groups had used different types of mines, including those banned by the APMBC and which Ukraine does not possess. The mines which Ukraine alleged have been used by the opposition groups include PMN1, PMN2, PMN-4, POM-2R, OZM-72, MES type mines, and MON-50 mines with tripwire.²⁶

Ukraine has reiterated that its armed forces are authorised to use MON-series and OZM-72 mines only in command-detonated mode (through electrical initiation), which is not prohibited under the APMBC. According to Ukraine, all mines planted in command-detonated mode are recorded and secured, and access to the area is restricted.²⁷

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.²⁸ Danish Demining Group (DDG), which collects casualty data from open media sources, recorded a total of 1,564 casualties from mines, submunitions, and other ERW between June 2014 and August 2018.²⁹ The HALO Trust recorded 1,858 casualties due to mines and ERW between May 2014 and April 2018 (1,206 injured and 652 killed).³⁰ In 2017 alone, more than 235 civilians were killed or injured by mines and ERW.³¹

In December 2017, Ukraine reported that there have been 29 casualties from landmines since the beginning of the year, including 11 civilians, 5 of whom were children. Since 2014, it reported a total of 1,796 landmine casualties in eastern Ukraine, including 238 civilians that were killed and another 491 that were injured.³²

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.³³ 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.³⁴ Civilians living along the contact line are unable to engage in agricultural activities, severely affecting their access to food and livelihoods.³⁵ 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.³⁶ 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.³⁷ 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.³⁸ In addition, explosive ordnance poses a humanitarian risk to internally displaced and returning refugees, especially in areas fought over previously and which are now away from the front line.³⁹

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 MoD, the Ministry of Emergency Situations, and Ukroboronservice (a state-owned commercial company), to put forward proposals for a national body to oversee demining.⁴⁰

On 2 September 2013, Presidential Decree No. 423 on the "Mine Action National Authority" was signed, authorising the authority's establishment.⁴¹ 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.⁴²

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.⁴³ 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.⁴⁴

While all areas of mine action in the Donetsk and Luhansk region, including humanitarian demining operations, are planned, coordinated, and controlled by the MoD,⁴⁵ 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 Emergency Situations); 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.⁴⁶

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.⁴⁷ Experts from the North Atlantic Treaty Organization (NATO) provide training and advice at the centre.⁴⁸ 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.⁴⁹

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.⁵⁰

The MoD has organisational control of humanitarian demining while SESU 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.⁵¹

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).⁵² 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.⁵³

The Ministry of Temporarily Occupied Territories and Internally Displaced Persons was established by the Cabinet of Ministers of Ukraine in its Resolution 376, 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 devices; 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).⁵⁴ In December 2017, Decree. 1071 issued by the Cabinet of Ministers designated the Ministry of Temporarily Occupied Territories and Internally Displaced Persons as responsible for coordinating certain mine action measures in Donetsk and Luhansk oblasts. In the main, these are related to increasing demining operators' technical capacity, risk education/awareness, and promoting the protection of the rights of persons affected by mines and ERW.⁵⁵

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.⁵⁶ 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.⁵⁷

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.⁵⁸ 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.⁵⁹ 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.⁶⁰ Instead the OSCE PCU has focused on training activities, such as training of IMSMA operators and national instructors, and equipment procurement.⁶¹ 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.⁶²

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 area⁶³
- 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.⁶⁴

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 2009–14.⁶⁵ The programme planned clearance of 15km² over five years with the destruction of 500,000 items of ERW, but this was not achieved.⁶⁶

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 2016,⁶⁷ as at May 2018 the programme was on hold pending progress with the mine action law.⁶⁸

In October 2016, the GICHD organised the first workshop on strategic planning, in partnership with the OSCE Project Co-ordinator and the Geneva Centre for the Democratic Control of Armed Forces (DCAF).⁶⁹ As at September 2018, next steps in strategic planning were under consideration, but were dependent on progress in the draft mine action law. Annually, the MoD produces an operational plan that is based on information provided by national agencies and international operators working in Ukraine.⁷⁰

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.⁷¹ These remained Ukraine's goals for 2016 and 2017, while, in addition, local government authorities have been helping to prioritise clearance tasks based on humanitarian criteria.⁷²

Ukraine reported that as at November 2016, its main efforts were aimed at demining essential support systems of the population in the territory of Donetsk and Lugansk regions, namely power lines, gas and water pipelines, heating plants, as well as highways and railways. These tasks are carried out by the Armed Forces of Ukraine, the SESU, and the State Special Transport Service.⁷³ According to Ukraine, due to regular violations of the Minsk Agreements by illegal armed groups, and the continuation of firing on their part, it is only possible to plan the clearance of the liberated territories for short periods of time.⁷⁴

