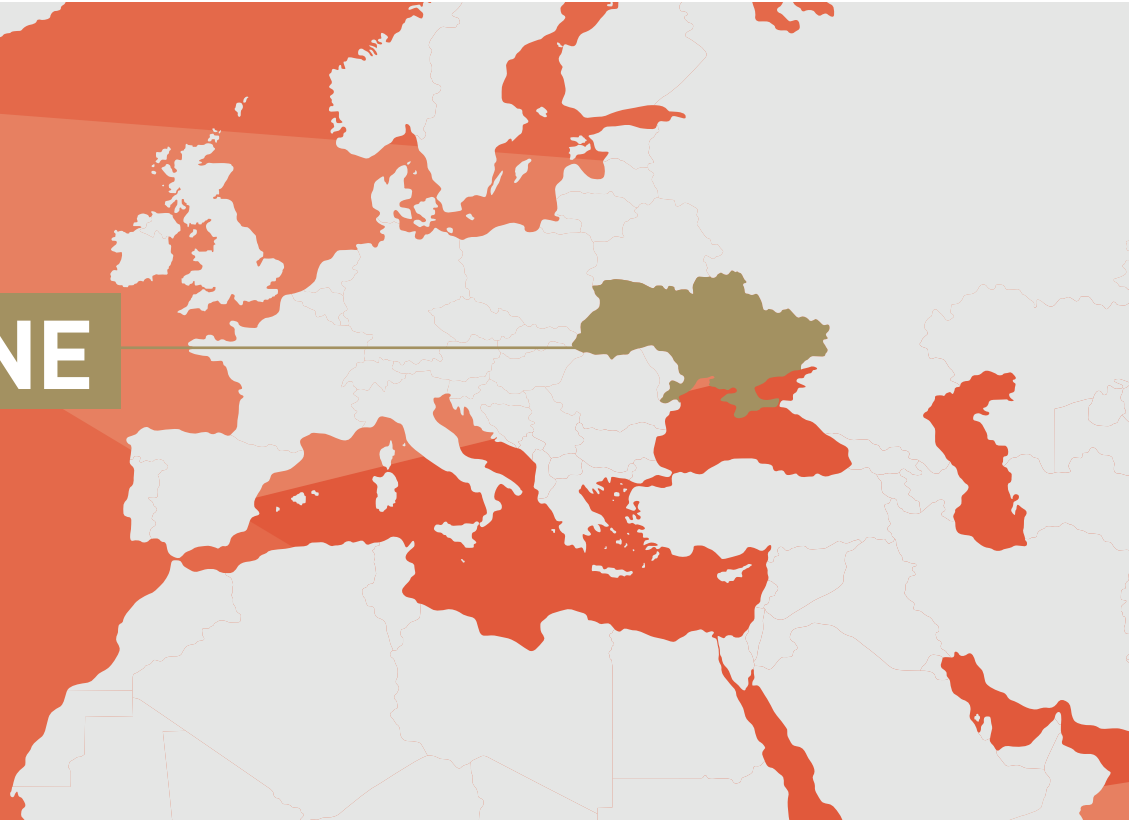


UKRAINE



PROGRAMME PERFORMANCE

2015

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

RECOMMENDATIONS FOR ACTION

- Ukraine should accede to, and abide by, the Convention on Cluster Munitions (CCM).
- Ukraine should enact mine action legislation as soon as possible and formally establish a national mine action authority and a functioning national mine action centre to support clearance of explosive hazards.
- Ukraine should systematically collect data on mine, cluster munition remnants (CMR), and other explosive remnants of war (ERW) contamination, survey, and clearance, and establish a centralised database that enables its analysis for planning purposes.

CONTAMINATION

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

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

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

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

In early 2015, the Special Monitoring Mission (SMM) in Ukraine of the Organization for Security and Co-operation in Europe (OSCE) reported finding CMR in the Artemivskiy district of Luhansk city, resulting from two attacks on 27 January. The attacks killed two civilians and injured two others.⁵ The OSCE SMM also reported evidence of CMR in Komsomolske, south-east of Donetsk, resulting from an attack on 2 February,⁶ and in Kramatorsk, in the north of the Donetsk region, on 10 February.⁷ In addition, the *Kiev Post* reported cluster munitions had been fired on the cities of Mariupol and Kramatorsk in 2015.⁸

