

Ukraine - Committee on Article 5

Allow me to thank Ukraine for its engagement with the Committee over the course of this year in Geneva, in Bern as well as in Kiev.

The Committee regrets that Ukraine failed to comply with its Article 5 obligations for more than two years and that it did not make use of the process collectively agreed to by the Seventh Meeting of the States Parties. The decisions taken by the Fifteenth and Sixteenth Meetings of the States Parties confirm that a failure to submit an extension request in accordance with the Convention and the agreed processes established by the States Parties constitutes a case of non-compliance under the Convention. The decisions taken by these Meetings of the States Parties also confirm that the period of ten years referenced in Article 5.1, as indicated in the text of the Convention, starts at “the entry into force of this Convention for that State Party”, including for States that face situations with previously unknown mined areas, or newly mined areas, discovered within this ten year period.

The unprecedented failure of Ukraine to request and receive an extension on its deadline prior to that date represents a matter of serious concern. The Committee hence wholeheartedly welcomes that Ukraine decided to submit an extension request, hence returning to compliance with its article 5 obligations.

Ukraine submitted its request for extension of its 1 June 2016 deadline on 1 November 2018 upon which the Committee reached out to expert organisations for their input. Let me thank both the GICHD and ICBL who provided inputs despite the extremely tight deadlines. On 6 November 2018, the Committee wrote to Ukraine to request additional clarification and information on the extension request and received additional information in response to the questions on 14 November 2018.

The Committee regrets that the late submission of the request has prevented the Committee from engaging with Ukraine in an extended cooperative dialogue as envisaged by the process established by the 7MSP which may have led to an improved request being submitted by Ukraine. Ukraine's request is for 5 years, until 1 June 2021.

As regards the **request**, the Committee pointed out the following issues:

- First, we welcome Ukraine's efforts to use the International Mine Action Standards (IMAS) and underline the importance to ensure that the National Mine Action Standards are adopted by Ukraine as soon as possible. Equally, it is essential that Ukraine ensures that the most relevant land-release standards, policies and methodologies, in line with IMAS, are in place and applied for the full and expedient implementation of this aspect of the Convention in line with Action 9 of the Maputo Action Plan. It is also important that Ukraine continues to provide disaggregated information on the munitions identified and destroyed. Carrying out these efforts in an open and transparent manner with its partners will contribute to trusted relationships.
- Second, the Committee notes the importance of Ukraine reporting on its progress in a manner consistent with IMAS, disaggregating by area cancelled through non-

technical survey, reduced through technical survey and addressed through clearance; and of Ukraine employing language that is consistent with the IMAS.

- Third, the Committee commends Ukraine for carrying out efforts to adopt national mine action legislation and underlines the importance of its adoption as soon as possible in order to provide clarity on the role of national and international institutions in Ukraine. This could contribute to increase clarity concerning the implementation of the mine action programme and to ensure that international support continues to flow to the programme.
- Fourth, the continued implementation of Article 5 during the requested extension period has the potential of making a significant contribution to improving human safety and socio-economic conditions in Ukraine. The Committee underlines the importance of Ukraine providing information on injuries and casualties caused by anti-personnel mine in an age and sex disaggregated manner.
- Fifth, it is important that Ukraine keeps the States Parties informed of the security situation and how these changes positively or negatively affect implementation.
- Finally, the annual work plan of the MoD for humanitarian demining in liberated areas in Donetsk and Luhansk contains a number of important activities, which ought to be implemented as soon as possible to ensure a conducive environment for mine action. These are:
 - (a) the development of the information management system;
 - (b) the approval of reporting templates on quality control and hand over;
 - (c) the conduct of NTS and TS operations and marking;
 - (d) quality control and transfer of cleared territories; and
 - (e) reporting and provision of information.

Based on the provided information, the Committee **concludes** that the Convention would benefit from Ukraine submitting to the States Parties an updated detailed annual work plan for 2019 by 30 April 2019 and to ensure that preparations are put in place for the submission of a second request for extension by 31 March 2020. The work plan should contain an updated list of all areas known or suspected to contain anti-personnel mines using terminology consistent with the IMAS, and to the extent possible, an annual projection of which areas and what area would be dealt with each year during the remaining period covered by the request including a detailed budget based on new funding levels.

The work plan will also benefit from Ukraine providing clarity on the “State Program on Mine Action in Ukraine 2017-2021” the “State Program Restoration and Development of Peace in Eastern Regions of Ukraine for 2017 – 2021” and the “Annual Action Plan for humanitarian demining in liberated areas in Donetsk and Luhansk” and how these plans complement one another.

The Committee notes the necessity and importance of each State Party, which believes that it will be unable to implement Article 5.1 within its original or extended deadline, submits a request for an extension in accordance with the procedures outlined in the Convention and the decisions of the Seventh Meeting of the States Parties. In this regard, the Committee

underlines the importance of Ukraine immediately providing information on possible changes to the status of the control of mined areas.

The Committee noted that the Convention would benefit from Ukraine reporting annually to the States Parties on the following:

- (a) Progress in continuing land release relative to the commitments made in Ukraine's annual work plan, disaggregated in a manner consistent with IMAS, including identification of new mined areas, and their impact on annual targets as given in Ukraine's work plan;
- (b) Updates regarding the development and adoption of National Mine Action Legislation expected to be finalised by 2018;
- (c) Updates regarding the status and progress in implementation of the "State Program on Mine Action in Ukraine 2017-2021" and the "State Program Restoration and Development of Peace in Eastern Regions of Ukraine for 2017 – 2021."
- (d) Efforts to mitigate the impact of anti-personnel mines to the population as well as information on injuries and casualties caused by anti-personnel mines, disaggregated by sex and age;
- (e) Changes to the status of the control of mined areas and how these changes positively or negatively affect implementation;
- (f) External financing received and resources made available by the Government of Ukraine to support implementation; and
- (g) Updates regarding the structure of Ukraine's mine action programme, including existing and new organisational, institutional capacities and requirements for support.

In addition to reporting as noted above, it is important that Ukraine keeps 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, Meeting of the States Parties and Review Conferences as well as through its Article 7 reports using the Guide to Reporting.