

Analysis of 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

**Submitted by the Committee on Article 5 Implementation
(Colombia, France (Chair), Iraq, Sweden)**

1. Ukraine ratified the Convention on 27 December 2005. The Convention entered into force for Ukraine on 1 June 2006. In its initial transparency report submitted on 21 December 2006, Ukraine reported that there were no areas under its jurisdiction or control containing, or suspected to contain, anti-personnel mines. Having identified newly laid mines, Ukraine found itself in a position where it needed to submit a request for an extension of the original deadline, which lapsed on 1 June 2016. Ukraine submitted, on 1 November 2018, to the Committee on Article 5 Implementation ("The Committee"), a request for extension, for a period of five years, until 1 June 2021. The Seventeenth Meeting of the States Parties (17MSP) agreed unanimously to grant the request.
2. On 8 June 2020, Ukraine submitted to the Committee a request for extension of its 1 June 2021 deadline. On 13 July 2020, the Committee wrote to Ukraine to request additional clarification and information. On 27 August 2020, Ukraine submitted to the Committee additional information in response to the Committee's questions. Ukraine's request was for a period of two years and six months until 1 December 2023. The Eighteenth Meeting of the States Parties (18MSP) agreed unanimously to grant the request.
3. In granting the request, the 17MSP and 18MSP noted that Ukraine had expressed that the circumstance which impeded its ability to destroy all anti-personnel mines in mined areas that it has reported to be under its jurisdiction, is that it did not have effective control over some of the areas in question. The 17MSP 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.
4. On 31 March 2023, Ukraine submitted to the Committee a request for extension. On 26 April 2023, the Committee wrote to Ukraine to request clarification and information on key areas of the request. On 2 June 2023, Ukraine submitted additional information in response to the Committee's initial questions. Following engagement by the Committee with expert organisations, on 5 July 2023, the Committee wrote to Ukraine to request further clarification and information. On 1 September 2023, Ukraine submitted to the Committee additional information in response to the Committee's questions. Ukraine's extension request is for a period of 10 years, from 1 December 2023 until 1 December 2033.
5. The Committee noted that Ukraine had submitted the request in accordance with the process established by the States Parties and has engaged in a cooperative dialogue with the Committee. In response to the Committee's initial questions on 2 June 2023, and in particular to the encouragement for Ukraine to consider requesting a shorter time period in line with best practices, Ukraine indicated that it "does not object the Committee's proposal to reduce from 10 to 5 years duration of the implementation of the Article 5 of the Ottawa Convention, which was put forward in Ukraine's initial request to extend the implementation of the Article 5 of the Ottawa Convention for 10 years." The Committee wrote to Ukraine welcoming its response. However, in additional information submitted by Ukraine on 1 September 2023, Ukraine reverted to its initial request for a period of ten years, from 1 December 2023 to 1 December 2033. Ukraine indicated that this is due to the challenges faced by Ukraine addressing the remaining challenge "amidst the ongoing Russian aggression".