During a ten-day investigation in eastern Ukraine, HRW found evidence that cluster munition rockets had been used in at least seven localities between 23 January and 12 February 2015, with some hit multiple times. Three of the areas were in government-controlled territory while the other four were in rebel-held territory. Thirteen civilians were killed during these attacks, including at least two children.⁹

Ukraine has claimed that many unexploded submunitions contaminate the Donetsk and Luhansk regions,¹⁰ with the most intensive use in and around the city of Debalcevo in Donetsk oblast.¹¹ In 2016, Ukraine estimated, highly probably, that total contamination by explosive ordnance (including CMR) covered more than 7,000km².¹² Ukraine cannot accurately estimate the extent of CMR contamination until the survey process is completed.¹³

According to a December 2015 report of the Office of the United Nations High Commissioner for Human Rights (OHCHR), ERW and improvised explosive devices (IEDs) caused 52% of all civilian casualties between

- 1 Human Rights Watch (HRW), "Ukraine: Widespread use of cluster munitions", 20 October 2014, at: <http://www.hrw.org/news/2014/10/20/ukraine-widespread-use-cluster-munitions>; "Ukraine used cluster bombs, evidence", *New York Times*, 20 October 2014; HRW "Ukraine: Attacks require better investigation", 19 December 2014; "A test of the new Ukraine's commitment to reform", 15 January 2015; "Ukraine: More Civilians killed in Cluster Munition Attacks", 19 March 2015; and Protection Cluster Ukraine, "Eastern Ukraine: Brief on the need for humanitarian mine action activities", undated, but accessed on Protection Cluster website, 5 May 2016, at: <http://www.globalprotectioncluster.org>.
- 2 Armament Research Services, "9M55K cargo rockets and 9N235 submunitions in Ukraine", Blog entry, 3 July 2014, at: <http://www.armamentresearch.com/9m55k-cargo-rockets-and-9n235-submunitions-in-ukraine/>.
- 3 Ibid.; and B. Szlanko, "Cargo rockets, 220mm 9M27K or 300mm 9M55K. Abandoned rebel base in #Slavyansk, prob. fired by Ukrainians. #Ukraine", 11 July 2014, tweet (@balintszlanko), at: <http://t.co/r7xjG4gwgq>.
- 4 HRW, "Ukraine: Widespread use of cluster munitions", 20 October 2014; and "Ukraine used cluster bombs, evidence", *New York Times*, 20 October 2014.
- 5 OSCE, "Spot report by the OSCE SMM, 3 February 2015: civilians killed and wounded in strike with cluster munitions in Izvestkova street in Luhansk city", 3 February 2015; and HRW, "Dispatched: more cluster munition use in Ukraine", 4 February 2015.
- 6 OSCE, "Latest from the OSCE SMM to Ukraine based on information received as of 18:00 (Kyiv time), 3 February 2015: civilians killed and wounded in strike with cluster munitions in Izvestkova street in Luhansk city", 3 February 2015; and HRW, "Dispatched: more cluster munition use in Ukraine", 4 February 2015.
- 7 OSCE, "Spot report by the OSCE Special Monitoring Mission to Ukraine (SMM): Shelling in Kramatorsk", 10 February 2015, at: <http://www.osce.org/ukraine-smm/139836>.
- 8 "Minefield Kill 261, Wound 479", *Kiev Post*, 21 January 2016, at: <http://www.kyivpost.com/article/content/kyiv-post-plus/minefields-kill-261-wound-479-406428.html>.
- 9 HRW, "Ukraine: More civilians killed in cluster munition attacks", 19 March 2014.
- 10 National Security and Defence Council and SESU, "Humanitarian demining in Ukraine: current issues and challenges", Anti-personnel Mine Ban Convention (APMBC) Fourteenth Meeting of States Parties (14 MSP), Ukraine Side-event, Geneva, 2 December 2015.
- 11 Interview with Lt.-Col. Yevhenii Zubarevskiy, Mine Action Department, Ministry of Defence, in Geneva, 20 May 2016.
- 12 "Mine Action in Ukraine", Side-event presentation by Lt.-Col. Yevhenii Zubarevskiy, Ministry of Defence, at the 19th International Meeting of National Mine Action Directors and UN Advisors (19th International Meeting), Geneva, 17 February 2016; and Statement of Ukraine, APMBC intersessional meeting, Geneva, 19 May 2016.
- 13 Interview with Lt.-Col. Yevhenii Zubarevskiy, Ministry of Defence, in Geneva, 18 February 2016.

