

RECOMMENDATIONS FOR ACTION

- Ukraine should accede to the Convention on Cluster Munitions (CCM) as a matter of priority.
- Ukraine should comply with its obligations under international human rights law to clear cluster munition remnants (CMR) on territory under its jurisdiction or control as soon as possible.
- Ukraine should undertake a baseline survey of CMR contamination in areas to which it has effective access.
- Ukraine should formally establish a national mine action authority and a functioning national mine action centre to manage clearance of explosive ordnance.
- Ukraine should elaborate a strategic plan for mine action, including for CMR survey and clearance.
- Ukraine should systematically collect data on contamination from mines, CMR, and other explosive remnants of war (ERW), as well as progress in survey and clearance, and establish a centralised database for planning purposes.
- Ukraine should consult with mine action stakeholders and elaborate standardised national criteria for the prioritisation of CMR clearance.
- Ukraine should establish a quality management system for survey and clearance operations.

CLUSTER MUNITION REMNANT CONTAMINATION

The extent of contamination from CMR in Ukraine is not known. Ukraine has claimed that many unexploded submunitions contaminate the Donetsk and Luhansk regions,¹ with the most intensive use of cluster munitions said to have occurred in and around the city of Debalcevo in Donetsk oblast.² In 2017, Ukraine estimated, implausibly, that total contamination by mines and ERW (including CMR) could extend over 7,000km².³ The Ukrainian Ministry of Defence (MoD) accepts that this is a “rough” estimate.⁴ It is further suggested that 15–20% of the explosive contamination is from mines while the rest is from ERW.⁵ However, Ukraine cannot reliably estimate the overall extent of CMR contamination until surveys have been completed.⁶ 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.⁷

Since The HALO Trust began operations in Ukraine, it has confirmed 1.4km² of land as contaminated with CMR. In 2018, The HALO Trust identified three new areas of CMR contamination with a total surface area of 0.4km².⁸ The OSCE Project Coordinator (PCU) suggests that the national mine action centre (NMAC), due to

be established in 2019, should initially focus on non-technical survey outside the 15km buffer zone in order to better define the scale of the problem. Areas within the buffer zone will continue to be under the jurisdiction of the MoD and not within the direct remit of NMAC.⁹

Multiple reports from 2014 and 2015 indicate that both government forces and pro-Russian rebels have used cluster munitions in the Donetsk and Luhansk regions of eastern Ukraine. This included Smerch (Tornado) and Uragan (Hurricane) cluster munition rockets, which deliver 9N210 and 9N235 anti-personnel fragmentation submunitions; 300mm 9M55K cluster munition rockets with 9N235 submunitions; and 220mm 9M27K-series cluster munition rockets.¹⁰ During a ten-day investigation in eastern Ukraine, Human Rights Watch found evidence that cluster munition rockets had been fired in at least seven localities between 23 January and 12 February 2015, with some hit multiple times. Three of the areas were in government-controlled territory while the other four were in rebel-held territory. Thirteen civilians were reportedly killed during these attacks, including at least two children.¹¹

OTHER EXPLOSIVE REMNANTS OF WAR AND LANDMINES

Ukraine is contaminated by considerable quantities of other ERW as well as by anti-personnel and anti-vehicle mines used during the current conflict (see Mine Action Review's *Clearing the Mines* report on Ukraine for further information). It is also affected by unexploded ordnance (UXO) and abandoned explosive ordnance (AXO)

remaining from the First World War and Second World War¹² and Soviet military training and stockpiles. In February 2016, Ukraine claimed that 32 former military firing ranges and the many other areas contaminated with explosive items from past wars covered 1,500km².¹³

NATIONAL OWNERSHIP AND PROGRAMME MANAGEMENT

All areas of mine action in the Donetsk and Luhansk region, including humanitarian demining operations, are currently planned, coordinated, and controlled by the MoD.¹⁴ 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); the Security Services; the Ministry of Temporarily Occupied Territories and Internally Displaced Persons; the State Special Transport Services (STSS) of the Ministry of Defence; the National Police; and the State Border Service.¹⁵

The MoD has organisational control of operations while SESU is generally responsible for conducting 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 explosive ordnance disposal (EOD) teams) involved in technical and non-technical survey, 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.¹⁶

