

Analysis of the request submitted by Tajikistan 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 President of the Ninth Meeting of the States Parties on behalf of the States Parties mandated to analyse requests for extensions

9 November 2009

1. Tajikistan ratified the Convention on 12 October 1999. The Convention entered into force for Tajikistan on 1 April 2000. In its initial transparency report submitted on 3 February 2003, Tajikistan reported areas under its jurisdiction or control containing, or suspected to contain, anti-personnel mines. Tajikistan is obliged to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control by 1 April 2010. Tajikistan, believing that it will be unable to do so by that date, submitted, on 31 March 2009 to the President of the Ninth Meeting of the States Parties (9MSP), a request for an extension of its deadline. Tajikistan's request is for 10 years (until 1 April 2020).¹

2. The request indicates that an initial impact survey carried out in 2004-2005 identified 146 "suspected hazardous areas" (SHAs) covering a total of 49,637,637 square metres.² The request further indicates that an additional 13 SHAs were subsequently identified covering a total of 858,018 square metres bringing the total to 159 SHAs covering a total of 50,668,272 square metres in three regions of the country: the Tajikistan-Afghanistan border (62 SHAs covering a total of 26,911,369 square metres), the Tajikistan-Uzbekistan border (57 SHAs covering a total of 1,726,000 square metres), and the Central Region of Tajikistan (40 SHAs covering a total of 22,030,903 square metres).

3. The request indicates that, due to lack of experience of survey teams, a lack of minefield records and survey equipment and limited access to border areas during the initial survey, the initial survey did not yield high quality results and therefore resurvey operations were necessary to acquire a better understanding of the extent of the challenge. The request further indicates that, given the fact that an estimate of the size of the 57 areas on the Tajikistan-Uzbekistan border was acquired using an inaccurate technique called "distance survey", the size recorded for these areas is not considered accurate. The request also indicates that it was not until February 2008 that the Tajikistan Mine Action Centre (TMAC) received 384 minefield records of areas along the Tajikistan-Afghanistan border covering a total of 8,567,500 square metres.

4. The States Parties mandated to analyse requests submitted under Article 5 of the Convention (hereafter referred to as the "analysing group") noted the shortcomings associated with Tajikistan's original estimate of the size and locations of mined areas and the recognition by Tajikistan of the necessity for resurvey activities. The analysing group further noted that some, but not all, of the mined areas indicated in records originally possessed by Russian Border Forces were included in the original estimate of 50,668,272 square metres of

¹ The executive summary indicates that the request is for ten years until 1 April 2020. On the cover sheet to the request it indicates that "the proposed end date of the extension period" is 31 December 2019 (i.e., nine years, nine months). In commenting on a draft of this analysis, Tajikistan clarified that operations will be completed by 31 December 2019 with Tajikistan having submitted its completion report by 31 March 2009.

² The request indicates that Tajikistan defines a "suspected hazardous area" as "an area of real or perceived danger due to landmines or UXO."

areas known to or suspected to contain anti-personnel mines. The analysing group also noted that the estimate in the request of 5,794,000 square metres of land subject to survey along the Tajik-Afghan border likely is area in addition to the original estimate of 50,668,272 square metres of areas known to or suspected to contain anti-personnel mines. In addition, the analysing group noted that, as the request indicates that these 5,794,000 square metres would be surveyed by the end of 2009, a clearer picture of what work remains along the Tajik-Afghan border will be known prior to the commencement of the requested extension period.

5. The request indicates that in the four years leading up to December 2008, 26 mined areas totalling 2,270,020 square metres have been cleared and 9,944 anti-personnel mines, 12 anti-tank mines and 1,884 other explosive devices have been destroyed. The request further indicates that 42,268,367 square metres and 18 SHAs have been cancelled and 93 new mined areas with an approximate total size of 2,925,746 square metres have been identified following re-survey operations. The analysing group noted that, while demining efforts have constantly increased since the end of 2004, between entry into force and the end of 2004 no demining work had been undertaken.

6. The request also indicates that a number of minefields on the Tajik-Afghan border were destroyed due to flooding and due to the mines' self-destruction system having been activated. The 9MSP President asked Tajikistan for clarity concerning verification that the areas subject to flooding and / or containing mines with self-destruction systems are indeed no longer dangerous. The analysing group noted that Tajikistan had responded by indicating that it is conducting surveys to ensure that the areas are safe.

7. The request indicates that, on the Tajik-Afghan border, a total of 115 confirmed mined areas with an approximate total size of 5,601,370 square meters and an additional 360 minefields with an approximate total size of 5,794,000 square meters remain to be surveyed. The request further indicates that, in the Central Region of Tajikistan, a total of 36 SHAs with an approximate size of 3,454,261 square meters remain to be addressed, with 19 of these being confirmed mine areas and 17 still requiring resurvey. The request also indicates that, on the Tajik-Uzbek border, 57 SHAs remain to be resurveyed. The analysing group again noted that, with survey work along the Tajik-Afghan border set to be complete by the end of 2009, Tajikistan should have a much clearer picture of remaining work in this region prior to its deadline. The analysing group also noted that the precise extent of the implementation challenge along the Tajik-Uzbek border remains unclear given the nature of "distant survey".