16 August and 15 November 2015, underscoring the urgent need for clearance.¹⁴ Danish Demining Group (DDG), which collects casualty data from open media sources, recorded a total of 925 casualties (killed and injured) from mines, CMR, and other ERW between 19 July 2014 and 9 May 2016. Of these, however, only two people were believed to have been killed by submunitions and a further five injured.¹⁵

Cluster munition use in urban and rural areas of eastern Ukraine is blocking access to family allotments and collective farms, which has a serious impact in an area where many rely on agriculture.¹⁶ Those living in conflict-affected areas, especially around the contact line, are some of the most vulnerable, including the elderly, persons with disabilities, and the poor. To heat homes in the winter, people go into the forest, facing significant risks from explosive hazards as a result. This is said to have resulted in many fatalities and injuries.¹⁷

In addition, mines, CMR, and other ERW contamination, including IEDs and booby-traps, pose a risk to the internally displaced and returning refugees, especially in areas fought over previously and that are now away from the front line.¹⁸

Other ERW and Landmines

Ukraine is contaminated by other ERW and by anti-personnel and anti-vehicle mines laid during the current conflict. It is also affected by unexploded ordnance (UXO) and abandoned explosive ordnance (AXO) remaining from World Wars I and II¹⁹ and Soviet military training and stockpiles. In February 2016, Ukraine claimed that 32 former military firing ranges and the many other areas contaminated with explosive objects from past wars covered 1,500km².²⁰ These figures are the same as those put forward in April 2015.²¹



14 OHCHR, "Report on the human rights situation in Ukraine 16 August to 15 November 2015", December 2015.

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

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

17 Ibid.

18 Ibid.

19 See, e.g., "During a Year in Kerch and Sevastopol neutralized 33 thousands of munitions", *Forum*, 4 December 2009.

20 "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, Head, Division for pyrotechnic work and humanitarian demining, SESU, at the 19th International Meeting, Geneva, 17 February 2016.

21 Statement of Ukraine, Convention on Certain Conventional Weapons (CCW) Protocol V Meeting of Experts, Geneva, April 2015; and Protocol V Article 10 Report (for 2014), Form A.

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, Ministry of Emergency Situations, and Ukroboronservice (a state-owned commercial company), to put forward proposals for a national body to oversee demining.²²

On 2 September 2013, Presidential Decree No. 423 on the "Mine Action National Authority" was signed, authorising the authority's establishment.²³ 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 national mine action authority in Ukraine.²⁴

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.²⁵ 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.²⁶ A change of Cabinet in April 2016 resulted in the Bill needing re-endorsement, after which it will be re-submitted for parliamentary approval.²⁷

The GICHD has been working with the OSCE Project Co-ordinator in Ukraine to help foster mine action institutions.²⁸ A timeline for the establishment of a national mine action centre, under a multi-ministry national mine action authority, is planned to be agreed once the mine action legislation has been adopted.²⁹

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 the Ministry of Internal Affairs (the National Police and National Guard), the Security Services, State Emergency Services of Ukraine (SESU) (formerly known as the Ministry of Emergencies), the State Special Transport

Services of the Ministry of Infrastructure, and the State Border Service.³⁰

The demining centre of the Ukrainian Armed Forces, in Kamianets-Podilsky, mainly focuses on building the military's capacity for EOD, including training and testing of methods and equipment, quality assurance (QA), and provision of EOD, counter-IED, and demining specialists.³¹ 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.³²

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 QC of SESU units, information management, and handover of land cleared by SESU to local authorities, as well as risk education.³³

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).³⁴ 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 Donetsk and Luhansk under Ukrainian control.³⁵

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 Co-ordinator. 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.³⁶ The OSCE Project Co-ordinator is mandated to plan, implement, and monitor projects that help

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

23 CCW Amended Protocol II Article 13 Report (for 2014), Form D, 21 March 2015; and Protocol V Article 10 Report (for 2014), Form A, April 2015.

24 Interview with Colonel Oleksandr Shchebetiuk, Head of Engineer 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.

25 "Mine Action in Ukraine", Side-event presentation by Lt.-Col. Yevhenii Zubarevskyi, Ministry of Defence, Geneva, 17 February 2016; and interviews in Geneva, 19 February and 20 May 2016.

26 "Mine Action in Ukraine", Side-event presentation by Lt.-Col. Yevhenii Zubarevskyi, Ministry of Defence, Geneva, 17 February 2016; and interview, 19 February 2016.

