

PRELIMINARY OBSERVATIONS

COMMITTEE ON ARTICLE 5 IMPLEMENTATION (Colombia, France (Chair), Iraq, and Sweden)

Intersessional Meetings
19 – 21 June 2023

PRELIMINARY OBSERVATIONS ON THE IMPLEMENTATION OF ARTICLE 5 BY UKRAINE

I. Progress in implementation (OAP Action #8, #22)

1. The Committee observed that Ukraine in additional information submitted to its 2023 extension request reported progress in implementation for the period 2019-2023, including the clearance of 7,425 hectares of territory, resulting in the destruction of 45,791 items of explosive ordnance.
2. The Committee observed that the information provided by Ukraine on progress in implementation did not allow for comparability with that provided in its 2021 updated work plan. The Committee welcomed Ukraine using the Guide to reporting (Action #8).
3. Action #22 of the Oslo Action Plan (OAP) requests States to report in a manner consistent with International Mine Action Standards (IMAS) by providing information on progress in accordance with the land release methodology employed (cancelled through non-technical survey, reduced through technical survey, or cleared through clearance). The Committee encourages Ukraine to provide updated information in its Article 7 report in a manner consistent with IMAS and further encourages Ukraine to report on the number and types of anti-personnel mines and other explosive remnants of war addressed in a disaggregated manner.

II. Clarity regarding remaining challenge (OAP Action #18, #22)

4. The Committee noted that Ukraine had provided some clarity¹ on its remaining challenge (Action #18). Ukraine reported that it lacks complete information on the coordinates of areas where anti-personnel mines are installed, with an estimated 160,000 square kilometres of land and 14,000 square kilometres of water areas subject to preliminary survey. The Committee recalled that Ukraine in its request for extension submitted for consideration by the Twenty-First Meeting of the States Parties indicated 349 hazardous areas contaminated by mines in the de-occupied territories measuring 50,215,829,94 square metres (Action #22).
5. Action #22 of the OAP requests States to report in a manner consistent with IMAS by providing information on the remaining challenges, disaggregating by 'suspected hazardous areas' and 'confirmed hazardous areas' and their relative size, as well as by the type of contamination. The Committee observed that Ukraine had not provided information in its Article 7 report on its efforts in implementation of Action #22 and would welcome further information in this regard (Action #22).

¹ "Some clarity" has been used when a State Party has provided a summary table listing some information related to the number of areas known or suspected to contain anti-personnel mines in each region, province, and district within the State.

6. Action #18 of the OAP requests States that have not yet done so will identify the precise perimeter of mined areas, to the extent possible, and establish evidence based, accurate baselines of contamination based on information collected from all relevant sources, no later than by the Nineteenth Meeting of the States Parties in 2021. The Committee observed the challenging situation in Ukraine and that Ukraine was still in the process of identifying the precise perimeter of mined areas. The Committee also observed that Ukraine reported that given the continuation of intensive hostilities, the Ministry of Defence of Ukraine currently lacks complete information on the coordinates of areas where anti-personnel mines may be installed. Ukraine also reported that the Ministry of Defence is actively conducting measures to check the coordinates of areas where anti-personnel mines may be installed in de-occupied territories, and that non-technical mine action operators and national mine action operators were involved in the non-technical/technical survey of contaminated territories.
7. Action #18 of the OAP requests States to report on having established their baseline through inclusive consultations with women, girls, boys and men. The Committee observed that Ukraine had not reported updated information on its efforts in implementation of Action #18 and would welcome further information in this regard.

III. National plans for clearance and survey (OAP Actions #1, #2, #3, #19, #20, #26)

8. Action #19 of the OAP requests States to develop evidence-based and costed national work plans, including projections of the number of areas and the amount of mined area to be addressed annually to achieve completion as soon as possible, and no later than their Article 5 deadline, to be presented at the Eighteenth Meeting of the States Parties (18MSP) in 2020. The Committee recalled that Ukraine in its 2021 updated work plan indicated that at the moment, it was not possible to conduct complete time and financial calculations for Article 5 completion and that each year the Ministry of Defence, together with the central executive bodies, develop the "Plan of humanitarian demining activities and would welcome additional information in this regard (Action #2, Action #19).
9. Action #20 of the OAP requests States to annually update their national work plans based on new evidence and report on adjusted milestones in their Article 7 reports by 30 April each year, including information on the number of areas and amount of mined area to be addressed annually and on how priorities have been established. The Committee observed that Ukraine had reported that given the continuation of intensive hostilities, the Ministry of Defence of Ukraine currently lacks complete information on the coordinates of areas where anti-personnel mines may have been installed.
10. The Committee recalled that Ukraine, in its 2021 updated work plan, had indicated that State budget allocations were approved for executive bodies involved in mine action. The Committee observed that Ukraine in additional information submitted to its 2023 extension request that the funding of activities related to the demining of territories of Ukraine by pyrotechnic units is carried out through budget allocations to the State Emergency Service under Budget program 1006280 "Support activities of Civil Protection Forces", and that no separate funding of mine countermeasures is provided (Action #1).
11. Action #6 of the OAP requests States to strengthen partnerships and integrate responses between the mine action community and relevant humanitarian, peacebuilding, development and human rights communities, bearing in mind the 2030 Agenda for Sustainable Development. The Committee observed that Ukraine had not provided information in its Article 7 report on its efforts in implementation of Action #6 and would welcome further information in this regard (Action #6).