8. As noted, Tajikistan's request is for 10 years (until 1 April 2020). The request indicates that the amount of time is based on the assumption that, of the remaining estimated total of 14,849,631 square metres that must still be addressed, 20 percent will be reduced by through resurvey. Of what remains, 30 percent will be cleared by mechanical demining, 20 percent addressed through the use of mine detection dogs and the remaining 50 will be dealt with by manual clearance operations. The request further indicates that all resurvey activities will be completed by 2009, SHAs suitable for the application of machines will be completed by 2012, those suitable for the deployment of mine detection dogs will be completed by 2016 and from 2016 to 2019 only manual clearance operation will be suitable to address remaining areas. In commenting on a draft of this analysis, Tajikistan clarified that these resurvey activities do not include those along its border with Uzbekistan.

9. The request indicates that a 2008 United Nations Development Programme (UNDP) evaluation of Tajikistan's mine action programme supported the conclusion that it would take approximately 10 years to complete implementation of Article 5. Given the significance that Tajikistan attaches to this evaluation, the 9MSP President wrote to Tajikistan to ask if Tajikistan would consider appending the evaluation report to its extension request. Tajikistan subsequently provided this report and indicated that it is available to any of its partners. The analysing group noted that the evaluation report projects that 9.7 years would be required to complete implementation of Article 5. The analysing group further noted that this projection is based on the assumption that only 20 percent of areas to be addressed would be suitable for mechanical demining, that this assumption was based on what the author of the report admits was "a short field trip" to one location and that the report also indicates that the mine clearance organisation "FSD" estimates that 60 percent of areas could be subject to mechanical demining.

10. Given the significance of the acquisition of mechanical assets to the execution of the plan put forward by Tajikistan, the 9MSP President wrote to Tajikistan to inquire about efforts to acquire and the likelihood of acquiring the equipment in question. Tajikistan responded by indicating that it is cooperating with the several donors on this matter and received a promise from one donor that Tajikistan will receive a machine in 2010.

11. Given the ambiguity of the extent of the implementation challenge faced by Tajikistan along its border with Uzbekistan, the 9MSP President wrote to Tajikistan. In particular, the 9MSP President requested clarity regarding efforts that have taken place or that are planned to carry out surveys and clearance in areas under the control of Tajikistan, and, Tajikistan's plan to approach demining once it has a political agreement on the delineation of the border. Tajikistan responded by indicating that some delimited areas are accessible for survey, that it plans to start resurvey operations in 2010, that these operations will be completed in 2010 at which time planning for clearance will begin and then actual clearance "depends on (a) political decision between (the) two countries."

12. The 9MSP President also wrote to Tajikistan to ask whether prospective work along the Tajik-Uzbek border had been incorporated into the plan presented in the request. Tajikistan responded by indicating that prospective work along the Tajik-Uzbek border is not incorporated into the plan, that "as the State border line is not fixed fully in the international legal form" demining operations are not possible, and that as a result Tajikistan does not have complete information on minefields in Tajikistan. Again recalling the significance Tajikistan attaches to the 2008 UNDP evaluation of Tajikistan's mine action programme, the analysing group noted that the evaluation report indicates that a cursory inspection of the map of the SHAs along the Tajik-Uzbek border "suggests these are on the Uzbek side of the border."

13. The request indicates that eight mined areas along the Tajik-Afghan border and six mined areas in Tajikistan's Central Region "have been suspended." The 9MSP President wrote to Tajikistan to clarify whether the return to operations in these areas has been incorporated into Tajikistan's plan. Tajikistan responded by indicating that operations have already started on some of these suspended areas and by confirming that Tajikistan will complete all operations in all remaining suspected areas.

14. The request indicates the following as impeding circumstances: (a) demining in Tajikistan began four years after the Convention's entry into force for Tajikistan leaving only

six years for Tajikistan to fulfil its Article 5 obligations; (b) during the first years only manual mine clearance with a small number of demining teams was employed; (c) Tajikistan is highly mountainous country with many of its SHAs located in hard to reach areas; (d) extreme weather conditions have presented a challenge to clearance operations with many of the SHAs accessible only three to four months of the year; (e) insufficient funding and funding having been received late, leaving a short work window for work to be conducted; (f) minefield records left by the Russian Military have proven to be inaccurate; and, (g) a lack of cooperation from Uzbekistan on the issue of border mine-clearance. The analysing group noted that while no demining had taken place prior to the end of 2004, Tajikistan had, since that time, proceeded in an increasingly vigorous manner to implement Article 5.