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

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 Zubarevskyi, 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 Zubarevskyi, 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 Ibid.; "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 Zubarevskyi, Ministry of Defence, 17 June 2016.

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

35 "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.

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

Ukraine enhance its security and develop its legislation, institutions, and practices in line with democratic standards.³⁷

In 2016–18, the Project Co-ordinator, with GICHD assistance, was planning to provide policy and legal support to Ukraine, including for the establishment of a national mine action programme overseen by a national mine action authority and centre and underpinned by national standards.³⁸ The OSCE Project Co-ordinator has also been supporting, again with GICHD assistance, Ukraine's use of the Information Management System for Mine Action (IMSMA); demining training programmes; and has provided equipment and supplies.³⁹

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).⁴⁰

Ukraine also has a mine action sub-cluster, established in 2015, which sits under the Global Protection Cluster - the UN-led humanitarian coordination system.⁴¹ The sub-cluster was co-chaired by DDG and the UN Development Programme (UNDP) until May 2016, when DDG stepped down as co-chair, to ensure no conflict of interest. UNDP, DDG, HALO Trust, the Swiss Foundation for Mine Action (FSD), and Handicap International (HI) are members of the sub-cluster, and in addition, the OSCE Project Co-ordinator, and the International Committee of the Red Cross (ICRC), also attend meetings of the sub-cluster. However, as at May 2016 the sub-cluster had not met regularly.⁴²

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 2009–2014.⁴³ The programme foresaw clearance of 15km² 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.⁴⁴

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.⁴⁵ These remained Ukraine's goals for 2016, and in addition, local government authorities have been helping to prioritise clearance tasks based on humanitarian criteria.⁴⁶

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 2014.⁴⁷ 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.⁴⁸ 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.⁴⁹ The next meeting to discuss the draft standards was scheduled for October 2016.⁵⁰

37 OSCE Project Co-ordinator in Ukraine, "Mandate", at: <http://www.osce.org/ukraine/106005>.

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

39 Ibid.

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

41 UN Ukraine, "Joint UN Mission to Assess Mine Action Needs in Ukraine", 25 January 2016; and DDG, Side-event on Ukraine, APMB 14MSP, Geneva, 3 December 2015.

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

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

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

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

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

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

48 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/>.

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

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

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 that undertake clearance and disposal of ERW and mines, including the SESU, the Ministry of Internal Affairs (the National Police and National Guard), the Security Service, the State Special Transport Service, and the State Border Service.⁵¹

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

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 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.⁵⁶

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.⁵⁷ The Ministry of Defence was deploying 25 manual clearance teams totalling 125 deminers, two explosive detection dog (EDD) teams, 15 demining robots, and four BMR-2 armoured demining machines.⁵⁸

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).⁵⁹ Ukroboronservice, a state enterprise whose activities include arms manufacture, also has a "humanitarian demining" section.⁶⁰ As at May 2016, Ukroboronservice was not conducting clearance operations in Ukraine.⁶¹

Three international demining organisations — DDG, FSD, and HALO Trust — were operating in Ukraine as at May 2016.⁶² DDG began risk education in late 2014 in Donbass and in February 2016 it began to conduct NTS 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.⁶³ As at May 2016, DDG was deploying three survey teams, comprising 11 personnel, including one driver and two managers.⁶⁴

In early 2016, HALO Trust began conducting NTS, mine clearance, and battle area clearance (BAC) in government-controlled areas of Luhansk and Donetsk regions, more than 15km from the contact line.⁶⁵ HALO Trust's capacity as at May was six survey teams (24 personnel) and four clearance teams (52 personnel), which was due to rise to eight clearance teams (96 personnel) in June.⁶⁶ HALO Trust was expecting to increase to 15 clearance teams and 2 or more mechanical teams later in 2016.⁶⁷

As at May 2016, FSD had only been undertaking risk education activities in government-controlled areas of Donetsk and Luhansk regions, but hoped to begin NTS over the summer and clearance by the end of 2016.⁶⁸

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.⁶⁹

51 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 Zubarevskiy, Ministry of Defence, Geneva, 17 February 2016.

52 Ibid.

53 Statement of Ukraine, APMBC 14MSP, Geneva, 2 December 2015.

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

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

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 Interview with Lt.-Col. Yevhenii Zubarevskiy, Ministry of Defence, in Geneva, 20 May 2016; and email from Rowan Fernandes, DDG Ukraine, 17 June 2016.

