
**Meeting of the States Parties to the Convention
on the Prohibition of the Use, Stockpiling,
Production and Transfer of Anti-Personnel
Mines and on Their Destruction**

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Consideration of requests submitted under Article 5

**Analysis of the request submitted by Ukraine for
an extension of the deadline for completing the
destruction of anti-personnel mines in accordance
with Article 5 of the Convention***

**Submitted by the Committee on Article 5 Implementation (Austria,
Canada, Norway and Zambia)**

1. Ukraine ratified the Convention on 27 December 2005. The Convention entered into force for Ukraine on 1 June 2006. In its initial transparency report submitted on 21 December 2006, Ukraine reported that there were no areas under its jurisdiction or control containing, or suspected to contain, anti-personnel mines. Having identified newly laid mines, Ukraine found itself in a position where it needed to submit a request for an extension of the original deadline, which lapsed 1 June 2016. Ukraine submitted, on 1 November 2018, to the Committee on Article 5 Implementation a request for extension, for a period of 5 years, until 1 June 2021. The Seventeenth Meeting of the States Parties (17MSP) agreed unanimously to grant the request.

2. In granting the request, the 17MSP noted that Ukraine has expressed that the circumstance which impedes its ability to destroy all anti-personnel mines in mined areas that it has reported to be under its jurisdiction is that it does not have effective control over some of the areas in question. The 17MSP further noted the importance of Ukraine providing information on changes to the status of the control of mined areas as part of the Article 5 Implementation process.

3. On 8 June 2020, Ukraine submitted to the Chair of the Committee on Article 5 Implementation a request for extension of its 1 June 2021 deadline. On 13 July 2020, the Committee wrote to Ukraine to request additional clarification and information. On 27 August 2020, Ukraine submitted to the Committee on Article 5 Implementation additional information in response to the Committee's questions. Ukraine's request is for a period of two years and six months until 1 December 2023.

4. The request submitted in 2020 indicates that circumstances that made it necessary for Ukraine to request an extension in 2018 remain unchanged. The request furthermore refers to information contained within the 2018 request. In this regard, the Committee noted that it

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can be assumed that, during the period leading to the requested extended deadline, Ukraine would again evaluate the situation and form a fresh opinion as to whether matters have evolved so that Ukraine is, or may in future be, able to destroy or ensure the destruction of all anti-personnel mines and to arrive at a specific assessment of the time required for their destruction.

5. The request indicates that, on 25 January 2019, the Law of Ukraine “on Mine Action in Ukraine” came into force and that the process of implementation of legislation in the field of mine action is ongoing. The request also mentions that at present the function of the national authorities is performed by the Ministry of Defence (MoD) of Ukraine. The Committee welcomes the efforts made by Ukraine to pass legislation which provides clarity on the mine action structure in Ukraine. The Committee noted the importance of national ownership for implementation, which includes, as defined by the States Parties, empowering and providing relevant State entities with the human, financial and material capacity to carry out their obligations under the Convention. The request also indicates that in addition to the MoD, the State Emergency Services of Ukraine, non-governmental organizations, the National Police of Ukraine, the State Border Guard Service of Ukraine, the Service for Special Transport of Ukraine and the National Guard of Ukraine are involved in implementing mine action activities.

6. The request further indicates that to manage, control and coordinate demining activities, the MoD together with interested authorities prepares an annual Plan for humanitarian demining of liberated territories of Donetsk and Luhansk regions with the main objective being to conclude non-technical and technical survey of potentially dangerous areas and provide security during restoration of infrastructure and clearance of agricultural areas of mines and explosive remnants of war (ERW).

7. The request also indicates that Ukraine developed and approved the national standard DSTU P 8820-1: 2019 “Mine action - Management processes - basic provisions”, in line with International Mine Action Standards (IMAS) which entered into force on 1 April 2019. The request also indicates that Ukraine created an effective demining quality management system, which includes certification of mine action operations and demining quality control. The Committee wrote to Ukraine requesting information on how the national standard ensures an evidence-based approach to the recording of suspected hazardous areas (SHAs) and confirmed hazardous areas (CHAs). Ukraine responded that the standard is currently being tested, and that, based on results of the testing, respective amendments will be introduced. The Committee noted the importance of Ukraine keeping national mine action standards up to date in accordance with the latest IMAS, adapting them to new challenges and employing best practices to ensure efficient and effective implementation.

