

# REQUEST FOR AN EXTENSION OF THE DEADLINE FOR COMPLETING THE DESTRUCTION OF ANTI-PERSONNEL MINES IN ACCORDANCE WITH ARTICLE 5 OF THE CONVENTION

## EXECUTIVE SUMMARY

Submitted by Ukraine

Ukraine acceded to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (hereinafter - the Ottawa Convention) on 01 June, 2006. Having joined the Ottawa Convention, Ukraine was obliged to destroy all stockpiled anti-personnel mines (APM), inherited from the former Soviet Union times, which were stockpiled at the Armed Forces of Ukraine's arsenals. In 2007 Ukraine declared its full compliance with Article 5 of the Ottawa Convention by submitting its first national report under Article 7 of the Ottawa Convention. It showed the absence of mined areas under Ukraine's jurisdiction and control which was confirmed in yearly national reports from 2007 through 2013. Thus, Ukraine fulfilled its obligations under Article 5 of the Ottawa Convention in full.

1. The explanation of reasons for the extension of the deadline under Article 5. At the time of accession to the Ottawa Convention in 2005 and its entry into force for Ukraine in 2006 there were no mined areas. The first yearly report of Ukraine covering the period of 01 June 2006 - 31 December 2006 stated that Ukraine did not have mined areas. This fact was repeatedly confirmed in following reports until 2014.

The aggression of the Russian Federation against Ukraine, which started in 2014, created a situation in which Ukraine is faced with the legal obligation to fulfil the provisions of Article 5 of the Ottawa Convention and is therefore requesting the extension of the relevant deadline. The reason for that is that armed groups subordinated to the Russian-led occupying authorities, the armed forces of the Russian Federation in temporary occupied parts as well as in the territories under their control started planting the APM in Donetsk and Luhansk regions. Such contaminated areas were indicated in national reports of Ukraine in 2014, 2015, 2016 and 2017.

Preliminary estimates show that about 8% of the land (totalling to 7 000 км<sup>2</sup>), which were liberated from the occupying authorities in Donetsk and Luhansk regions contain or suspected to contain anti-personnel mines (APM), unexploded ordnance (UXO) and explosive remnants of war (ERW). The areas contaminated with the anti-personnel mines are located along the contact line, where daily intensive fire takes place, which significantly obstructs demining activities.

Besides having identified industrial-made anti-personnel in liberated areas, there are also many cases of use of improvised explosive devices (IED) as well as a large number of UXO. The sappers of the Armed Forces of Ukraine discovered PMN-2 mines in the liberated areas in Donetsk and Luhansk regions, formerly occupied by the Russian Federation. It is known that this particular type of APM is regularly used by the Russian Federation's Armed Forces. It should be also noted that Ukraine disposed of its stockpiles of such APM back in 2013. Starting from 2014 Ukraine repeatedly presented to the international community facts of APM discovered in liberated territories of Ukraine.

2. The preparation status of work under national demining programs. In accordance with the Decree of the President of Ukraine of 2 September, 2014 the Ministry of Defence of Ukraine (MOD) was vested with the authority of the National Demining Organ of Ukraine. The drafting of National Mine Action Legislation is in progress in Ukraine. It is supposed to create the legal grounds for the development of the mine action Programme in Ukraine.

In November 2015 the MOD, acting upon the decision of the Prime Minister of Ukraine, prepared the State Mine Action Program of Ukraine for 2017-2021 along with a draft of the relevant Resolution of the Cabinet of Ministers of Ukraine on its approval. However, the activities on drafting and following implementation of the mentioned Program were suspended due to absence of the Law of Ukraine on Mine Action.

Resolution № 1071 of 13 December, 2017 by the Cabinet of Ministers of Ukraine approved the State Program Restoration and Development of Peace in Eastern Regions of Ukraine for 2017 - 2021. One of its parts foresees the fulfilment of humanitarian demining of territories and water areas of Donetsk and

Luhansk regions (survey and clearance APM and ERW remaining after combat activities). This State Program provides for complex demining activities in a total area of 700 000 hectares during the period of 2018-2020. Its financing will be provided from the State budget of Ukraine (251,2 million hryvnas are allocated for this purposes).

Since 2005 in order to coordinate the mine action activities, the MOD develops on a yearly basis the Action Plan for organization of works on humanitarian demining in the territories, liberated from occupation authorities in Donetsk and Luhansk regions (hereinafter - Plan). The main objectives of this plan are to carry out technical and non-technical survey of potentially dangerous districts of areas suspected or confirmed to be contaminated by APM, UXO and ERW, as well as demining in areas around communities, providing assurances of safety during restoration of infrastructure objectives, and respective clearance activities in agricultural areas (Annex A. Action plan for humanitarian demining in liberated areas of Donetsk and Luhansk regions for 2018).

The International Mine Action Standards (IMAS) were introduced in Ukraine by the National Organ of Standardization's Resolution of 8 August, 2016 № 230, "On adoption of the International Mine Action Standards as national normative documents". At the moment, the National Mine Action Standards are being drafted on the basis of the IMAS, and this task is expected to be finalized by the end of 2018.

All competent Ukrainian government authorities are involved in mine action, including the MOD, the State Emergency Service of Ukraine, as well as the non-governmental organizations. Other relevant state agencies also deploy detachments to conduct demining activities: the Security Service of Ukraine, the National Police of Ukraine, the State Service for Special Transport of Ukraine, the State Border Guard of Ukraine.