Legislation and Standards

As at September 2018, Ukraine was still 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.⁷⁵ 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.⁷⁶ Furthermore, without a mine action law in place no formal process for land release exists.⁷⁷

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 2017.⁷⁸ 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.⁷⁹ A Cabinet reshuffle in April 2016 resulted in the Bill needing re-endorsement, after which it would be re-submitted for parliamentary approval.⁸⁰ In 2016, the draft law faced opposition in the committee stage in parliament.⁸¹ It was sent back for improvements in April 2017.⁸² Both draft bills were rejected by the CNSD on 7 June 2017.⁸³

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 as they were too costly, the first draft bill was too bureaucratic, and both were incompatible with existing Ukrainian legislation.⁸⁴ On 13 September 2018, draft bill no. 9080 was registered by the NGO Ukrainian Institute for Human Rights, with a group of four MPs. After registration at parliament of the first bill there is then a deadline of two weeks to register alternatives. On 19 September 2018, an alternative version of the bill was registered. This bill was initiated by a larger group of MPs and includes members of the CNSD working group. The MoD has also developed an alternative bill and it was expected that this will be registered by the deadline of 27 September 2018 as a draft from the Cabinet of Ministers. Pending full analysis, the main difference between these bills seems to be in how the national authority is defined and how responsibilities are distributed among different ministries.⁸⁵

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.⁸⁶ The HALO Trust and DDG reported that they have 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 and DDG supported the adoption of national legislation, and shared best practices and lessons learned from other countries.⁸⁷

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 2014.⁸⁸ Development of national standards in Ukraine has taken place with support from GICHD, the OSCE PCU and DCAF.⁸⁹ 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).⁹⁰ 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.⁹¹ Ukraine subsequently adopted IMAS as “trial national regulatory acts” on 1 September 2016, under National Standardization Authority Order 230 of 8 August 2016.⁹² 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.⁹³

A plan for the adoption of NMAS was formulated at a workshop organised by GICHD and OSCE PCU at the end of October 2017.⁹⁴ In April 2018, the MoD sent a first draft of the national standards to GICHD and OSCE PCU for review.⁹⁵ A workshop organised by GICHD and OSCE PCU was held in June 2018 to discuss the draft NMAS and provide recommendations. In July and August 2018, the draft was reviewed by the MoD and then finalised in early September 2018. The standards must also be approved by the National Standardisation Authority and the MoD expects that they will be adopted by the end of October 2018.⁹⁶ The full implementation of the NMAS does, however, depend on the successful passing of the mine action law.⁹⁷

Quality Management

The draft mine action law envisages the operation of a national mine action centre with a QA function.⁹⁸ In the meantime, quality management (QM) of government clearance operations is overseen by the demining centre of the Ukrainian Armed Forces.⁹⁹ Both DDG and The HALO Trust conduct internal QM. For DDG, team leaders and senior mine action personnel conduct all QM, while in the case of The HALO Trust, team leaders and supervisors conduct QC during clearance while a roving officer conducts QA.¹⁰⁰ HALO Trust planned to appoint an internal QA manager in 2018 who will be responsible for all internal QM.¹⁰¹

The HALO Trust is planning to deliver QM training to the future national mine action authority.¹⁰² 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.¹⁰³ 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.¹⁰⁴

Information Management

In cooperation with the OSCE PCU and the GICHD, SESU has begun using IMSMA.¹⁰⁵ In 2015, IMSMA was piloted by the GICHD and SESU in four regions of Ukraine.¹⁰⁶ 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, Dniprovskiy, Eastern Poliskyi, Podolsky, Tauric, Volyn, and the Operational Centre in Kiev).¹⁰⁷ The GICHD reported providing IMSMA training to staff from the various government ministries and agencies and international NGOs.¹⁰⁸ 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.¹⁰⁹ In May 2018, the OSCE PCU organised training for 88 staff from the MoD, SESU, SSTS, The HALO Trust, DDG and the Swiss Foundation for Mine Action (FSD). In cooperation with the GICHD, the OSCE PCU also sent four staff members from the MoD and SESU to Spiez, Switzerland, to be trained as Level 2 administrators.¹¹⁰

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.¹¹¹ As at July 2018, data on mine accidents, risk education, and victim assistance had not yet been collected.¹¹² The databases are reportedly complementary, as they are separated based on region, thematic area, and operational purpose.¹¹³ 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.¹¹⁴

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.¹¹⁵ As at July 2018, the plan was for the IMSMA server to be installed by the end of the year.¹¹⁶

