

## **PRELIMINARY OBSERVATIONS**

### **COMMITTEE ON ARTICLE 5 IMPLEMENTATION (Colombia (Chair), Sweden, Thailand and the United Kingdom )**

#### **Intersessional Meetings 18 – 20 June 2024**

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

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

1. The Committee observed that Ukraine in its updated work plan submitted in 2024 indicated that in 2023 it addressed 9 plots of mined area measuring a total of 1,039,072 square metres, including in part 44,275 square metres reduced and 184,797 square metres cleared, resulting in the destruction of 1 anti-personnel mines and 201 explosive devices.
2. Ukraine also reported that in 2023, the State Emergency Service of Ukraine (SESU) focused its main efforts on demining the de-occupied territories of Ukraine: Kharkiv, Mykolaiv, Kherson, Donetsk, Kyiv, Chernihiv and Sumy regions, and pyrotechnic units of the SESU carried out more than 39,970 engagements, detected, seized and defused more than 153,000 explosive devices, including 984 aircraft bombs, inspected and demined an area measuring an estimated 36.2 thousand hectares, more than 4,460 kilometres of power lines, 259 kilometres of gas pipeline, 424 kilometres of roads and more than 24 kilometres of railways.
3. Ukraine further reported that in 2023, non-technical survey of more than 112.5 thousand hectares was conducted resulting in 54 thousand 700 hectares to be subject to demining, and an estimated 7 thousand hectares demined, with the work carried out in cooperation with regional military administrations, units of the Armed Forces of Ukraine, the State Special Transport Service, the National Guard of Ukraine and the National Police of Ukraine.
4. The Committee observed that the information provided by Ukraine on progress in implementation allowed for some comparability with that provided in its 2021 updated work plan. The Committee welcomed Ukraine employing the Guide to reporting (Action #8).
5. The Oslo Action Plan (OAP) requests States to report in a manner consistent with International Mine Action Standards (IMAS). The Committee encourages Ukraine to provide updated information in its Article 7 report in a manner consistent with IMAS 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) and further encourages Ukraine to report 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)**

6. The Committee observed that Ukraine provided clarity concerning its remaining challenge (Action #18). The Committee further observed that Ukraine in its 2024 updated work plan indicated a remaining challenge of 525 mined areas measuring 35,222,370.5 square metres in 17 districts of 7 regions, including 408 confirmed hazardous areas measuring 23,344,445.9 square metres, and 116 suspected mined areas measuring 11,877,924.6 square metres (Action #22). The Committee

welcomed the information provided by Ukraine and encourages Ukraine to continue to provide updated information on remaining challenges in a manner consistent with IMAS and disaggregated by 'suspected hazardous areas' and 'confirmed hazardous areas'. (Action #22)

7. The OAP 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 the challenging situation in Ukraine and that Ukraine was still in the process of identifying the precise perimeter of mined areas. The Committee also recalled that Ukraine reported that the Ministry of Defence of Ukraine currently lacks complete information on the coordinates of all areas where anti-personnel mines might be installed. 156,000 square kilometres of territories on land incl. 14,000 square kilometres of water areas on which hostilities were/are being conducted are subject to preliminary survey, and that at the same time, the Ministry of Defence is actively conducting measures to check these issues in the de-occupied territories, and that 38 certified mine action operators were conducting non-technical/technical survey of contaminated territories. The Committee observed that while these efforts form part of Ukraine's efforts to establish an evidence-based, accurate baseline of contamination, Ukraine was still in the process of identifying the precise perimeter of mined areas and would welcome updated information from Ukraine on these efforts. (Action #18)
6. The OAP 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 in this regard and would welcome further information. (Action #18)

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

7. The Committee observed that Ukraine in its 2024 updated work plan had indicated that it had a national evidence based and costed plan for clearance and survey in place (Action #2, Action #19). The Committee observed that Ukraine in its updated work plan submitted 30 April 2024 indicated that data on mine clearance milestones will be updated in 2025, and further indicated the following priorities; a) General rules for conducting humanitarian demining, b) Procedure for conducting initial Non-Technical Survey (NTS) of territorial Communities, c) Procedure for conducting repeated non-technical survey, d) Procedure for authorizing operators to conduct humanitarian demining activities, conducting awareness activities on the dangers from explosive ordnance and training on risk prevention by mine action operators, f) External quality control of demining, g) Monitoring the compliance of mine action operators with certification requirements, h) Marking potentially contaminated territories / contaminated territories (PCT/CT), and i) reporting. (Action #19)
8. The Committee observed that while Ukraine reported qualitative updates for the period 2024-2025 and that projected quantitative updates would be made in 2025. (Action #20)
7. The OAP 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. The Committee observed that Ukraine had not reported updated information in this regard and would welcome further information. (Action #1)
8. The OAP 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 updated information in this regard and would welcome further information. (Action #6)