Ukraine's national mine action legislation was adopted by parliament on 6 December 2018 and signed into law by the President on 22 January 2019. It establishes a framework for humanitarian demining, divides responsibilities among state institutions, and envisages the creation of a mine action authority and mine action centre. Members of the national mine action authority (NMAA) will be appointed by the Cabinet of Ministers. NMAC will be responsible for survey and clearance outside of the contact line and buffer zone and once staffed will prepare a mine action strategic plan. The MoD will maintain responsibility for survey and clearance of the contact line and buffer zone. According to the OSCE PCU, the NMAA and NMAC would be in place by the end of 2019 following the presidential and parliamentary elections in September.¹⁷

The HALO Trust and Danish Demining Group (DDG) reported that they have actively participated in roundtables and public hearings on mine action legislation, organised by the MoD, the OSCE PCU, and the VR's Defence and Security Committee. During these meetings, The HALO Trust and DDG supported the adoption of national legislation and shared best practices and lessons learned from other countries.¹⁸

Once the mine action law is fully implemented, this should provide the mechanisms for government bodies to assist operators with visas and importation of equipment: issues that are currently handled by the operators themselves.¹⁹ In 2018, The HALO Trust faced challenges importing armoured machinery that was classed as military equipment and, as such, could not be imported by a civilian organisation without the support of an executive branch of government.²⁰

National funding is provided for clearance of ERW and mines.²¹ Ukraine also receives assistance from foreign partners (OSCE and North Atlantic Treaty Organization, NATO) for demining equipment.²²

The Geneva International Centre for Humanitarian Demining (GICHD) has been working with the OSCE PCU in Ukraine to help foster mine action institutions, including legislation.²³ The OSCE PCU, with GICHD assistance, has received funding until October 2020 to support Ukraine with the establishment of the NMAA and NMAC and adoption of national standards (now that the mine action legislation has been passed).²⁴ DDG is focusing on working with SESU to equip, train, and support their survey and clearance capacities as the mine action sector evolves and national standards come into force.²⁵ In 2018, The HALO Trust organised or facilitated training courses for both state bodies and international operators in land release, quality management, EOD, and geographic information systems (GIS).²⁶

GENDER

DDG has a gender policy and implementation plan. It ensures that all affected groups, including women and children, are consulted during survey and community liaison activities. However, DDG acknowledges its survey and community and liaison teams are not gender balanced, with only 15% of operational roles being filled by women, although 38% of its managerial/supervisory positions are occupied by women.²⁷

The HALO Trust uses mixed gender non-technical survey and community liaison teams. HALO Trust began recruiting women for clearance roles in 2017, employing the first female deminers in Ukraine. As at May 2019, 15% of operational survey and clearance staff were female while more than half of all managerial/supervisory staff were female.²⁸

INFORMATION MANAGEMENT AND REPORTING

There are two functioning Information Management System for Mine Action (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.²⁹ The databases are claimed to be complementary, as they are separated based on region, thematic area, and operational purpose.³⁰ It will be the task of NMAC to create a central national IMSMA database.³¹ In preparation for this, the

OSCE PCU organised IMSMA training sessions in 2018 for staff from the MoD, SESU, SSTS, The HALO Trust, DDG and Swiss Foundation for Mine Action (FSD).³² An online map has been published by the MoD, with technical support from The HALO Trust, with areas of anti-personnel mine and UXO contamination (although submunitions are not disaggregated from other UXO), surveyed by DDG, FSD, The HALO Trust, and a commercial company, Demining Solutions.³³

PLANNING AND TASKING

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 2017–21.

Annually, the MoD produces an operational plan for all operators, based on information provided by national agencies and international operators working in Ukraine.³⁴ There are currently no standardised criteria at a national level for prioritising tasks.³⁵

LAND RELEASE SYSTEM

STANDARDS AND LAND RELEASE EFFICIENCY

National mine action standards (NMAS) were finalised by the MoD in September 2018 after multi-year input and review from key stakeholders.³⁶ The NMAS were published in April 2019 but, in accordance with the new mine action law, are awaiting formal adoption by the government before they can become operational. As at May 2019, there were no CMR specific standards.³⁷ In April 2019, the Cabinet of Ministers approved Resolution No. 372 on “Regulations on marking mine and ERW hazards” which follows the provisions set out in international mine action standards (IMAS).³⁸

In May 2019, the GICHD, at the request of the OSCE PCU, provided assistance to the review of the national standards and also planned in-country training on standards and non-technical survey. These activities will be implemented in 2019 to 2020, depending on the progress with establishing the NMAA and NMAC, in accordance with the new law.³⁹

