

Decisions on the request submitted by Ukraine for an extension of the deadline for completing the destruction of anti-personnel mines in accordance with Article 5 of the Convention

30 November 2018

1. In assessing the request submitted by Ukraine for an extension of its deadline for completing the destruction of anti-personnel mines in mined areas in accordance with Article 5.1, the Meeting recalled that the Fifteenth and Sixteenth Meetings of the States Parties expressed serious concern that Ukraine was in a situation of non-compliance with its Article 5 obligations, while recognising the difficult situation, in which Ukraine finds itself since February 2014, as it was stated in Ukraine's extension request, with regard to its mine clearance obligations under Article 5. The Meeting welcomed that with its submission of an extension request, Ukraine addressed this concern.
2. The Meeting assessed the request submitted by Ukraine for an extension of its deadline for completing the destruction of anti-personnel mines in mined areas in accordance with Article 5.1, agreeing to grant the request for an extension until 1 June 2021.
3. In granting the request, the Meeting regretted that Ukraine had not acted in accordance with the agreed "process for the preparation, submission and consideration of requests for extensions to Article 5 deadlines" established at the Seventh Meeting of the States Parties, which foresees that an extension request be submitted nine months before its consideration by the States Parties. The Meeting noted that the late submission of a request by Ukraine did not permit the Committee to enter into an extended cooperative dialogue with Ukraine as envisaged by the process.
4. In granting the request, the Meeting recognised that the situation in which Ukraine finds itself is unprecedented. Ukraine has identified newly mined areas within the original ten year period mentioned in Article 5.1 of the Convention but after having declared in its initial Article 7 report that there were no areas under its jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced. In this regard, the Meeting underlined that the decisions taken by the Fifteenth and Sixteenth Meetings of the States Parties confirm that the ten year period in Article 5.1 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 Meeting further underlines that the decisions taken by the Fifteenth and Sixteenth Meetings of 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.
5. Also in granting the request, the Meeting noted that Ukraine has expressed that the circumstance which impedes its ability to destroy all anti-personnel mines in mined areas that it has reported to be under its jurisdiction is that it does not have effective control over some of the areas in question. The Meeting further noted the importance of Ukraine providing information on changes to the status of the control of mined areas as part of the Article 5 Implementation process.
6. Also in granting the request, the Meeting noted that Ukraine was in the process of adopting its National Mine Action Legislation, which will aim to create the legal ground for the development of the mine action programme in Ukraine. In this regard, a swift adoption of the National Mine Action Legislation could facilitate the provision of assistance on the part of those in a position to do so and would demonstrate national ownership. The Meeting also noted the importance of

efforts put forward by Ukraine in the drafting of National Mine Action Standards, based on International Mine Action Standards (IMAS).

7. In granting the request, the meeting further noted the importance of Ukraine reporting on its progress in a manner consistent with the IMAS, disaggregating by area cancelled through non-technical survey, reduced through technical survey and addressed through clearance. The meeting further noted the importance of Ukraine ensuring as soon as possible that the most relevant land-release standards, policies and methodologies, in line with the IMAS, are in place and applied for the full and expedient implementation of this aspect of the Convention.
8. Also in granting the request, the Meeting requested that Ukraine submit to the States Parties an updated detailed annual work plan for 2019 by 30 April 2019 and, should Ukraine assess that it will not be in a position to fulfil its Article 5 obligations by the extended deadline, to ensure that preparations are put in place for the submission of a second request for extension by 31 March 2020. The Meeting noted that the work plan should contain an updated detailed 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 Meeting further requested that the work plan provide clarity on 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” as well as how these plans complement one another.
9. Also in granting the request, the Meeting noted that the Convention would benefit from Ukraine reporting annually to the States Parties on the following:
 - (a) Progress in land release relative to the commitments made in Ukraine’s annual work plan, disaggregated in a manner consistent with the IMAS, including identification of newly mined areas, and their impact on annual targets as given in Ukraine’s work plan;
 - (b) Updates regarding the development and adoption of the National Mine Action Legislation expected to be finalised by 2018;
 - (c) Updates regarding the status and progress in implementation of 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 on 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 or institutional capacities and requirements for support.
10. In addition to reporting as requested above, the Meeting noted the importance of Ukraine keeping 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.