6. The Committee noted that, while Ukraine may require ten years to address the current magnitude of contamination, it was unfortunate that Ukraine has not applied best practices and in particular the identified “value of States Parties requesting only the period of time necessary to gather and assess data on landmine contamination and other relevant information with a view to develop a meaningful forward looking plan based on this information, and then submitting a second request containing plans based on a clearer understanding of the extent of the challenge and which project with greater certainty the amount of time that will be required to complete Article 5 implementation.”
7. The request indicates that circumstances that made it necessary for Ukraine to request an extension in 2018 and 2020 remain unchanged and that the sole circumstance which impedes its ability to destroy all anti-personnel mines in mined areas under its jurisdiction or control is that it does not have effective control over some of the areas in question. In this regard, the Committee noted that it can be assumed that during the period leading to the requested deadline, Ukraine would again evaluate the situation and form a fresh opinion as to whether matters have evolved so that Ukraine is, or may in future be, able to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control and arrive at a specific assessment of the time required for their destruction.
8. In additional information provided to the Committee, Ukraine reported 13,159 “*engagement of pyrotechnic units*” neutralizing 45,791 items of explosive ordnance and clearing a total of 7,427 hectares of land during the previous extension period. The Committee subsequently wrote to Ukraine requesting further information on progress made and noted that the request would benefit from Ukraine providing information on progress in survey and clearance and the methodologies employed in a manner consistent with International Mine Action Standards (IMAS). Ukraine responded by indicating that since the beginning of the large-scale military invasion 529,367 explosive objects, including anti-personnel mines, have been discovered and destroyed, with a total area of 400,000 square metres cleared and handed over to local communities and provided maps highlighting non-technical survey activities (as of August 2023). The Committee, while welcoming the additional information provided by Ukraine, noted the importance of Ukraine reporting information on progress in implementation in a manner consistent with IMAS to ensure a clear understanding of the progress made by Ukraine in implementation of its obligations under Article 5 (i.e. cancelled through non-technical survey, reduced through technical survey, or cleared through clearance and disaggregated by the type of explosive ordnance identified and destroyed (e.g. anti-personnel mines, anti-tank mines)).
9. The Committee wrote to Ukraine to request additional information on Ukraine’s efforts to ensure that National Mine Action Standards (NMAS) are up to date in accordance with IMAS. Ukraine responded by indicating that it has improved its NMAS with the implementation in April 2023 of the new Mine Action Management Processes (DSTU 8820:2023) which outlines the principles of certification and implementation of activities related to the full cycle of humanitarian demining (i.e. non-technical survey, technical survey, clearance, and explosive ordnance risk education). Ukraine further responded by indicating that together with mine action operators, the Geneva International Center for Humanitarian Demining (GICHD), and interested *central bodies of the executive power*, a project to update the NMAS has been developed which takes into account best practices. The Committee welcomed the information from Ukraine and noted the importance of Ukraine keeping its NMAS up to date in accordance with the latest IMAS, adapting them to new challenges and employing best practices to ensure efficient and effective implementation. The Committee noted the importance of Ukraine making use of the full range of practical methods to rapidly, with a high level of confidence, release areas suspected of containing anti-personnel mines. The Committee

further noted the importance of coordination with relevant national and international actors in Ukraine's efforts to keep its NMAS up to date with IMAS.

10. The request includes information on the legal framework in place for the functioning of mine action in Ukraine. The request indicates that the National Mine Action Authority (NMAA) chaired by the Minister of Defence (MoD), was established and that the Mine Action Centre of the Ministry of Defence, as part of the State Special Transport Service, and the Centre for Humanitarian Demining of the State Emergency Service have been established and are operational.
11. The Committee wrote to Ukraine to information on current national and international capacity for implementation as well as ongoing efforts by Ukraine to build its national capacity and efforts to encourage the participation of women in mine action. Ukraine responded by indicating that units from the Armed Forces of Ukraine, the State Special Transport Service (SESU), the National Police of Ukraine, the State Border Guard Service of Ukraine, the National Guard of Ukraine, national and international non-governmental organisations are involved in implementing mine action activities. Ukraine further responded by indicating that efforts are underway to create a governmental mine action operator within the Ministry of Defense of Ukraine with an estimated number of up to 5,000 people, which will significantly increase Ukraine's ability to fulfil its obligations under Article 5 of the Convention.
12. Ukraine further responded by indicating that, as of August 2023, one unit of the State Special Transport Service and six units of State Emergency Service of Ukraine are undergoing mine action certification, and that in order to increase national capacity the Ministry of Defence is training ten battalions and three separate demining companies (which will consist of 4,7500 people) as part of the State Special Transport Service and Support Forces Command, to be operational in 2024. Ukraine indicated that it expected that female specialists will staff up to 30% of the units. Ukraine further indicated that 74 relevant groups carry out non-technical survey in accordance with the plan for implementation of humanitarian demining of de occupied territories for 2023 and approved by the National Authority for Mine Action. The Committee welcomed the information provided by Ukraine and noted the importance of Ukraine continuing 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 for the inclusion of persons with disabilities, as appropriate, and by making financial and other commitments to implementation. The Committee further welcomed Ukraine providing information on its efforts to ensure consideration for gender into its mine action efforts.
13. The request indicates that mine action efforts are focused on demining critical infrastructure facilities and population centres, in order to ensure the safety of the population of the liberated territories. The Committee wrote to Ukraine to request additional information on the national prioritization system in place. Ukraine responded by indicating that, in March 2023, the NMAA approved the Action Plan for demining of an estimated 4,700 square kilometres of agricultural land in support of the 2023 spring harvest. Ukraine also indicated that the priorities for non-technical survey and mine clearance of affected communities and adjacent areas are specified in the Plan for Humanitarian Demining of the de-occupied territories for 2023. Ukraine further indicated that to ensure the effectiveness of implementation, the National Mine Action Authority coordinates all mine action activities in Ukraine with monitoring carried out by the Secretariat of the National Authority for Mine Action. Ukraine further indicated that the NMAA is in the process of developing a Mine Action Strategy. The Committee welcomed the information provided by Ukraine and noted the importance of Ukraine developing its Mine Action Strategy in collaboration with all stakeholders.