OPERATORS

The MoD and several other ministries continue to deploy units that undertake clearance and destruction of mines and ERW. This includes the Ministry of Internal Affairs, which conducts clearance through SESU and also has an engineering department that conducts EOD, the Security Service, the State Special Transport Service, which is responsible for demining national infrastructure, and the State Border Service, which conducts demining in areas under its control on land and in the sea.⁴⁰ 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.⁴¹

Three international demining organisations – DDG, FSD, and The HALO Trust – are operating in Ukraine.⁴² In addition, the Ukrainian organisations, Demining Team of Ukraine and Demining Solutions are active in demining in eastern Ukraine.⁴³

As at June 2018, The HALO Trust had 244 staff of whom 218 were engaged in survey, mine clearance, or battle area clearance (BAC). By September 2018, this had increased to a total of 360 staff.⁴⁴ 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.⁴⁵ HALO Trust expects the expansion of its operations to continue, as at June 2019, it had 418 staff, including 25 manual and 2 mechanical clearance teams, 5 survey teams and 2 mechanical support teams.⁴⁶

FSD conducted survey and clearance in Ukraine. It had planned to increase its clearance capacity in 2018 with the creation of dedicated “large loop” crews to assist with BAC tasks although, as at June 2019, it was not known if this had occurred. FSD also conducted training for additional non-technical survey personnel in 2018.⁴⁷

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.⁴⁸

Currently operators conduct their own quality management but it is expected that the formal development of external quality management will take place in 2019 following the adoption of the mine action law.⁴⁹ As at June 2019, The HALO Trust was undergoing an external quality inspection by the MOD’s Kamianets-Podilsky Demining Centre. Once this process is complete, all land cleared by The HALO Trust in Ukraine since the start of its demining operations in 2016 can be officially released.⁵⁰

OPERATIONAL TOOLS

In 2018, The HALO Trust deployed its first mechanical clearance asset, the first operator in Ukraine to do so.⁵¹ As at June 2019, HALO Trust was deploying three mechanical clearance assets, two armoured front-end loaders, and one armoured excavator.⁵²

DDG plans to use drones to create high-resolution maps for their tasks but, as at June 2019, the mechanism for acquiring permission to fly is not yet in place.⁵³ DDG does not use any mechanical assets.⁵⁴ It was expected that FSD will relocate a mechanical clearance machine to Ukraine from another FSD programme later in 2018, although, as at May 2019, it was not known if this was done.⁵⁵

LAND RELEASE OUTPUT AND PROGRESS TOWARDS COMPLETION

LAND RELEASE OUTPUT IN 2018

DDG did not conduct any survey or clearance of CMR contaminated areas in 2018.⁵⁶ As at May 2019, FSD had not provided any information on whether it undertook survey or clearance of CMR contamination in 2018. The HALO Trust cleared one area of 49,010m² and found two submunitions (see Table 1) and identified three new areas of CMR contamination with a total surface area of 399,476m².

The HALO Trust has only cleared three areas with CMR contamination since 2016.⁵⁷ No CMR were destroyed during spot tasks by HALO or DDG in 2018.⁵⁸

No target date has been set for the completion of CMR clearance in Ukraine. Although it is understood, in addition to clearance conducted by operators, some clearance of CMR contamination has been undertaken by the MoD the extent is unclear as that information has not been made available by the national authorities.⁵⁹

Access to CMR contamination is a problem in certain areas either because of security concerns or because of their proximity to active military sites.⁶⁰ In addition, Ukraine has not had full control over parts of its territory with suspected CMR contamination since conflict erupted in 2014.⁶¹ Russia 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, in any areas of Ukraine over which it exercises effective control.

