

## PRELIMINARY OBSERVATIONS

### COMMITTEE ON ARTICLE 5 IMPLEMENTATION (Belgium, Norway, Sri Lanka and Zambia)

Intersessional Meetings 22 – 24 June 2021

#### PRELIMINARY OBSERVATIONS ON THE IMPLEMENTATION OF ARTICLE 5 BY UKRAINE

##### I. Progress in implementation (OAP Action #8, #22)

1. Ukraine reported that in 2020, the Ministry of Defence carried out external quality control of four mined areas, 1 conducted in Donetsk Region, Volnovakha district (Report HT/CR/035 of 20.12.2019), and three in Luhansk Region, Stanicho-Luhansk district (Report HT/CR/024 of 27.07.2020, HT/CR/045 of 27.07.2020, and HT/CR/040 of 06.07.2020).
2. Action #8 of the Oslo Action Plan requests States to provide quality information on progress and challenges in implementing the Convention, employing the guide to reporting. **The Committee observed that Ukraine had not reported by employing the guide to reporting (Action #8).**
3. Action #22 of the Oslo Action Plan requests States to report in a manner consistent with IMAS by providing information on progress in accordance with the land release methodology employed (cancelled through non-technical survey, reduced through technical survey, or cleared through clearance). **The Committee observed that Ukraine had not reported in a manner consistent with IMAS.**
4. Action #22 of the Oslo Action plan further requests States to provide survey and clearance data that disaggregates by type of contamination. **The Committee observed that Ukraine had not reported on the number and types of anti-personnel mines and other explosive remnants of war addressed in a disaggregated manner (Action #22).**

##### II. Clarity regarding remaining challenge (OAP Action #18, #22)

5. The Committee noted that Ukraine had provided some clarity<sup>1</sup> on its remaining challenge (Action #18). Ukraine reported that 8 suspected hazardous areas (SHA) in 2 regions remain to be addressed including 5 SHA in 3 districts of Donetsk region, (2 areas in Sloviansk district, 1 area in Lyman district and 2 areas in Bakhmut district) and 3 areas in Luhansk region, (1 area in Popasna district, and 2 areas in Stanicho-Luhansk district) (Action #22).
6. Action #22 of the Oslo Action Plan requests States to Report in a manner consistent with 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). **The Committee observed that Ukraine had not reported on its remaining challenge, disaggregated by**

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<sup>1</sup> "Some clarity" has been used when a State Party has provided a summary table listing some information related to the number of areas known or suspected to contain anti-personnel mines in each region, province, and district within the State.

**‘suspected hazardous areas’ and ‘confirm hazardous areas’ and their relative size, as well as by the type of contamination in accordance with IMAS, and would welcome additional information in this regard (Action #22).**

7. Action #18 of the Oslo Action Plan requests States that have not yet done so will identify the precise perimeter of mined areas, to the extent possible, and establish evidence based, accurate baselines of contamination based on information collected from all relevant sources, no later than by the Nineteenth Meeting of the States Parties in 2021. The Committee recalled that while Ukraine’s 2020 request submitted to the Fourth Review Conference indicated that “7’000 square kilometres of area identified as hazardous” and that technical inspection of the allegedly contaminated areas along the demarcation line will be possible after ceasefire. The Committee further recalled that Ukraine in its 2019 updated work plan reported a total of 182 mined areas to be addressed by clearance, 167 areas of common priority requiring non-technical inspection and a list of 188 high-priority territories for non-technical inspection, in order to identify hazardous (suspicious) plots, subsequent marking and implementation of technical inspection and demining. **The Committee observed that Ukraine was still in the process of identifying the precise perimeter of mined areas (Action #18).**

Action #18 of the Oslo Plan requests States to report on having established their baseline through inclusive consultations with women, girls, boys and men. **The Committee observed that Ukraine had not reported** updated information on its efforts to establish Ukraine’s baseline through inclusive consultations with women, girls, boys and men, and would welcome additional information in this regard (Action #18).