12. Action #3 of the OAP requests States to ensure that the different needs and perspectives of women, girls, boys and men are considered and inform all areas of Convention implementation and mine action programmes, in order to deliver an inclusive approach. Strive to remove barriers to full, equal and gender balanced participation in mine action and in Convention meetings. The Committee observed that Ukraine had not provided information in its Article 7 report on its efforts in implementation of Action #3 and would welcome further information in this regard (Action #3).

13. Action #26 of the OAP requests States to ensure that national strategies and work plans for completion make provisions for a sustainable national capacity to address previously unknown mined areas, including newly mined areas discovered following completion. The Committee observed that Ukraine had reported on its national capacities, including the role of engineering and sapper units of the armed forces of Ukraine, the National Guard, the State Emergency Service and Special Transport Service were involved in the operational response in addressing anti-personnel mines. The Committee observed Ukraine's efforts to build its national capacity.

IV. Efficient and expedient implementation (OAP Actions #5, #9, #27)

14. Action #5 of the OAP requests States to keep national mine action standards up to date in accordance with the latest IMAS, adapt them to new challenges and employ best practices to ensure efficient and effective implementation. The Committee recalled that in its 2020 extension request Ukraine indicated that, "Ukraine developed and approved the national standard DSTU P 8820-1: 2019 "Mine action - Management processes - basic provisions", in line with IMAS which entered into force on 1 April 2019". The Committee observed that Ukraine had not provided information in its Article 7 report on its efforts in implementation of Action #5 and would welcome further information in this regard.

15. Action #9 of the OAP requests States to establish and maintain a national information management system containing accurate and up-to-date data at the national level on the status of implementation. The design and implementation of information management systems will ensure that they are nationally owned, sustainable and take into account the need for data that can be accessed, managed and analysed post-completion. The Committee recalled that in its 2020 extension request, Ukraine indicated that it has an information management system in place since 2014 and currently hosts 47,000 reports from 27 regional operators (territorial divisions). The Committee observed that Ukraine had not provided information in its Article 7 report on its efforts in implementation of Action #9 and would welcome further information in this regard (Action #9).

16. Action #27 of the OAP requests States to take appropriate steps to improve the effectiveness and efficiency of survey and clearance, including by promoting the research, application and sharing of innovative technological means to this effect. The Committee observed that Ukraine had not provided information in its Article 7 report on its efforts in implementation of Action #27 and would welcome further information in this regard.

V. Actions in accordance with plans in extension requests and decisions on them

17. In considering Ukraine's request, the Eighteenth Meeting of the States Parties (18MSP) requested Ukraine to submit updated information on several matters. The Committee would welcome further information from Ukraine regarding;

- Progress and results of land release activities relative to the commitments made in Ukraine's annual work plan, disaggregated in a manner consistent with the IMAS by providing information on the remaining challenges, disaggregating by 'suspected hazardous areas' and 'confirmed hazardous areas' and their relative size, as well as by the type of contamination. Report 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 alter Ukraine's assessment of the remaining implementation challenge;

- Annual updated work plan based on new evidence containing adjusted milestones, including information on the number of areas and amount of mined area to be addressed annually, how priorities have been established and costs for implementation;
- Changes to the status of the control of mined areas and how these changes positively or negatively affect survey and clearance of mined areas;
- Updated information on the development and adoption of National Mine Action Legislation and the establishment of a national mine action centre; 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 and mine action programmes;
- Updates regarding the development and implementation of a detailed, costed and multi-year plan for context-specific mine risk education and reduction in affected communities including information on the methodologies used, the challenges faced and the results achieved, with information disaggregated by gender and age; and,
- Updates regarding resource mobilisation efforts, including resources made available from Ukraine's state budget and external financing received to support implementation efforts.