8. The request indicates that most of the areas contaminated by anti-personnel mines are along the demarcation line and that they are shelled daily by the armed forces of the “occupation administration of the Russian Federation” in Donetsk and Luhansk regions which complicates the demining process. The request includes a list of areas suspected to contain mines identified during non-technical survey operations carried out by the HALO Trust, Danish Demining Group and Foundation Suisse de Déminage (FSD) in Donetsk and Luhansk regions. The request indicates that in some cases there is no information on the type of mines while in other cases the types of mines have been identified, including PMN-2, MON50 and OZM-72 type mines. The request also indicates that contamination includes industrial-made anti-personnel mines, improvised explosive devices and a large number of unexploded ordnance. The Committee noted the importance of Ukraine ensuring that it applies all provisions and obligations under the Convention to improvised anti-personnel mines (e.g. trip-wire grenades) along with all other types of anti-personnel mines, including during survey and clearance in fulfilment of Article 5 and disaggregating by types of mines when reporting in fulfilment of Article 7 obligations.

9. The request indicates that during the period of the extension, Ukraine’s efforts included demining of critical infrastructure in Donetsk and Luhansk regions. In this regard, the request indicates that 35’000 hectares of land, 1’754 kilometres of road and 938 kilometres of railway have been inspected resulting in 460’000 explosive devices being destroyed. The request also indicates that as a result of demining in 2019 quality control was conducted on 36 demined areas measuring 250.7 hectares, with 24 areas measuring 170

hectares handed over to local authorities. The Committee wrote to Ukraine noting the importance of Ukraine reporting on its progress in a manner consistent with IMAS, disaggregating by area cancelled through non-technical survey (NTS), reduced through technical survey (TS) and addressed through clearance. Ukraine responded that, regarding the reported contamination of 7'000 square kilometres of area identified as hazardous, identification of specific areas will be possible after a complete ceasefire and a technical inspection of the allegedly contaminated areas along the demarcation line.

10. The request indicates a number of humanitarian, social, economic and environmental implications which demining operations aim to address, including accident prevention and the creation of a safe environment, contamination of infrastructure, impeded delivery of humanitarian cargos to persons that reside near the contact line, blocked access to essential goods and services, agricultural land, infrastructure objectives, forests, rivers, and recreational facilities. The Committee noted that progress in the implementation of Article 5 during the requested extension period had the potential of making a significant contribution to improving human safety and socioeconomic conditions in Ukraine.

11. The Committee wrote to Ukraine requesting more detailed information on Ukraine's annual work plan. Ukraine responded by providing an "Activity Plan on Humanitarian demining of Liberated territories of Donetsk and Luhansk for 2020". The plan includes four key objectives to be achieved during 2020, including i) conduct preparatory activities to ensure demining of contaminated areas, ii) carry out humanitarian demining of territories and facilities of the liberated territory of Donetsk and Luhansk regions, iii) implementation of quality control of cleared areas, and, iv) organisation of international cooperation on mine action activities. The plan also includes information on general activities, NTS, TS, demining activities, quality control, handover of cleared territories, reporting and information management, and participation in international cooperation activities as well as the responsible entities. Ukraine also responded by providing additional information including a list of "plots" and high priority tasks for humanitarian activity in 2020 located in Donetsk and Luhansk region, to be addressed by Danish Demining Group, (DDG), the Halo Trust, Demining Solutions, Demining Team from Ukraine, State Emergency Service of Ukraine and State Special Transport Service. The Committee welcomes the information submitted by Ukraine and noted the importance of Ukraine providing information on the remaining challenges, disaggregating by 'suspected hazardous areas' and 'confirmed hazardous areas' and their relative size, as well as by the type of contamination.

12. The request indicated that Ukraine has an established information management system in place since 2014 and currently hosts 47,000 reports from 27 regional operators (territorial divisions). The Committee noted the importance of Ukraine ensuring that it maintains a national information management system containing accurate and up-to-date data at the national level on the status of implementation. The design and implementation of information management systems will ensure that they are nationally owned, sustainable and take into account the need for data that can be accessed, managed and analysed post-completion.