Apart of the overall coordination of the humanitarian demining in Donetsk and Luhansk regions, the MOD is responsible for the survey of all territories where military contingents of the Joint Forces Operation are deployed. The State Emergency Service of Ukraine fulfils demining activities on land and in the sea in the regions outside of combat areas, the State Border Guard of Ukraine fulfils demining in the regions under its immediate control. The State Service for Special Transport of Ukraine is responsible for demining of the transport infrastructure (i.e. railways and roads). The Security Service of Ukraine and the National Police of Ukraine undertake counter-IED measures.

The main task of the State Emergency Service of Ukraine is humanitarian demining of territories in Donetsk and Luhansk regions outside of combat areas. Units of the State Emergency Service of Ukraine that are part of the Joint Forces Operations, take systematic part in demining activities in order to restore the vital objectives and provide security functions for the OSCE Special Monitoring Mission as well of those deployed by international organizations near combat areas and in the so-called "grey zone".

There are three non-governmental organizations working in Ukraine in the sphere of humanitarian demining: The Halo Trust, the Danish Demining Group (DDG) and Fondation Suisse de Déminage (FSD).

The Halo Trust started its work in Ukraine in November 2015. At the beginning of 2016 the MOD invited The Halo Trust to do non-technical survey and to mark mines and UXO in territories liberated from occupying authorities in Donetsk and Luhansk regions, located more than 15 km from the line of contact.

DDG is active in Ukraine since 2014, starting with the dissemination of information among the Donbas population about the risks from APM and UXO. In February 2016 it took part in non-technical survey and marking of APM and UXO in territories liberated from occupying authorities in Donetsk and Luhansk regions located more than 15 km from the line of contact.

FSD started its work in Ukraine in the beginning of 2015 by informing the Donbas population about the risks from APM and UXO. Later on the FSD were invited by the MOD for survey and marking mines and UXO in territories liberated from occupying authorities in Donetsk and Luhansk regions, located more than 15 km from the line of contact.

3. Financial and technical resources that can be used to destroy APM in mined areas. Financing for demining and destruction of the APM in mined areas are provided for in budgets allocated to relevant state authorities and military detachments, during the fiscal year.

The MOD is working to equip the engineers corps of the Armed Forces of Ukraine with modern tools for the detection of explosive objects. They are provided at the expense of centralized procurement, as well as by the technical aid of donor states and international organizations. As a result of the relevant work, the detachments of the Armed Forces of Ukraine currently have a range of modern handheld mine detectors.

There is a need for an additional 250 mine detectors Vallone VMC-1 to replace technically outdated USSR-made mine detectors, currently being employed by demining units. Besides this, the demining units of the Armed Forces of Ukraine, which take part in the Joint Forces Operation, badly need armoured vehicles with reinforced anti-mine protection (more than 20 vehicles).

The State Emergency Service of Ukraine undertakes measures aimed at technical modernization (renovation of outdated techniques and equipment and equipment left in the occupied territories) of units working in humanitarian demining in Donetsk and Luhansk regions. The State Emergency Service of Ukraine needs more than 60 sets of survey equipment for survey, 10 armoured vehicles for detection of mine and explosive transportation as well as equipment for mechanical demining.

4. Circumstances, which impede the ability of Ukraine to destroy all the APM in the mined areas. Currently Ukraine doesn't have control over the temporary occupied parts in Donetsk and Luhansk regions, as well as over the Autonomous Republic of Crimea. At the same time, the ongoing military standoff in eastern Ukraine and continuous hostilities cause further contaminations of territories along the contact line. The irregularity and randomly laid APM by the armed groups of the occupying authority of the Russian Federation in Donetsk and Luhansk regions do not allow to estimate the scale of contamination with APM and identify all mined areas. Thus, it is impossible to arrange relevant national programs for their demining, to determine the required resources and to carry out demining operations in full.

Moreover, the Russian Federation refuses to provide any information regarding contamination on the Crimean Isthmus and in the territory of the Autonomous Republic of Crimea.

5. Time requested for an extension of the deadline. Ukraine is requesting a 5 year extension of its deadline under Article 5 of the Ottawa convention (i.e. until 1 December 2021) provided completion of hostilities, restoration of the constitutional order and gaining the full control over the occupied territories, including over the state border between Ukraine and the Russian Federation. It is suggested on the basis of the analysis of current and potential challenges, including the extent of the problems, human, material and financial resources expected and availability of survey and demining capacities.

6. Humanitarian, social, economic and environmental implications of the proposed extension. Completion of destruction of APM will:

- decrease the number of casualties among the civil population and allow for the unimpeded delivery of humanitarian cargoes, in particular, to persons, who reside near the contact line and on the temporary occupied parts in Donetsk and Luhansk regions;
- improvement of the civil population's access to essential goods and services, agricultural lands, infrastructural objects, forests, rivers, recreational facilities, that will have a positive impact on the internal migration of the population;
- restoring access to agricultural lands, which was one of the basic income sources for the civil population before the hostilities (crops growing and lease of agricultural lands);
- growth of economic indicators, in particular, increase in agricultural production (cereals, seeds, industrial crops, vegetables, fruit and berry crops, leguminous plants etc.) and livestock (cattle and poultry);
- unimpeded access of workers to businesses, institutions and organizations, to communications and other objects of special importance and environmental security;
- decrease of fires in forests, steppes, nature reserves and on arable lands;

- clearance of soils and waters, polluted as a result of the explosion of shells, explosives and mines, including from strontium, titanium, vanadium and cadmium;
- decrease of man-made damage on the environment and risks of emergencies in connection with mines and explosive objects.