VI. Mine risk education and reduction (OAP Actions #28-32)

18. Ukraine reported on the actions it has taken to effectively exclude the population from mined areas, including through fencing and marking with special signs, and that the local population is notified about these areas. The Committee observed in additional information submitted by Ukraine to its 2023 extension request that the State Emergency Service (SES) had conducted 16,787 informational and education events since 24 February 2022 with different age and gender categories of the population, including 465,000 people, including 281,000 children and 184,000 men and women. The Committee welcomes the information provided by Ukraine and encourages Ukraine to report in detail in its Article 7 report on its efforts in implementation of Action #32 and would welcome further information in this regard.

19. Action #28 of the OAP requests States to Integrate mine risk education activities with wider humanitarian, development, protection and education efforts, as well as with ongoing survey, clearance and victim assistance activities to reduce the risk to the affected population and decrease their need for risk-taking. The Committee observed that Ukraine had not provided information in its Article 7 report on its efforts in implementation of Action #28 and would welcome further information in this regard.

20. Action #29 of the OAP requests States to Provide context-specific mine risk education and reduction programmes to all affected populations and groups at risk, developed on the basis of a needs assessment, tailored to the threat encountered by the population, and that they are sensitive to gender, age, disability and take the diverse needs and experiences of people in affected communities into account. The Committee observed that Ukraine had not provided information in its Article 7 report on its efforts in implementation of Action #29 and would welcome further information in this regard.

21. Action #30 of the OAP requests States to Prioritise people most at risk by linking mine risk education and reduction programmes and messages directly to an analysis of available casualty and contamination data, an understanding of the affected population's behaviour, risk pattern and coping mechanisms, and, wherever possible, anticipated population movements. The Committee observed that Ukraine had not provided information in its Article 7 report on its efforts in implementation of Action #30 and would welcome further information in this regard.

22. Action #31 of the OAP requests States to Build national capacity to deliver mine risk education and reduction programmes with the ability to adapt to changing needs and contexts, including the delivery of such programmes to affected communities in the case that previously unknown mined areas are discovered. The Committee observed that Ukraine had not provided information in its Article 7 report on its efforts in implementation of Action #31 and would welcome further information in this regard

VII. Challenges in Implementation (OAP Action #8)

23. The Committee observed that Ukraine provided quality information on challenges in implementation, including the continuation of intensive hostilities, and that the Ministry of Defence of Ukraine currently lacks complete information on the coordinates of areas where anti-personnel mines may (probably) had been installed.

The OAP country reporting tracker
Article 5 Implementation
Ukraine
CROSS-CUTTING ACTIONS

Actions	Indicators	2020	2021	2022	2023	2024	Additional information requested from the Committee (deadline 28 July)
#1	# States Parties that report, having included Convention implementation activities in national development plans, poverty reduction strategies, humanitarian response plans and national strategies for the inclusion of persons with disabilities, where appropriate						The Committee would welcome information on Ukraine's efforts on, having included Convention implementation activities in national development plans, poverty reduction strategies, humanitarian response plans and national strategies for the inclusion of persons with disabilities, where appropriate.
	% mine-affected States Parties that report making national financial commitments to the implementation of their obligations under the Convention						
#2	% mine-affected States Parties that report having evidence-based, costed and time-bound national strategies and work plans in place						
#3	% affected States Parties whose national work plans and strategies integrate gender and take the diverse needs and experiences of people in affected communities into account						The Committee would welcome information on Ukraine's efforts on national work plans and strategies integrate gender and take the diverse needs and experiences of people in affected communities into account.
#5	# women in States Parties' delegations attending Convention meetings						
#6	% States Parties that have updated their national standards to address new challenges and ensure the employment of best practices, taking into consideration the latest IMAS						The Committee would welcome information on Ukraine's efforts on updated their national standards to address new challenges and ensure the employment of best practices, taking into consideration the latest IMAS.
#6	# States Parties that report having included mine action related activities within their humanitarian response plans, peacebuilding, development or human rights plans, where relevant						The Committee would welcome information on Ukraine's efforts on having included mine action related activities within their humanitarian response plans, peacebuilding, development or human rights plans, where relevant.

#8	# States Parties that prepare their Article 7 reports using the Guide to Reporting						
	# States Parties that report on progress and challenges during formal and informal meetings						
#9	% States Parties that report having a sustainable national information management system in place						The Committee would welcome information on Ukraine's efforts on having a sustainable national information management system in place.