### **III. National plans for clearance and survey (OAP Actions #1, #2, #3, #19, #20, #26)**

8. Action #19 of the Oslo Action Plan requests States to develop evidence-based and costed national work plans, including projections of the number of areas and the amount of mined area to be addressed annually to achieve completion as soon as possible, and no later than their Article 5 deadline, to be presented at the Eighteenth Meeting of the States Parties in 2020. The Committee recalled that while Ukraine in its 2020 extension request indicated that the Ministry of Defence together with interested authorities prepares an annual plan for humanitarian demining of liberated territories of Donetsk and Luhansk regions and that Ukraine reported that the following 8 tasks were planned to be addressed in 2021; 5 tasks located in Donetsk Region (2 tasks (HT/D/057) and (HT/D/087) located in Bakhmut district, 1 task (HT/D/004) located in Lyman district, and 2 tasks (HT/D/003) and (HT/D/027) located in Sloviansk district; 3 tasks in Luhansk Region, including 1 tasks (HTS21/09-16/31) located in Popasna district, and 2 tasks (HT/L/091) and (HT/L/020) located in Stanicho-Luhansk district. **The Committee observed that Ukraine had not provided an evidence-based and costed work plan, and would welcome additional information in this regard (Action #2, Action #19).**
9. Action #20 of the Oslo Action Plan requests States to annually update their 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 on how priorities have been established. **The Committee observed that Ukraine had not reported adjusted milestones and on how priorities have been established, and would welcome additional information in this regard (Action #20).**
10. Action #1 of the Oslo Action Plan requests States to Demonstrate high levels of national ownership, including by integrating Convention implementation activities into national development plans, poverty reduction strategies, humanitarian response plans and national strategies for the inclusion of persons with disabilities as appropriate, and by making financial and other commitments to

implementation. **The Committee observed that Ukraine had not reported on its efforts to integrate Convention implementation activities into national development plans, poverty reduction strategies and humanitarian response plans**, and would welcome additional information in this regard (Action #1).

11. Action #1 of the Oslo Action Plan requests States to Demonstrate high levels of national ownership, including by making financial and other commitments to implementation. The Committee recalled that Ukraine in its 2018 extension request, indicated that funding for demining and destruction of the anti-personnel mines in mined areas will be done through the State budget of Ukraine, with 251,2 million hryvnas allocated for this purposes. **The Committee observed that Ukraine had not reported annual financial commitment of State resources towards implementation** and welcomes further information in this regard (Action #1).

12. Action #6 of the Oslo Action Plan requests States to strengthen partnerships and integrate responses between the mine action community and relevant humanitarian, peacebuilding, development and human rights communities, bearing in mind the 2030 Agenda for Sustainable Development. **The Committee observed that Ukraine had not reported on its efforts to strengthen partnerships and integrate responses between mine action related activities and humanitarian response plans, peacebuilding, development or human rights plans, where relevant**, and would welcome additional information in this regard (Action #6).

13. Action #3 of the Oslo Action Plan requests States to ensure 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. Strive to remove barriers to full, equal and gender balanced participation in mine action and in Convention meetings. **The Committee observed that Ukraine had not reported on its efforts to consider gender and the diverse needs and experiences of people in affected communities in the development of its work plans as well as in ongoing work to achieve completion of its obligations under Article 5**, and would welcome additional information in this regard (Action #3).

14. Action #26 of the Oslo Action Plan requests States to Ensure that national strategies and work plans for completion make provisions for a sustainable national capacity to address previously unknown mined areas, including newly mined areas discovered following completion. In addressing these areas, they will consider the commitments made at the Twelfth Meeting of the States Parties as contained in the paper «Proposed rational response to States Parties discovering previously unknown mined areas after deadlines have passed»<sup>8</sup>. The Committee observed that while Ukraine had reported on its efforts to build national capacities, **it had not reported on its efforts to make provisions for addressing unknown mined areas in their national strategies and/or completion plans**, and would welcome additional information in this regard (Action #26).