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.¹¹⁷

A Commission on Humanitarian Demining within SESU coordinates the activities of SESU pyrotechnic teams and determines SESU's priorities.¹¹⁸ In December 2015, Ukraine reported that during the ongoing conflict SESU had suffered severe losses to its buildings and vehicles.¹¹⁹ 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.¹²⁰ Support was also being provided by the OSCE PCU¹²¹ and by NATO.¹²²

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.¹²³

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.¹²⁴ Ukroboronservice, a state enterprise whose activities include arms manufacture, also has a "humanitarian demining" section.¹²⁵ As at June 2018, Ukroboronservice was conducting commercial clearance outside Ukraine.¹²⁶

Three international demining organisations — DDG, FSD, and The HALO Trust — are operating in Ukraine.¹²⁷ 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 2017.¹²⁸ DDG Ukraine currently runs its operations out of offices in Severodonetsk and an operation base in Lysychank, with its head office in Kiev.¹²⁹ 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.¹³⁰ DDG completed limited non-technical survey of conflict-affected communities in Luhansk and Donetsk oblasts during 2017.¹³¹ Information gathered by the teams will be used to plan where clearance is most urgently needed.¹³² In April 2017, DDG provided EOD training to two staff from SESU and two from the Special Transport Service.¹³³ As at mid-2018, DDG signed a deed of commitment with SESU after securing funding for an integrated project involving the provision of equipment, targeted training and ongoing support in the field for SESU's humanitarian demining efforts.¹³⁴

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).¹³⁵ 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.¹³⁶ 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 and as at September 2018 HALO Trust was employing a total of 360 staff.¹³⁷ 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.¹³⁸ Since the first quarter of 2017, The HALO Trust has recruited women who have subsequently begun working as the first female deminers in Ukraine.¹³⁹

In July 2018, The HALO Trust deployed its first mechanical clearance asset, an unarmoured front-loader, which was armoured in-country. As at September 2018, a second armoured loader was undergoing customs clearance in Kyiv. The HALO Trust also plans to import three lightly armoured remote-controlled vegetation-cutting machines. Trials of these machines, scheduled for mid-2018, were postponed until spring 2019 due to the requirement for additional protection work.¹⁴⁰

The HALO Trust has been conducting survey in Volnovaskyi, Marinskyi, Yasynuvatskyi, Slovianskyi, Nikolskyi, Pokrovskyi, Bakhmutskyi, Kostantynivskyi, Dobropilskyi, Oleksandrivskyi, and Lymanskyi districts in the Donetsk region, and Stanychno-Luhanskyi, Novoaidarskyi, and Milovskiyi districts in the Luhansk region. HALO Trust's survey operations may take place less than 1km from the Line of Contact. As at June 2018, HALO Trust's nearest clearance task was situated 3km from the Line of Contact.¹⁴¹

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.¹⁴² The HALO Trust EOD callouts involve handing over ammunition to state authorities. In 2017, The HALO Trust handed over five landmines as a result of EOD callouts (two tripwire-initiated F1 fragmentation grenades, one MON-50, one MON-90, and one POMZ-2).¹⁴³ 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.¹⁴⁴ The lack of a fully functioning mine action authority means that there is no clear route for humanitarian organisations to receive such a licence.¹⁴⁵

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.¹⁴⁶ In 2017, FSD increased its capacity to include a clearance team. The training was conducted at the Ukrainian Armed Forces Demining Centre at Kamianets-Podilskyi 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 2018.¹⁴⁷

In addition, a Ukrainian organisation, "Demining Team of Ukraine" is active in demining in eastern Ukraine.¹⁴⁸

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.¹⁴⁹

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,¹⁵⁰ and international clearance operators have subsequently begun clearance in government-controlled areas. 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.¹⁵¹ Once identified, munitions are marked on the ground, and their position fixed and reported to the local authorities.¹⁵² Devices are either destroyed in situ or removed to storage areas or compounds.¹⁵³

In February 2016, SESU claimed that, since the beginning of fighting in 2014, it had "cleared" around 140km² across the whole country, and disposed of more than 202,000 explosive objects.¹⁵⁴ Non-technical survey is helping to identify contaminated land, especially in liberated areas.¹⁵⁵ The Ukrainian Armed Forces are responsible for clearing ordnance in areas close to the front lines and former military positions.¹⁵⁶

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.¹⁵⁷

The Ukrainian authorities and the pro-Russian rebels are, to varying degrees, recording written logs of emergency call-outs and clearance operations,¹⁵⁸ but data is not always disaggregated into weapon type.¹⁵⁹ 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 or of remaining contamination.