14. The Committee wrote to Ukraine noting that the request would benefit from detailed information on Ukraine's efforts to establish and maintain a national information management system. Ukraine responded by indicating that Ukraine established the Information Management System for Mine Action (IMSMA Core) in 2019 and that access to the information management system is open to all certified operators and central executive authorities involved in mine action activities, local executive authorities, international organisations, and the public. Ukraine further indicated that IMSMA has a multi-level degree of data verification and validation, starting from the operators who collect information and ending with the Secretariat of the National Authority for Mine Action, the Centre for Mine Action of the State Special Transport Service and the Centre for Humanitarian Demining of the State Emergency Service of Ukraine, which performs final data validation. The Committee welcomed the information from Ukraine and noted the importance of Ukraine continuing to report on its efforts to maintain the national information management system containing evidence-based accurate and up-to-date data on the status of implementation. The Committee further note the importance of the design and implementation of information management systems being nationally owned, sustainable and take into account the need for data that can be accessed, managed, and analysed post-completion.
15. The request indicated that the use of anti-personnel mines is causing adverse humanitarian consequences that impede security, stability, humanitarian, and development efforts. The Committee wrote to Ukraine requesting further information on the socio-economic impacts of mined areas, including casualty data disaggregated by geographic location of the accident, age, and gender. Ukraine responded by indicating that from 24 February 2022 to 18 August 2023, a total of 720 casualties were recorded, 234 of which died (including 198 men, 23 women, 12 boys, 1 girl) and 486 were injured (394 men, 44 boys, 32 women, 16 girls). The Committee welcomed the information provided by Ukraine and noted the importance of Ukraine continuing to collect information on persons killed and injured by anti-personnel mines, including their needs and challenges, disaggregated by gender, age and disability, and to make this information available to relevant stakeholders to ensure a comprehensive response in addressing their needs. The Committee noted that completion of Article 5 implementation during the requested extension period has the potential of making a significant contribution to improving human safety and socio-economic conditions in affected areas in Ukraine.
16. The request indicates that, due to the current situation, Ukraine is not able to provide comprehensive information on the scale of the remaining challenge. The request indicates that approximately 174,000 square kilometres of hazardous areas requires survey, including 160,000 square kilometres of land and 14,000 square kilometres of sea-water areas. The request further indicates that 78,000 square kilometres of hazardous areas is located in "temporarily occupied territories". The request further indicates that only about 349 "dangerous lots" measuring 50,215,829.94 square metres have been identified as contaminated by minefields or explosive ordnance and that non-technical survey of de-occupied territories continues. In additional information submitted, Ukraine indicated that, as of today, the area suspected to be contaminated by mines and explosive remnants of war totals 140,000 square kilometres (961 plots of land).
17. The Committee, noting that Ukraine indicated that it was not able to provide information on the scale of contamination by anti-personnel mines, wrote to Ukraine to reiterate the importance of Ukraine providing information on the remaining challenge in a manner consistent with IMAS, by disaggregating by 'suspect hazardous areas', and 'confirmed hazardous areas' and their relative size including by disaggregating between the type of contamination to ensure increased clarity on the remaining challenges. The Committee noted that, while Ukraine is unable to acquire a clear understanding of the scale of contamination in all areas of under its jurisdiction or control, it is important for Ukraine to carry out non-technical survey in all contaminated areas under its

jurisdiction and control, as soon as possible, in order to acquire a clear understanding of the contamination and to report on progress and the remaining challenge in this regard on an annual basis in a manner consistent with IMAS.