9. The OAP 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 updated information in this regard and would welcome further information. (Action #3)
10. Ukraine reported on its efforts to ensure that national strategies and work plans for completion make provisions for a sustainable national capacity to address previously unknown mined areas including, regional military administrations, units of the Armed Forces of Ukraine, the State Special Transport Service, the National Guard of Ukraine and the National Police of Ukraine. Ukraine also reported that in order to build up the force, with the assistance of the Ministry of Internal Affairs and the Government of Ukraine in 2022-2023 the staffing of the SESU pyrotechnic units was increased to 1700 people. (Action #26)

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

11. The OAP requests States to keep national mine action standards up to date in accordance with the latest IMAS, adapt them to new challenges and employ best practices to ensure efficient and effective implementation. The Committee observed that Ukraine had not reported updated information in this regard and would welcome further information. (Action #5)
12. The OAP requests States to establish and maintain 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. The Committee observed that Ukraine had not reported updated information in this regard and would welcome further information. (Action #9)
13. The OAP 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 updated information in this regard and would welcome further information. (Action #27)

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

14. In considering Ukraine's request, the Eighteenth Meeting of the States Parties (18MSP) requested Ukraine to submit updated information on several matters. The Committee observed Ukraine had provided the following information:
  - 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;
- 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; and
- 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,

15. The Committee would welcome further information from Ukraine regarding;

- Changes to the status of the control of mined areas and how these changes positively or negatively affect survey and clearance of mined areas; and
- Updates regarding resource mobilisation efforts, including resources made available from Ukraine's state budget and external financing received to support implementation efforts.

16. The Committee recalled that in considering Ukraine's 2023 extension request, the 21MSP requested Ukraine to submit to the States Parties by 30 April 2024, and each subsequent year, an updated detailed work plan containing, amongst other: a) an updated list of all identified mined areas in accordance with IMAS (i.e. disaggregating by 'suspected hazardous areas' and 'confirmed hazardous areas' and their relative size, as well as by the type of contamination (e.g. anti-personnel mines, anti-tank mines, explosive remnants of war etc..); b) annual projections of the areas where survey and clearance efforts will take place by which organisations and the methodologies to be employed; c) annual plan for context-specific mine risk education and reduction in affected communities and methodologies to be employed; d) how priorities have been established, and; e) a detailed budget for implementation. The Committee observed that Ukraine had acted on the decisions of the 21MSP by submitting an updated work plan.

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

17. Ukraine reported on the actions it has taken to effectively exclude the population from mined areas, including the methodologies used, including central and local mass media, printed materials, and videos, the challenges faced and the results achieved, with information disaggregated by gender and age. (Action #32)

18. The OAP 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 while Ukraine in its updated work plan submitted in 2024 indicated its plans to interact and cooperate with Ukrainian and foreign humanitarian public organizations, foundations on the issue of informing the population about the threats posed by various explosive objects. The Committee observed that Ukraine had not reported updated information in this regard and would welcome further information. (Action #28)

19. The OAP requests States to provide context-specific mine risk education and reduction programmes to all affected populations and groups at risk, developed on the basis of a needs

assessment, 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 while Ukraine in its updated work plan submitted in 2024 indicated its plans to ensuring that the population is informed about the potentially contaminated areas that may pose a risk of explosive objects. The Committee observed that Ukraine had not reported updated information in this regard and would welcome further information. (Action #29)

20. The OAP 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 while Ukraine in its updated work plan submitted in 2024 indicated its priority to communicate the rules of safety and behaviour to children in case of explosive devices especially those of school age. The Committee observed that Ukraine had not reported updated information in this regard and would welcome further information. (Action #30)

21. The OAP 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 while Ukraine in its updated work plan submitted in 2024 indicated the Development (production) and distribution of printed materials on mine safety in places of mass presence of people, printed media, with the State Emergency Service of Ukraine, Ministry of Reintegration, Ministry of Defence, Ministry of Education and Science, Ministry of Culture and Information Policy of Ukraine, National Police, Mine Action Center, Center for Humanitarian Demining, Mine operators, local state administrations (military administrations) local government bodies business entities (by consent). The Committee observed that Ukraine had not reported updated information in this regard and would welcome further information. (Action #31)

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

22. The Committee observed that Ukraine provided quality information on challenges in implementation, including the continuation of intensive hostilities. (Action #8)

**The OAP country reporting tracker**  
**Article 5 Implementation**  
**Ukraine**  
**CROSS-CUTTING ACTIONS**

Actions	Indicators	2020	2021	2022	2023	2024	Additional information requested from the Committee (deadline 28 July)
#1	# States Parties that report, having included Convention implementation activities in national development plans, poverty reduction strategies, humanitarian response plans and national strategies for the inclusion of persons with disabilities, where appropriate						The Committee would welcome information on Ukraine's efforts on, having included Convention implementation activities in national development plans, poverty reduction strategies, humanitarian response plans and national strategies for the inclusion of persons with disabilities, where appropriate.
	% mine-affected States Parties that report making national financial commitments to the implementation of their obligations under the Convention						
#2	% mine-affected States Parties that report having evidence-based, costed and time-bound national strategies and work plans in place						
#3	% affected States Parties whose national work plans and strategies integrate gender and take the diverse needs and experiences of people in affected communities into account						The Committee would welcome information on Ukraine's efforts on national work plans and strategies integrate gender and take the diverse needs and experiences of people in affected communities into account.
	# women in States Parties' delegations attending Convention meetings						
#5	% States Parties that have updated their national standards to address new challenges and ensure the employment of best practices, taking into consideration the latest IMAS						The Committee would welcome information on Ukraine's efforts on updated their national standards to address new challenges and ensure the employment of best practices, taking into consideration the latest IMAS.
#6	# States Parties that report having included mine action related activities within their humanitarian response plans, peacebuilding, development or human rights plans, where relevant						The Committee would welcome information on Ukraine's efforts on having included mine action related activities within their humanitarian response plans, peacebuilding, development or human rights plans, where relevant.
#8	# States Parties that prepare their Article 7 reports using the Guide to Reporting						
	# States Parties that report on progress and challenges during formal and informal meetings						