In 2017, The HALO Trust and DDG confirmed 41 SHAs as contaminated with anti-personnel mines covering a total of 3.37km². The HALO Trust and FSD reduced a total of 16,090m² by technical survey. HALO Trust also conducted clearance of 18 mined areas covering 0.22km².

Survey in 2017

In 2017, The HALO Trust conducted survey in Andriivka village, Slovianskyi district; Harasymivka, Kolesnykivka, Krasna Talivka and Shyrokyi villages, Stanychno-Luhanskyi district; Hnutove village, Mariupolska district; Lebedynske, Sopyne and Volnovakha villages, Volnovaskyi district; Novoluhanske village, Bakhmutskyi district; Yampil village, Lymanskyi district; and Niznebarannikivka village, Bilovodskyi district. HALO

Trust confirmed 34 SHAs as contaminated with anti-personnel mines covering a total of 1,915,295m². In Niznebarannikivka village, Bilovodskyi district HALO Trust reduced 7,039m² through technical survey.¹⁶⁰

In 2017, DDG conducted survey in Myrna Dolyna village, Popasnianskyi district, confirming seven SHAs as contaminated with anti-vehicle mines and anti-personnel fragmentation mines covering a total of 1.45km².¹⁶¹

As at May 2018, DDG was conducting limited non-technical survey in Luhansk and Donetsk Oblasts the most recent of which was conducted at the beginning of 2018. Non-technical survey is usually carried out by DDG both outside and inside the 15km zone from the front line and access is requested via CIMIC.¹⁶²

In 2017, FSD reduced 9,051m² through technical survey in Kotoviski district although no anti-personnel mines were found.¹⁶³

Clearance in 2017

In 2017, The HALO Trust cleared 18 mined areas covering a total of 220,887m² and destroyed a total of 5 anti-personnel mines, 38 anti-vehicle mines and 49 UXO.¹⁶⁴

Table 1: HALO Trust mine clearance in 2017¹⁶⁵

District/village	Areas cleared	Area cleared (m ²)	AP mines destroyed	AV mines destroyed
Slovianskyi / Andriivka	2	51,318	0	0
Stanychno-Luhanskyi / Krasna Talivka	4	78,899	2	32
Bilovodskyi / Niznebarannikivka	1	5,291	0	0
Bakhmutskyi / Novoluhanske	2	4,835	0	6
Lymanskyi / Ozerne	4	45,493	1	0
Slovianskyi / Rai-Oleksandrivka	1	175	0	0
Stanychno-Luhanskyi / Shyrokyi	2	24,961	0	0
Volnovaskyi / Volnovakha	1	7,752	1	0
Lymanskyi / Yampil	1	2,163	1	0
Totals	18	220,887	5	38

AP = Anti-personnel AV = Anti-vehicle

The HALO Trust began mine clearance and BAC in March 2016. HALO Trust's prioritisation of clearance is based primarily on casualty reduction. Anti-personnel minefields are prioritised according to their proximity to a population centre, mine accident history, intensity of land use (i.e. how often land is used or will be used following clearance) and density of mine contamination. The HALO Trust endeavours to react quickly to high-impact areas. However, due to improved access in 2017 to areas near the line of contact, high-impact areas are arising much more frequently. As HALO's capacity to respond is limited, priority is given to finishing clearance at high-impact tasks over responding to new ones.¹⁶⁶

In 2017, DDG did not conduct any clearance of anti-personnel mines, only anti-vehicle mines and UXO. DDG has its own prioritisation matrix, which takes the type of contamination, the density, and the proximity to inhabited areas into account. DDG's current clearance capacity is small (two teams) and so they are limited in their ability to respond quickly as both teams are currently engaged in clearance activities.¹⁶⁷

In 2017, FSD did not conduct any clearance of mined areas. As at July 2018, FSD was operating in the Donetsk oblast approximately 35km from the contact line. FSD receives tasks from the Ministry of Defence who have their own system of prioritisation. If an area is classified as high priority, then it is dealt with urgently by FSD.¹⁶⁸

The HALO Trust has received additional access to areas within the buffer zone during 2017 and as at July 2018 is conducting survey operations up to 1km from the line of contact. The HALO Trust's nearest current clearance task is situated 3km from the line of contact.¹⁶⁹ Items discovered by HALO Trust are destroyed by the Ministry of Defence, as only the Ukrainian Armed Forces have access to explosives.¹⁷⁰ In 2017, HALO handed over five anti-personnel mines as a result of EOD callouts (two tripwire-initiated F1 fragmentation grenades, one MON-50, one MON-90, and one POMZ-2).¹⁷¹ HALO Trust's demining in Ukraine is conducted in coordination with the Ukrainian authorities and international organisations.¹⁷²