18. As noted, Ukraine's request is for ten years (until 1 December 2033). The request indicates the following factors, which in Ukraine's view, acted as impeding circumstances during Ukraine's extension period: a) continuation of the unprecedented military aggression against Ukraine, b) continued mine laying on territories under the jurisdiction and control of Ukraine, c) use of remote mine laying on Ukraine's territory, and d) the lack of a clear understanding of the duration of hostilities.
19. The Committee wrote to Ukraine noting the request would benefit from a detailed work plan for implementation in accordance with Action #23 of the Oslo Action Plan. The Committee also, noting the volatility of the situation and the need for Ukraine to adjust its work plan, noted that the request would benefit from a detailed two-year work plan for survey and clearance including detailed milestones to be achieved. Additionally, the Committee wrote to Ukraine requesting additional information on the designation of humanitarian demining organisations to different administrative areas to conduct non-technical survey and other mine action related activities in areas where the security situation allows.
20. Ukraine responded by indicating that, as of August 2023, governmental and non-governmental operators plan to carry out survey in districts under the control of the Government of Ukraine encompassing 83,920 square kilometres. Ukraine also indicated that territories requiring survey are determined by the National Authority for Mine current circumstances, make it impossible to take measures and ensure the destruction of all anti-personnel mines in mined areas under the jurisdiction or control of Ukraine in accordance with paragraph 1 of Article 5 of the Ottawa Convention, including survey and clearance of areas contaminated by explosive ordnance in order to ensure the implementation of measures to implement paragraph 1 of Article 5. The Committee noted the importance of survey activities to acquire a clearer understanding of the extent of contamination by anti-personnel mines and other explosive remnants of war.
21. The Committee wrote to Ukraine to indicate that the request did not contain a detailed, costed, work plan for the delivery of mine risk education in affected communities in accordance with Action #24 of the Oslo Action Plan. Ukraine responded by indicating that since 24 February 2022, SESU specialists have conducted 16,787 informal and educational events with the participation of 465,000 people including 281,000 children and 184,000 adult men and women. Ukraine also indicated that in 2022 it adopted a programme aimed at reducing the social, economic, and environmental impact of explosive ordnance on livelihoods with the Government allocating 25,650,000 UKR hryvnias for the period of 2022-2023. Ukraine further indicated that the program aims to produce and distribute among the affected communities, marking signs to mark dangerous areas and educational materials on the risks associated with explosive ordnance, producing, and distributing 15,125 marking signs and 10 educational videos to affected communities in 2022-2023. The Committee welcomes the information provide by Ukraine and noted the importance of Ukraine having in place a detailed, costed, and multi-year plans for context-specific mine risk education and reduction in affected communities which is sensitive to gender, age, disability and take the diverse needs and experiences of people in affected communities into account.
22. The Committee wrote to Ukraine to request additional information on how gender and the diverse needs of mine affected communities have been taken into account in its Convention implementation efforts. Ukraine responded that survey efforts include interviews with women and persons with disabilities in order to identify areas contamination by mines and explosive remnants

of war. Ukraine also indicated that interviews conducted in the context of non-technical survey and explosive ordnance risk education include respondents among whom adult women and girls under the age of 18 make up 58.6% of the total number of people surveyed, and persons with disabilities make up 36%. The Committee welcomes the information provided by Ukraine and welcomes Ukraine continuing to communicate on how it takes into account gender, age, disability and the diverse needs and experience of affected communities when reporting on plans and progress in implementation.