SURVEY AND CLEARANCE OF MINED AREAS							
Actions	Indicators	2020	2021	2022	2023	2024	Additional information requested from the Committee (deadline 28 July)
#18	% affected States Parties that have established an accurate and evidence-based contamination baseline no later than the Nineteenth Meeting of the States Parties in 2021 (and by each year thereafter if not all affected States Parties have done so by 19MSP)						The Committee would welcome information on Ukraine's efforts on having established an accurate and evidence-based contamination baseline no later than the Nineteenth Meeting of the States Parties in 2021 (and by each year thereafter if not all affected States Parties have done so by 19MSP).
	% affected States Parties who report having established their baseline through inclusive consultations with women, girls, boys and men						The Committee would welcome information on Ukraine's efforts on having established their baseline through inclusive consultations with women, girls, boys and men.
#19	% affected States Parties presenting work plans for the implementation of Article 5 by the Eighteenth Meeting of the States Parties (and MSPs thereafter and by each year thereafter if not all affected States Parties have done so by 18MSP)						
#20	# affected States Parties that have reported annual updates and adjusted milestones to their national work plans in their 30 April transparency reports						The Committee would welcome information on Ukraine's efforts on have reported annual updates and adjusted milestones to their national work plans in their 30 April transparency reports.
	# States Parties that have fulfilled their obligations under Article 5						
#21	# States Parties that apply the provisions of the Convention to anti-personnel mines of an improvised nature (for the purpose of this indicator: survey, clear and report)						
#22	% of affected States Parties reporting on the remaining challenge and progress made in accordance with IMAS						The Committee would welcome information on Ukraine's efforts on its remaining challenge in a manner consistent with the IMAS by providing information disaggregated by suspected hazardous areas and confirmed hazardous areas

							and would welcome additional information from Ukraine in this regard.
	% of affected States Parties providing survey and clearance data in Article 5 extension requests and Article 7 reports that disaggregates by type of contamination						
#23	% extension requests that include detailed, costed and multi-year work plans for the extension period						
	% extension requests that are submitted in accordance with the process established by the States Parties						
#24	% extension requests that include appropriate plans for risk education and reduction activities						
#25	% States Parties that have completed their Article 5 obligations and that submit voluntary declarations of completion						
#26	% affected States Parties that include provisions for addressing previously unknown mined areas in their national strategies and/or completion plans						
	% affected States Parties that report having put in place sustainable national capacities to address the discovery of previously unknown mined areas						
	% States Parties that discover previously unknown mined areas, including newly mined areas, that apply the decision of the Twelfth Meeting of the States Parties						
#27	# States Parties that report promoting research, application and sharing of innovative technological means						The Committee would welcome information on Ukraine's efforts on promoting research, application and sharing of innovative technological means.
MINE RISK EDUCATION AND REDUCTION							
Actions	Indicators	2020	2021	2022	2023	2024	Additional information requested from the Committee (deadline 28 July)
#28	% affected States Parties that report having included mine risk education and reduction programmes in their humanitarian response and protection plans and/or development plans, as well as in their mine action plans, where relevant						The Committee would welcome information on Ukraine's efforts to report having included mine risk education and reduction programmes in their humanitarian response and protection plans and/or development plans, as well as in their mine action plans, where relevant.

#29	% affected States Parties that report having mine risk education and reduction programmes for all affected populations in place						The Committee would welcome information on Ukraine's efforts to provide context-specific mine risk education and reduction programmes, (MRE/R) for all affected populations and groups at risk.
	% States Parties that report carrying out mine risk education and reduction activities that collect, analyse and report data disaggregated by gender, age, disability and other diverse needs						The Committee would welcome information on Ukraine's efforts to ensure if such programmes were developed on the basis of a needs assessment that they are tailored to the threat encountered by the population, and are sensitive to gender, age, disability and take the diverse needs and experiences of people in affected communities into account.
#30	# States Parties that report having established an evidence-based priority-setting mechanism for mine risk education and reduction programmes						The Committee would welcome information on Ukraine's efforts to prioritise people most at risk by linking mine risk education and reduction programmes and messages directly to an analysis of available casualty and contamination data, an understanding of the affected population's behaviour, risk pattern and coping mechanisms, and, wherever possible, anticipated population movements.
#31	# States Parties that provide risk education and reduction programmes to affected communities in the case that previously unknown mined areas are discovered						The Committee would welcome information on Ukraine's efforts to provide risk education and reduction programmes to affected communities in the case that previously unknown mined areas are discovered.
#32	# States Parties reporting on their mine risk education and other risk reduction programmes and results						