As at July 2018, HALO Trust, DDG and FSD had collectively identified as contamination in Ukraine the following: 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.¹⁷³

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.¹⁷⁴

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 Bakhmutskiyi, Mariupolskiyi, and Stanychno-Luhanskiyi regions. The HALO Trust also intends 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.¹⁷⁵

FSD was planning to increase its clearance capacity in 2018 with the creation of dedicated "large loop" crews to assist with BAC tasks.¹⁷⁶

DDG secured further funding in 2018 that allowed the deployment of an additional manual demining team, bringing total capacity to two manual demining teams and one technical survey/spot task team. A key area of DDG's focus is working with SESU to equip, train and support their humanitarian demining capacity as the mine action sector evolves and national standards come into force.¹⁷⁷

ARTICLE 5 COMPLIANCE

Under Article 5 of the APMBBC, 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. In a much welcome development, as this report was going to print in early November 2018, Ukraine finally submitted an extension to its Article 5 deadline, seeking a five-and-a-half-year period (although the request says five years) until 1 December 2021. Prior to submission of its Article 5 extension request, Ukraine had continued to refuse to seek a deadline extension as a result of new use of anti-personnel mines since conflict erupted in 2014, putting it in serious violation of the APMBBC. Assuming its extension request is granted by states parties at the Seventeenth Meeting of States Parties, Ukraine will return to compliance with Article 5.

At the Fourteenth Meeting of States Parties in 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".¹⁷⁸

On 30 March 2016, though, Ukraine deposited an official communication to the other APMBBC 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.¹⁷⁹ However, 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 APMBBC still fully apply, including with regard to Article 5, irrespective of the fact that Ukraine continues to be engaged in an armed conflict.

At the Fifteenth Meeting of States Parties in 2016, Ukraine reiterated its commitment to implement its obligations under the Convention, including Article 5. It stated, "We are looking forward to closely engaging with the Article 5 Committee and the ISU in the beginning of 2017 in order to elaborate a way forward and find an appropriate solution to the unique situation and security challenges that Ukraine has been facing since February 2014."¹⁸⁰

At the APMBBC Intersessional Meetings (on 8–9 June 2017), Ukraine expressed that it believed it to be unfair that other states had a 10-year deadline under Article 5, but Ukraine only had a two-year deadline (i.e. from the date of the new contamination in February 2014 until June 2016). Ukraine reiterated that it was demining areas under its control, but could not identify all areas where mines are known to be emplaced. Ukraine stated that it could submit [an Article 5 extension request], but any such decision should acknowledge that February 2014 was the date when mine contamination appeared; that Russian aggression is indicated as the reason; and that Ukraine will start implementing Article 5 once the integrity of the whole territory is restored.¹⁸¹ Ukraine also reported that to fill the gap in the convention, it had prepared a draft rational response for states where contamination appears after entry into forces but before the Article 5 clearance deadline.¹⁸²

At the Sixteenth Meeting of States Parties in December 2017, Ukraine stated that it remained open to discussions with partners about submitting its extension request and reiterated the need to acknowledge the points it made at the Intersessional Meetings in June 2017.¹⁸³ On 1 June 2018, Ukraine sent a letter to the Secretary-General of the United Nations stating that until Ukraine has complete control over its territory the obligations under Article 5 as applied to the occupied territories are “limited and not guaranteed”.¹⁸⁴ In its statement at the June 2018 Intersessional Meetings Ukraine stated that they were ready for consultation on a draft paper that they had prepared on the “rational response to the discovery of previously unknown or newly appointed

mined areas”.¹⁸⁵ As previously mentioned, in November 2018 Ukraine finally submitted an extension to its Article 5 deadline, seeking a five-and-a-half-year period (although the request says five years) until 1 December 2021. This extension will be considered by states parties at the Seventeenth Meeting of States Parties, and if granted, Ukraine will return to compliance with Article 5.

National funding is provided for clearance of mines and ERW, and the Department of Environmental Safety and Mine Action is a division of the Ministry of Defence, from which it is funded.¹⁸⁶ Ukraine also receives assistance from foreign partners (OSCE and NATO) for demining equipment.¹⁸⁷

With regards to international funding of humanitarian operators in 2018, 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.¹⁸⁸ FSD expected to receive the same amount of funding in 2018.¹⁸⁹ DDG was expecting to receive increased funding in 2018 after a slight reduction in 2017.¹⁹⁰

Russia is not a state party or signatory to the APMBBC. 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.

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