Table 1: Clearance of CMR-contaminated area in 2018⁶²

District/Village	Operator	Areas cleared	Area cleared (m ²)	Submunitions destroyed
Volnovaskyi Graftske	HALO Trust	1	49,010	2
Totals		1	49,010	2

- 1 National Security and Defence Council and State Emergency Services of Ukraine (SESU), "Humanitarian demining in Ukraine: current issues and challenges", Anti-personnel Mine Ban Convention (APMBC) Fourteenth Meeting of States Parties (14MSP), Side event, Geneva, 2 December 2015.
- 2 Interview with Lt.-Col. Yevhenii Zubarevskiy, Mine Action Department, Ministry of Defence (MoD), in Geneva, 20 May 2016.
- 3 "Measures to ensure compliance", presentation by Col. Viktor Kuzmin, Deputy Chief, Engineer Troops, Armed Forces of Ukraine, provided to the APMBC Implementation Support Unit at the APMBC Intersessional Meetings, Geneva, 9 June 2017, at: <http://bit.ly/2EoMS2u>.
- 4 Interview with Maksym Komisarov, Chief of Mine Action Department, MoD, in Geneva, 8 June 2018.
- 5 Ibid.
- 6 "Mine Action in Ukraine", Side-event presentation by Lt.-Col. Yevhenii Zubarevskiy, MoD, at the 19th UN Meeting of Programme Directors, Geneva, 17 February 2016; and Statement of Ukraine, APMBC Intersessional Meetings, Geneva, 19 May 2016.
- 7 Emails from Yuri Shahramanyan, Programme Manager, HALO Trust Ukraine, 24 May 2017; and Henry Leach, Head of Programme, DDG Ukraine, 29 May 2017.
- 8 Email from Yuri Shahramanyan, HALO Trust Ukraine, 16 May 2019.
- 9 Interview with Miljenko Vahtavic, OSCE PCU, 7 February 2019.
- 10 Human Rights Watch (HRW), "Ukraine: Widespread use of cluster munitions", 20 October 2014, at: <http://bit.ly/2WgCZ0n>; "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://bit.ly/2YKhME2>; Armament Research Services, "9M55K cargo rockets and 9N235 submunitions in Ukraine", Blog entry, 3 July 2014, at: <http://bit.ly/2YE33AB>.
- 11 HRW, "Ukraine: More civilians killed in cluster munition attacks", 19 March 2014.
- 12 See, e.g., "During a Year in Kerch and Sevastopol neutralized 33 thousands of munitions", *Forum*, 4 December 2009.
- 13 "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 UN Meeting of Programme Directors, Geneva, 17 February 2016.
- 14 Email from Lt.-Col. Yevhenii Zubarevskiy, MoD, 27 June 2017.
- 15 Ibid.; and emails from Anton Shevchenko, OSCE, 14 June 2016; and Gianluca Maspoli, Country Focal Point for Ukraine, GICHD, 20 June 2017 and 5 July 2018.
- 16 Ibid.; National Security and Defence Council and the SESU, "Humanitarian demining in Ukraine: current issues and challenges", Side event, 14MSP, Geneva, 2 December 2015; and National Defence and the Canadian Armed Forces, "Operations UNIFIER"; 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 Zubarevskiy, MoD, 17 June 2016.
- 17 OSCE, "Ukrainian parliament adopts legal framework for mine action, with OSCE advice provided", 10 December 2018, at: <http://bit.ly/2QdTaQo>; interview with Miljenko Vahtarić, OSCE PCU, 7 February 2019; and email, 13 June 2019.
- 18 Emails from Yuri Shahramanyan, HALO Trust Ukraine, 16 May 2019; and Henry Leach, DDG Ukraine, 25 September 2018.
- 19 Email from Henry Leach, DDG Ukraine, 2 May 2019.
- 20 Email from Yuri Shahramanyan, HALO Trust Ukraine, 16 May 2019.
- 21 Interview with Col. Oleksandr Shchebetiuk, Ukrainian Armed Forces, in Geneva, 26 June 2015.
- 22 Statement of Ukraine, Convention on Certain Conventional Weapons (CCW) Protocol V Meeting of Experts, Geneva, April 2015.
- 23 GICHD, "Conference on Ukraine's current security, humanitarian demining and ERW challenges", News release, Geneva, 24 April 2015.
- 24 "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; and interview with Miljenko Vahtarić, OSCE PCU, 7 February 2019.