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

64 Ibid.

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

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

67 Ibid.

68 Email from Mike Barry, Programme Manager, FSD Ukraine, 6 May 2016.

69 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.⁷⁰ In the meantime, quality management (QM) of government clearance operations is overseen by the demining centre of the Ukrainian Armed Forces.⁷¹ 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 officer conducts QA.⁷²

Information Management

In cooperation with OSCE Project Co-ordinator and GICHD, SESU began using the IMSMA database.⁷³ In 2015, IMSMA was piloted by GICHD and SESU in four regions of Ukraine.⁷⁴ 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 Poliskiy and Central) and the Operational Centre in Kiev.⁷⁵

In 2016, Ukraine was implementing a project which aims to create a national database to store data on contamination from all entities and government departments involved in mine action in Ukraine, as well as from non-governmental organisations (NGOs).⁷⁶

LAND RELEASE

Since the outbreak of fighting in eastern Ukraine, clearance of ERW has been undertaken by both Ukrainian government authorities and separatist groups.⁷⁷ Clearance of ERW 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.⁷⁸ Once identified, ERW are marked on the ground, and their position fixed and reported to the local authorities.⁷⁹ ERW are either destroyed in situ or removed to storage areas or compounds.⁸⁰

SESU clearance has been slower in rural areas than in towns and cities.⁸¹ 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.⁸² NTS is helping to identify contaminated land, especially in liberated areas.⁸³ The Ukrainian Armed Forces are responsible for clearing ERW in areas close to the front lines and former military positions.⁸⁴ In December 2015, the working group of the Trilateral Contact Group on Ukraine agreed 12 priority areas for humanitarian demining.⁸⁵

In areas controlled by pro-Russian rebel groups, separatists are said to be also clearing ERW and mines. 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 conducted both day and night.⁸⁶

The Ukrainian authorities and the pro-Russian rebels are, to varying degrees, recording written logs of emergency call-outs and clearance operations,⁸⁷ but data is not always disaggregated into weapon type.⁸⁸ Clearance data is not available from pro-Russian separatist groups, and an accurate picture is not available of the scale of ERW clearance being undertaken in eastern Ukraine and of remaining CMR contamination.

Progress in 2016

In early 2016, HALO Trust began conducting NTS in government-controlled areas of Ukraine around the contact line, and up to 15km from the front line.⁸⁹ These are primarily areas where conflict occurred in 2014 and early 2015, before the contact line settled in its current

position. Access closer to the contact line will depend on the security situation.⁹⁰ HALO Trust expected to complete NTS in government-controlled areas in summer 2016. If access is permitted closer to the contact line, where contamination is more extensive, survey would continue into the autumn.⁹¹ Due to the ongoing nature of the conflict, comprehensive survey along the contact line was not expected to be possible in the near future.⁹²

HALO Trust began mine clearance and BAC in March 2016. Planned clearance is prioritised in consultation with local stakeholders, but generally HALO Trust's clearance is in response to requests from village and district councils.⁹³ All clearance sites were surveyed by HALO Trust prior to the start of work, to ensure there is an IMSMA hazard report for each site.⁹⁴

Currently HALO Trust only undertakes manual clearance, but it planned to import armoured plant machinery in 2016 to assist in clearing urban/semi-urban areas with rubble.⁹⁵ 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.⁹⁶ 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.⁹⁷

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.⁹⁸ Initial areas tasked were due for completion in the summer and additional areas have been requested.⁹⁹ DDG was confident that it would commence clearance operations later in 2016.¹⁰⁰

As at May 2016, HALO Trust and DDG survey had collectively identified use of anti-vehicle mines (TM-57 and TM-62 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.¹⁰¹

ARTICLE 4 COMPLIANCE

Ukraine is not a state party or signatory to the CCM. Nonetheless, Ukraine has obligations under international human rights law to clear CMR as soon as possible, in particular by virtue of its duty to protect the right to life of every person under its jurisdiction. Russia has similar obligations in any areas of Ukraine over which it exercises effective control.¹⁰²