13. The request indicates the following factors, which in Ukraine's view, acted as impeding circumstances during Ukraine's first extension period of its Article 5 deadline: a) currently Ukraine does not have control over the temporary occupied territories in Donetsk and Luhansk, as well as over the Autonomous republic of Crimea and the city of Sevastopol, b) ongoing military stand-off in Donbas and continuing hostilities cause further contaminations of the territories along the contact line, c) occupation in Donetsk and Luhansk does not allow the scale of contamination and mined areas to be identified, and to determine the resources required to carry out a mine action programme.

14. The request indicates that resources and budget expenses for demining activities are allocated to the relevant State authorities and military detachments during the fiscal year. The request further indicated that personnel of the engineer corps of the Armed Forces of Ukraine are provided by the MoD and technical aid is provided by donor States and international organisations, with the budget of the State Emergency Service provided through allocations from the State budget of Ukraine. The Committee noted the importance of Ukraine making financial and other commitments to implementation.

15. The Committee wrote to Ukraine requesting information on the steps Ukraine is taking to integrate gender and take the diverse needs and experiences of people in affected communities into account. Ukraine responded by stating that public awareness activities on risks associated with mines and explosive remnants of war are carried out by all organizations implementing the annual action plan. Ukraine further indicated the development of interactive maps to ensure information on areas contaminated with mines and explosives is available for all entities involved in mine action. The Committee noted the importance of Ukraine ensuring that the different needs and perspectives of women, girls, boys and men are considered and inform all areas of Convention implementation and mine action programmes, in order to deliver an inclusive approach.

16. The Committee noted that the request includes other relevant information that may be of use to the States Parties in assessing and considering the request, including detailed tasks and activities to be implemented as part of Ukraine's annual plan, as well as references to national law, plans, equipment needs, and standards pertaining to the request.

17. The Committee noted that, given that the MoD together with interested authorities prepares an annual Plan for humanitarian demining of liberated territories of Donetsk and Luhansk regions, the States Parties would benefit from Ukraine ensuring that it annually updates its national work plans based on new evidence and report on adjusted milestones in their Article 7 reports by 30 April each year, including information on the number of areas and amount of mined area to be addressed annually and how priorities have been established. The Committee further noted that, as the request did not contain a budget for implementation, Ukraine would benefit from including in its annual updates information on costs for implementation.

18. The Committee noted that the plan presented by Ukraine is workable, lends itself well to be monitored, and states clearly which factors could affect the progress in implementation. The Committee further noted that the plan's success is contingent on access to the remaining contaminated areas, the need for stable national funding and the mobilization of international financial and technical resources, engagement with international stakeholders and the creation of an environment conducive for organizations involved in mine action activities, including the establishment of a national mine action Centre. In this regard, the Committee noted that the Convention would benefit from Ukraine reporting annually, by 30 April, to the States Parties on the following:

- (a) progress and results of land release activities relative to the commitments made in Ukraine's annual work plan, disaggregated in a manner consistent with the IMAS by providing information on the remaining challenges, disaggregating by 'suspected hazardous areas' and 'confirmed hazardous areas' and their relative size, as well as by the type of contamination. Report on progress in accordance with the land release methodology employed (i.e. cancelled through non-technical survey, reduced through technical survey, or cleared through clearance) and how additional clarity obtained may alter Ukraine's assessment of the remaining implementation challenge;
- (b) annual updated work plan based on new evidence containing adjusted milestones, including information on the number of areas and amount of mined area to be addressed annually, how priorities have been established and costs for implementation;
- (c) changes to the status of the control of mined areas and how these changes positively or negatively affect survey and clearance of mined areas;
- (d) updated information on the development and adoption of National Mine Action Legislation and the establishment of a national mine action centre;
- (e) updates on the steps taken by Ukraine to ensure the different needs and perspectives of women, girls, boys and men are considered and inform all areas of Convention implementation and mine action programmes;
- (f) updates regarding the development and implementation of a detailed, costed and multi-year plan for context-specific mine risk education and reduction in affected communities including information on the methodologies used, the

challenges faced and the results achieved, with information disaggregated by gender and age; and

- (g) updates regarding resource mobilisation efforts, including resources made available from Ukraine's state budget and external financing received to support implementation efforts.

19. The Committee noted the importance, in addition to Ukraine reporting to the States Parties as noted above, of keeping the States Parties regularly apprised of other pertinent developments regarding the implementation of Article 5 during the period covered by the request and other commitments made in the request at intersessional meetings, Meetings of the States Parties and Review Conferences, as well as through its Article 7 reports using the Guide for Reporting.