23. The Committee wrote to Ukraine to request clarification on the estimated funding provided by Ukraine in support of its annual work plan and the potential gap in funding, equipment, and other technical resources. Ukraine responded by indicating that the funding for mine action is included within the budget allocations to the State Emergency Service under budget program 1006280 "*Support activities of civil protection forces*". Ukraine also indicated that there is a need for assistance in purchasing equipment and vehicles as well as resources to support the training, equipping and deployment of ten battalions and three separate humanitarian demining companies of the Ministry of Defence of Ukraine. The Committee noted the importance of Ukraine providing a clear budget for implementation and requirements for support and noted that doing so could support Ukraine's efforts to mobilise resources. In this regard, the Committee noted the importance of Ukraine appending its annual national budget for mine action activities to its annual Article 7 transparency reports. The Committee further encourages Ukraine to develop a resource mobilisation plan and use all mechanisms within the Convention to disseminate information on challenges and requirements for assistance, including through their annual Article 7 transparency reports and by taking advantage of the individualized approach.
24. The Committee noted that the request includes other relevant information that may be of use to the States Parties in assessing and considering the request, including further detail on national demining structure, maps of contamination, locations of non-technical survey, and locations of mine incidents and tables with annexed maps relating to remaining areas to be addressed.
25. The Committee noted the commitment of the government of Ukraine to its demining program through allocations from the State budget assigned to carry out demining activities and welcomed Ukraine's efforts to support the implementation of its obligations under Article 5. The Committee further noted the importance of Ukraine developing a resource mobilisation plan and using all mechanisms of the Convention to disseminate information on challenges and requirements for assistance, including through Article 7 reports.
26. The Committee, in noting the volatility of the present situation in Ukraine and the need for Ukraine to adjust its work plan, noted that the Convention would benefit from Ukraine submitting to the Committee by 30 April 2024, and each subsequent year, a 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 noted that the detailed work plan should contain information on how Ukraine ensures consideration for gender, age, disability and takes the diverse needs and experiences of people in affected communities in its implementation efforts.

27. While welcoming the information provided by Ukraine through cooperative dialogue, the Committee noted that, given that the situation in Ukraine remains volatile, the lack of understanding of the extent of the challenge, the challenges highlighted by Ukraine in projecting with certainty the amount of time that will be required to complete Article 5 implementation, Ukraine and the States Parties would benefit from agreeing on an extension of no more than 5 years in keeping with best practices.
28. The Committee noted that the information provided in the request could be further clarified by including more detailed information on the status and implementation efforts in areas under the control of Ukraine and by ensuring disaggregation in accordance with IMAS of its remaining challenges. The Committee further noted that the successful implementation of Article 5 by Ukraine is contingent on access to the remaining contaminated areas, the need for stable national funding and the mobilization of international financial and technical resources, engagement with international stakeholders and the creation of an environment conducive for organisations involved in mine action activities. In this regard, the Meeting noted that the Convention would benefit from Ukraine reporting in its annual Article 7 transparency report annually, by 30 April the following:
- a. Progress and results of survey and clearance activities, disaggregated in a manner consistent with the IMAS by providing information 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 have altered Ukraine's assessment of the remaining challenge;
 - b. Progress and results in implementation of mine risk education and reduction activities, the challenges faced, and the results achieved, with information disaggregated by gender and age;
 - c. The remaining challenge, 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...);
 - d. An updated work plan based on new evidence containing clear milestones, including information as highlighted in paragraph 26 of the analysis.
 - e. 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;
 - f. Updates on the socio-economic impact of mined areas, including casualty data disaggregated by geographic location of the accident, age, gender, and disability;
 - g. Updates regarding resource mobilisation efforts (e.g. the development of a resource mobilisation plan), including resources made available from Ukraine's state budget and external financing received to support its annual work plan, potential gaps in funding, as well as equipment and other technical resources that could be potentially filled by the international community.
29. In addition, the Committee noted the importance of Ukraine reporting on the matters noted above as well as keeping the States Parties regularly apprised of other pertinent developments regarding the implementation of Article 5 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 for Reporting.