National funding is provided for clearance of ERW and mines, and the Department of Environmental Safety and Mine Action is a division of the Ministry of Defence from which it is funded.¹⁰³ Ukraine also receives assistance from foreign partners (OSCE and NATO) for demining equipment.¹⁰⁴ In 2015, in Donbas, the OSCE Project Co-ordinator equipped four SESU teams and provided PPE for deminers.¹⁰⁵ Germany has provided the Ministry of Emergency Situations with 50 metal detectors to assist the pyrotechnic units with demining activities in the liberated territories in the Donetsk and Luhansk regions.¹⁰⁶

HALO Trust is currently funded by the United Kingdom, the Netherlands, the European Union (EU), Norway, and Switzerland, and was expecting funding to increase later in 2016.¹⁰⁷ DDG currently has committed funding

through the EU and UNICEF up to the end of 2016, and was expecting additional funding for its survey and clearance operations.¹⁰⁸ Nonetheless, the OHCHR has also highlighted a lack of equipment for mine clearance on both sides of the contact line.¹⁰⁹



HALO subsurface BAC at Svatove village, Donetsk region, Ukraine. © The HALO Trust

- 70 Email from Adam Jasinski, HALO Trust, 18 May 2016.
- 71 Interview with Lt.-Col. Yevhenii Zubarevskiy, Ministry of Defence, in Geneva, 20 May 2016.
- 72 Emails from Adam Jasinski, HALO Trust, 18 May 2016; and Rowan Fernandes, DDG Ukraine, 20 May 2016.
- 73 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.
- 74 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.
- 75 Ibid.
- 76 Interview with Lt.-Col. Yevhenii Zubarevskiy, Ministry of Defence, in Geneva, 18 February 2016; and email from Pascal Rapillard, GICHD, 15 June 2016.
- 77 Side-event presentation by Mark Hiznay, HRW, in Geneva, February 2015, and interview, 18 February 2015.
- 78 Ibid.
- 79 National Security and Defence Council and SESU, "Humanitarian demining in Ukraine: current issues and challenges", Ukraine Side-event, APMB 14MSP, Geneva, 2 December 2015.
- 80 Ibid.
- 81 Side-event presentation by Mark Hiznay, HRW, in Geneva, February 2015, and interview, 18 February 2015.
- 82 "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.
- 83 Interview with Lt.-Col. Yevhenii Zubarevskiy, Ministry of Defence, in Geneva, 18 February 2016.
- 84 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.
- 85 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/>.
- 86 Email from Megan Latimer, GICHD, 3 July 2015.
- 87 Side-event presentation by Mark Hiznay, HRW, in Geneva, February 2015; and interview, 18 February 2015.
- 88 Interview with Lt.-Col. Yevhenii Zubarevskiy, Ministry of Defence, in Geneva, 20 May 2016.
- 89 Interview with Adam Jasinski, HALO Trust, Thornhill, 28 April 2016; and email, 18 May 2016.
- 90 Email from Adam Jasinski, HALO Trust, 18 May 2016.
- 91 Ibid.
- 92 Ibid.
- 93 Ibid.
- 94 Ibid.
- 95 Ibid.
- 96 Ibid.
- 97 Interviews with Adam Jasinski, HALO Trust, Thornhill, 28 April 2016; and Lt.-Col. Yevhenii Zubarevskiy, Ministry of Defence, in Geneva, 20 May 2016.
- 98 Emails from Rowan Fernandes, DDG Ukraine, 20 May and 17 June 2016.
- 99 Email from Rowan Fernandes, DDG Ukraine, 17 June 2016.
- 100 Ibid.
- 101 Emails from Adam Jasinski, HALO Trust, 18 May 2016; and Rowan Fernandes, DDG Ukraine, 20 May 2016.
- 102 Both states are 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.
- 103 Interview with Col. Oleksandr Shchebetiuk, Ukrainian Armed Forces, in Geneva, 26 June 2015.
- 104 Statement of Ukraine, CCW Protocol V on Explosive Remnants of War Meeting of Experts, Geneva, April 2015.
- 105 "Mine Action Activities", Side-event presentation by Amb. Vaidotas Verba, OSCE Project Co-ordinator in Ukraine, in Geneva, 17 February 2016.
- 106 CCW Amended Protocol II Article 13 Report (for 2014), Form E; and Germany CCW Amended Protocol II Article 13 Report (for 2014), Form E.
- 107 Email from Adam Jasinski, HALO Trust, 18 May 2016.
- 108 Emails from Rowan Fernandes, DDG Ukraine, 20 May and 17 June 2016.
- 109 OHCHR, "Report on the human rights situation in Ukraine 16 August to 15 November 2015", December 2015.