#### **IV. Efficient and expedient implementation (OAP Actions #5, #9, #27)**

11. The Committee recalled that in its 2020 extension request Ukraine indicated 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” (Action #5).

12. The Committee recalled that in its 2020 extension request, Ukraine indicated that it has an information management system in place since 2014 and currently hosts 47,000 reports from 27 regional operators (territorial divisions) (Action #9).”

13. Action #27 of the Oslo Action Plan requests States to take appropriate steps to improve the effectiveness and efficiency of survey and clearance, including by promoting the research, application and sharing of innovative technological means to this effect. **The Committee observed that Ukraine had not reported on its efforts to improve the effectiveness and efficiency of survey and clearance operations, including by promoting the research, application and sharing of innovative technological means,** and would welcome additional information in this regard (Action #27).

#### **V. Actions in accordance with plans in extension requests and decisions on them**

14. The Committee recalled that in granting Ukraine's request, the Eighteenth Meeting of the States Parties (18MSP) requested Ukraine to submit updated information on several matters. The Committee would welcome further information from Ukraine regarding;

- 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;
- 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;
- Changes to the status of the control of mined areas and how these changes positively or negatively affect survey and clearance of mined areas;
- Updated information on the development and adoption of National Mine Action Legislation and the establishment of a national mine action centre; 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;
- 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,
- Updates regarding resource mobilisation efforts, including resources made available from Ukraine's state budget and external financing received to support implementation efforts.

#### **VI. Mine risk education and reduction (OAP Actions #28-32)**

15. Action #32 of the Oslo Action Plan requests States to Report on mine risk education and other risk reduction programmes in Article 7 reports, including the methodologies used, the challenges faced and the results achieved, with information disaggregated by gender and age. The Committee observed that while Ukraine reported on the actions it has taken to effectively exclude the population from areas known or suspected to contain anti-personnel mines. Ukraine reported that in areas of warfare in the territory of Donetsk and Luhansk regions, when mines are detected, they are fenced and marked with special signs. The local population is notified of these areas and mine

action measures are taken. **The Committee observed that Ukraine had not reported on the challenges faced and the results achieved, with information disaggregated by gender and age,** and would welcome additional information in this regard (Action #32).

16. Action #28 of the Oslo Action Plan requests States to Integrate mine risk education activities with wider humanitarian, development, protection and education efforts, as well as with ongoing survey, clearance and victim assistance activities to reduce the risk to the affected population and decrease their need for risk-taking. **The Committee observed that Ukraine had not reported on its efforts to integrate mine risk education activities with wider humanitarian, development, protection and education efforts,** and would welcome additional information in this regard (Action #28).

17. Action #29 of the Oslo Action Plan requests States to Provide context-specific mine risk education and reduction programmes to all affected populations and groups at risk. Ensure that such programmes are developed on the basis of a needs assessment, that they are tailored to the threat encountered by the population, and that they are sensitive to gender, age, disability and take the diverse needs and experiences of people in affected communities into account. **The Committee observed that Ukraine had not reported updated information,** and would welcome additional information in this regard (Action #29).

18. Action #30 of the Oslo Action Plan requests States to Prioritise people most at risk by linking mine risk education and reduction programmes and messages directly to an analysis of available casualty and contamination data, an understanding of the affected population's behaviour, risk pattern and coping mechanisms, and, wherever possible, anticipated population movements. **The Committee observed that Ukraine had not reported updated information** and welcomes further updates in this regard (**Action #30**).

19. Action #31 of the Oslo Action Plan requests States to Build national capacity to deliver mine risk education and reduction programmes with the ability to adapt to changing needs and contexts, including the delivery of such programmes to affected communities in the case that previously unknown mined areas are discovered. **The Committee observed that Ukraine had not reported updated information** and welcomes further information in this regard (**Action #31**).

## **VII. Challenges in Implementation (OAP Action #8)**

17. The Committee observed that Ukraine had not reported on challenges in implementation and would welcome further information from Ukraine on the challenges in implementation of its Article 5 obligations.