#9	% States Parties that report having a sustainable national information management system in place							The Committee would welcome information on Ukraine's efforts on having a sustainable national information management system in place.
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SURVEY AND CLEARANCE OF MINED AREAS								
Actions	Indicators	2020	2021	2022	2023	2024	Additional information requested from the Committee (deadline 28 July)	
#18	% affected States Parties that have established an accurate and evidence-based contamination baseline no later than the Nineteenth Meeting of the States Parties in 2021 (and by each year thereafter if not all affected States Parties have done so by 19MSP)							The Committee would welcome information on Ukraine's efforts on having established an accurate and evidence-based contamination baseline no later than the Nineteenth Meeting of the States Parties in 2021 (and by each year thereafter if not all affected States Parties have done so by 19MSP).
	% affected States Parties who report having established their baseline through inclusive consultations with women, girls, boys and men							The Committee would welcome information on Ukraine's efforts on having established their baseline through inclusive consultations with women, girls, boys and men.
#19	% affected States Parties presenting work plans for the implementation of Article 5 by the Eighteenth Meeting of the States Parties (and MSPs thereafter and by each year thereafter if not all affected States Parties have done so by 18MSP)							
#20	# affected States Parties that have reported annual updates and adjusted milestones to their national work plans in their 30 April transparency reports							The Committee would welcome information on Ukraine's efforts on have reported annual updates and adjusted milestones to their national work plans in their 30 April transparency reports.
	# States Parties that have fulfilled their obligations under Article 5							
#21	# States Parties that apply the provisions of the Convention to anti-personnel mines of an improvised nature (for the purpose of this indicator: survey, clear and report)							
#22	% of affected States Parties reporting on the remaining challenge and progress made in accordance with IMAS							
	% of affected States Parties providing survey and clearance data in Article 5 extension requests and Article 7 reports that disaggregates by type of contamination							
#23	% extension requests that include detailed, costed and multi-year work plans for the extension period							

	% extension requests that are submitted in accordance with the process established by the States Parties							
#24	% extension requests that include appropriate plans for risk education and reduction activities							
#25	% States Parties that have completed their Article 5 obligations and that submit voluntary declarations of completion							
#26	% affected States Parties that include provisions for addressing previously unknown mined areas in their national strategies and/or completion plans							
	% affected States Parties that report having put in place sustainable national capacities to address the discovery of previously unknown mined areas							
	% States Parties that discover previously unknown mined areas, including newly mined areas, that apply the decision of the Twelfth Meeting of the States Parties							
#27	# States Parties that report promoting research, application and sharing of innovative technological means							The Committee would welcome information on Ukraine's efforts on promoting research, application and sharing of innovative technological means.
<b>MINE RISK EDUCATION AND REDUCTION</b>								
<b>Actions</b>	<b>Indicators</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>Additional information requested from the Committee (deadline 28 July)</b>	
#28	% affected States Parties that report having included mine risk education and reduction programmes in their humanitarian response and protection plans and/or development plans, as well as in their mine action plans, where relevant						The Committee would welcome information on Ukraine's efforts to report having included mine risk education and reduction programmes in their humanitarian response and protection plans and/or development plans, as well as in their mine action plans, where relevant.	
#29	% affected States Parties that report having mine risk education and reduction programmes for all affected populations in place						The Committee would welcome information on Ukraine's efforts to provide context-specific mine risk education and reduction programmes, (MRE/R) for all affected populations and groups at risk.	
	% States Parties that report carrying out mine risk education and reduction activities that collect, analyse and report data disaggregated by gender, age, disability and other diverse needs						The Committee would welcome information on Ukraine's efforts to ensure if such programmes were developed on the basis of a needs assessment that they are tailored to the threat encountered by the population, and are sensitive to	

							gender, age, disability and take the diverse needs and experiences of people in affected communities into account.
<b>#30</b>	# States Parties that report having established an evidence-based priority-setting mechanism for mine risk education and reduction programmes						The Committee would welcome information on Ukraine's efforts 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.
<b>#31</b>	# States Parties that provide risk education and reduction programmes to affected communities in the case that previously unknown mined areas are discovered						The Committee would welcome information on Ukraine's efforts to provide risk education and reduction programmes to affected communities in the case that previously unknown mined areas are discovered.
<b>#32</b>	# States Parties reporting on their mine risk education and other risk reduction programmes and results						