15. The request contains tables indicating how much area will be addressed in each year of the request and according to the type of activity (i.e., 3,000,000 square metres released through survey activities concluding in 2009; 3,400,000 square metres released through mechanical demining during 2009-2011; 2,300,000 square metres released by mine detection dogs during 2009-2016; and, 5,960,000 square metres released by manual demining during 2009-2019. The request indicates that Tajikistan has developed National Mine Action Standards which take their lead from International Mine Action Standards and that land is released through a six-step process. The request further indicates the approved manual demining techniques used in Tajikistan. The request also indicates that a non-standard mechanical support method for technical survey has been used once during mine clearance operations on the Tajik-Afghan border and that a new method is being applied during a pilot survey project and in resurvey operations.

16. The request indicates that Tajikistan projects that US\$ 42.3 million will be required for activities related to the implementation of Article 5 during the period of 2009-2019: US\$ 200,000 for re-survey, US\$ 23,800,000 for manual demining, US\$ 3,800,000 for mine detection dogs, US\$ 2,200,000 for mechanical assets, and US\$ 6,270,000 for capacity building. The request further indicates that Tajikistan annually since 2003 has invested its own resources into humanitarian demining through the provision of technical support averaging approximately US \$512,333 per year. The request also indicates that Tajikistan intends to invest US\$ 6,050,000 during the extension period, with the remaining US\$ 36,270,000 to be provided by sources other than Tajikistan. Again recalling the significance Tajikistan attaches to the 2008 UNDP evaluation of Tajikistan's mine action programme, the analysing group noted that the evaluation report indicates that "there are insufficient discussions with donors, which is significant given the resource shortfalls."

17. The request indicates that there have been significant socio-economic gains made since entry into force as a result of Article 5 implementation, including the reconstruction of a major road, high tension power lines, a water pipeline and a dam, and, the construction of a water channel for irrigation. The request further indicates that other benefits from the implementation of Article 5 include the clearance of agricultural land and the exploitation of gemstones and alumina. The also request indicates that, while great progress has been made in Tajikistan, the human impact of mines is still dire in areas slated for clearance. The request also indicates that a total of 456,790 people currently live in mine-affected areas and that mined areas block access to areas for wood collection, domestic animal grazing, geological research and fresh water collection. Mined areas also present a barrier to the development of animal husbandry and horticulture, the reinforcement of river banks and the reconstruction of roads and power lines. In addition, the request indicates that rare animals are also suffering from mine explosions. The analysing group noted that completion of Article 5

implementation during the requested extension period had the potential of making a significant contribution to improving human safety and socio-economic conditions in Tajikistan.

18. The request includes other relevant information that may be of use to the States Parties in assessing and considering the request including a variety of tables illustrating the timeline for implementation. In addition, as noted, Tajikistan has made available the report on the 2008 UNDP evaluation of Tajikistan's mine action programme, which Tajikistan has noted is an important basis for its request.

19. The analysing group noted that while no demining had taken place until more than four years after entry into force, since that time significant progress has been made, particularly by the release of land through resurvey. The analysing group further noted that, while the plan presented is workable as concerns two of the three regions of Tajikistan in which anti-personnel mines are known or suspected to be emplaced, differing views on the extent to which mechanical demining assets may be applicable suggest that Tajikistan may find itself in a situation wherein it could proceed with implementation much faster than that suggested by the amount of time requested. The analysing group added that doing so could benefit Tajikistan in ensuring that the dire humanitarian, social and economic impacts outlined by Tajikistan in its request are addressed as quickly as possible. The analysing group also noted that both Tajikistan and all States Parties would benefit if the plan incorporated Tajikistan's intentions during the requested extension period as concerns the Tajik-Uzbek border.

20. The analysing group noted that given the importance of external support to ensure timely implementation, Tajikistan could benefit from developing as soon as possible a resource mobilisation strategy. In this regard, the analysing group noted that, given that Tajikistan projects that it will require slightly more funds on an annual basis than it has received in recent years, Tajikistan could benefit from acting on recommendations made to increase its frequency of contact with donors and to clearly communicate the socio-economic development benefits that would flow from completing Article 5 implementation.

21. The analysing group noted that the accounting of the remaining mined areas provided by Tajikistan would greatly assist both Tajikistan and all States Parties in assessing progress in implementation during the extension period. In this context, the analysing group further noted that all could benefit if additional clarity was provided on the location and status of areas suspected to contain mines along the Tajik-Uzbek border and Tajikistan's plans to proceed in addressing all such areas under its jurisdiction or control. The analysing group also noted that both Tajikistan and all States Parties could benefit if Tajikistan provided updates on such matters at meetings of the Standing Committees, at the Second Review Conference and at Meetings of the States Parties.