- 25 Email from Henry Leach, DDG Ukraine, 25 September and 1 October 2018.
- 26 Email from Yuri Shahramanyan, HALO Trust Ukraine, 16 May 2019.
- 27 Email from Henry Leach, DDG Ukraine, 2 May 2019.
- 28 Emails from Yuri Shahramanyan, HALO Trust Ukraine, 24 May 2017 and 16 May 2019.
- 29 Emails from Lt.-Col. Yevhenii Zubarevskiy, MoD, 21 October 2016 and 27 June 2017; Gianluca Maspoli, GICHD, 20 June 2017; and Inna Cruz, Information Management Advisor, GICHD, 5 July 2018.
- 30 Email from Gianluca Maspoli, GICHD, 20 June 2017.
- 31 Email from Miljenko Vahtarić, OSCE PCU, 30 April 2018.
- 32 Email from Miljenko Vahtarić, OSCE PCU, 25 September 2018.
- 33 Emails from Yuri Shahramanyan, HALO Trust Ukraine, 16 May and 31 May 2019.
- 34 Email from Gianluca Maspoli, GICHD, 25 September 2018.
- 35 Emails from Henry Leach, DDG Ukraine, 2 May 2019; and Yuri Shahramanyan, HALO Trust Ukraine, 16 May 2019.
- 36 Emails from Gianluca Maspoli, GICHD, 25 September 2018; and Miljenko Vahtarić, OSCE PCU, 25 September 2018; and interview with Miljenko Vahtarić, OSCE PCU, 7 February 2019.
- 37 Email from Miljenko Vahtarić, OSCE PCU, 31 May 2019.
- 38 Email from Miljenko Vahtarić, OSCE PCU, 13 June 2019; and Ministry for Temporarily Occupied Territories and Internally Displaced Persons, "Danger! Mines! Cabinet of Ministers of Ukraine Approved Regulations of Marking Mine And ERW Hazards, Developed by MTOT", 4 May 2019, at: <http://bit.ly/2IO6vCA>.
- 39 Email from Armen Harutyunyan, Advisor Land Release and Operational Efficiency, GICHD, 21 June 2019.
- 40 Interview with Col. Oleksandr Shchebetiuk, Ukrainian Armed Forces, in Geneva, 26 June 2015; email from Anton Shevchenko, OSCE, 23 June 2015; "Mine Action in Ukraine", Side-event presentation by Lt.-Col. Yevhenii Zubarevskiy, MoD, Geneva, 17 February 2016; and APMBC Article 7 Report (for 2016), Form F.
- 41 Interview with Maksym Komisarov, MoD, in Geneva, 8 June 2018.
- 42 Ibid.; and APMBC Article 7 Report (for 2016), Form F.
- 43 Email from Gianluca Maspoli, GICHD, 20 June 2017; "Tightening with the process of mine clearance in the East of Ukraine can lead to a new crisis", *military-informant*, 25 July 2016, at: <http://bit.ly/2Qf1jeg>; and "Presentation of the Demining team of Ukraine", SD Crisis, 26 April 2017, at: <http://bit.ly/2wb6DG7>.
- 44 Emails from Yuri Shahramanyan, HALO Trust Ukraine, 29 June and 25 September 2018.
- 45 Emails from Adam Jasinski, HALO Trust, 18 May 2016; and Yuri Shahramanyan, HALO Trust Ukraine, 24 May 2017.
- 46 Email from Yuri Shahramanyan, HALO Trust Ukraine, 19 June 2019.
- 47 Email from Anthony Connell, FSD Ukraine, 15 June 2018.
- 48 Protection Cluster Ukraine, "Eastern Ukraine: Brief on the need for humanitarian mine action activities".
- 49 Email from Yuri Shahramanyan, HALO Trust Ukraine, 16 May 2019.
- 50 Email from Yuri Shahramanyan, HALO Trust Ukraine, 19 June 2019.
- 51 Emails from Yuri Shahramanyan, HALO Trust Ukraine, 17 May 2019.
- 52 Email from Yuri Shahramanyan, HALO Trust Ukraine, 19 June 2019.
- 53 Email from Henry Leach, DDG Ukraine, 11 June 2019.
- 54 Email from Henry Leach, DDG Ukraine, 2 May 2019.
- 55 Email from Anthony Connell, FSD Ukraine, 26 June 2018.
- 56 Email from Henry Leach, DDG Ukraine, 2 May 2019.
- 57 Ibid.
- 58 Email from Henry Leach, DDG Ukraine, 2 May 2019.
- 59 Ibid.
- 60 Email from Yuri Shahramanyan, HALO Trust Ukraine, 16 May 2019.
- 61 Official communication to the UN from Ukraine, Ref. C.N.121.2016.TREATIES-XXVI.5 (depository Notification) 30 March 2016, at: <http://bit.ly/2QeQWXX>.
- 62 Email from Yuri Shahramanyan, HALO Trust Ukraine, 16 May 2019.