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### ANNEX

## **Neighbourhood, Development and International Cooperation Instrument (NDICI) – Global Europe**

### **Exceptional Assistance Measure regarding Armenia and Azerbaijan**

#### **1. IDENTIFICATION**

Action:	Support to confidence building through mine action
Action Reference:	NDICI CR 2022 / 05
Cost:	EUR 5 000 000 (European Union (EU) contribution).
Budget Line:	14 02 03 10
Duration:	Maximum 18 months. The authorising officer responsible may decide to extend this period twice by a further period of up to six months, up to a total maximum duration of 30 months, under the conditions laid down in Article 23(6) of Regulation (EU) 2021/947.
Lead service:	FPI

#### **2. ACTION SUMMARY**

The territories affected by the 2020 war in and around Nagorno-Karabakh, particularly along the former line of contact before the hostilities, are among the most heavily contaminated by mines and unexploded ordnances in the world. This results in civilian fatalities and casualties, including life-changing injuries, and poses grave risks to local communities living in the conflict affected areas. Mine contamination thereby renders the return of displaced persons both difficult and dangerous. This legacy, mainly of the war of the 1990s, may exacerbate existing grievances and present an obstacle to a gradual return to peacebuilding and reconciliation.

This action will underpin the EU facilitated high-level discussions between the European Union (President of the Council), and the leaders of Azerbaijan and Armenia by implementing confidence building measures through mine action agreed to by the parties. The action, which forms part of the EU's role as a credible peace actor in the South Caucasus region, will directly assist local and national mine-action organisations to improve the protection of civilians returning to areas affected by the hostilities. This will notably include strengthening the national mine action agencies (the Armenian Centre for Humanitarian Demining and Expertise and the Azerbaijan National Agency for Mine Action) in their oversight and coordination capacity, possibly including quality control of areas demined by the military, direct support to civilian demining efforts, including non-technical surveys and mine mapping. In addition, equipment and armouring of mechanic equipment for mine clearance will be supplied, as well as assistance

aimed at creating an enabling environment for women's involvement, both in mine-clearance operations on the ground and in decision making processes related to demining.

The present action, which focuses on confidence building through the strengthening of governance and civilian oversight capacity in the area of mine action, will be complementary to ongoing EU activities in Armenia and Azerbaijan, implemented under humanitarian funding related to humanitarian demining and mine risk education.

### **3. BACKGROUND AND RATIONALE**

#### **3.1 BACKGROUND**

The 44 day war between Azerbaijan and Armenia in 2020 was the latest full-scale military encounter in this long-standing ethnic and territorial conflict over the disputed region of Nagorno-Karabakh. In the ceasefire statement signed on 9 November 2020 between Azerbaijan and Armenia, all the territories outside the former Soviet Nagorno-Karabakh Autonomous Oblast (NKAO), earlier controlled by Armenians, were re-taken by Azerbaijan.

Although the ceasefire statement was signed in November 2020, there are still numerous outstanding issues, not least the future status of Karabakh.

In addition, the EU has taken high-level initiatives to strengthen its position as a credible peace-actor, notably through supporting direct discussions between the Prime Minister of Armenia and the President of Azerbaijan. An initial such meeting was held in Brussels in December 2021 under the leadership of the EU Council President Charles Michel and the Council President called a second meeting in Brussels on 6 April 2022. These discussions have allowed the initial steps to be taken towards a peace agreement notably through elaborating on useful confidence building measures addressing a wide variety of issues, like border demarcation, connectivity/transport links and mine actions.

The area along the former line of contact and beyond, between Armenia and Azerbaijan is heavily mined, leading to a large area of anti-personnel mine contamination now falling under Azerbaijan's jurisdiction and control. These minefields are extensive, estimated to be about 300 km in length and 3-7km in depth. In order to be able to re-settle persons displaced by the war ending in 1994 (approximately 650 000) areas along the former line of contact as well as other contaminated areas will need to be appropriately secured through clearance of mines and unexploded ordnance (UXO). The latest war has mainly aggravated the presence of UXOs in the areas where fighting took place. The setting in Armenia is different with a much more limited area of mine and UXO contaminated land, mainly along the 'new/old' Armenian/Azerbaijani border, presenting an obstacle to the settlement of recently displaced persons.

The Azerbaijan National Agency for Mine Action (ANAMA) is a non-military agency mandated to conduct humanitarian de-mining, focusing on areas that pose the greatest threats to human safety and livelihoods. In January 2021, ANAMA was elevated to a Public Legal Entity status.

In Armenia, the Centre for Humanitarian Demining and Expertise (CHDE) is tasked by the Government to verify and coordinate demining actions. This implies developing legislation,

standards, operational procedures, strategies, quality assurance/quality control measures in addition to undertaking demining on the ground.

**3.2 RATIONALE FOR CRISIS RESPONSE ACTIONS UNDER THE RAPID RESPONSE PILLAR OF THE NEIGHBOURHOOD, DEVELOPMENT AND INTERNATIONAL COOPERATION INSTRUMENT**

The territories affected by the 2020 Azerbaijani-Armenian war, particularly along the former line of contact before the hostilities, are among the most heavily contaminated by mines and unexploded ordnances in the world. This results in civilian fatalities and casualties, including life-changing injuries, and poses grave risks to local communities living in the conflict affected areas. Mine contamination renders the return of hundreds of thousands of displaced persons difficult and dangerous. EU facilitated high-level discussions between the leaders of Azerbaijan and Armenia has identified confidence building measures through mine action agreed to by the parties. This constitutes an exceptional and unforeseen situation in the sense of Article 4(4) of the NDICI Regulation. An adequate response cannot be provided under any other European Union Instrument due to the urgency with which the funds are required and due to available resources already being firmly committed.

Annex IV, paragraph 1, second paragraph, points (a), (b), (g) and (j) of Regulation (EU) 2021/947 specifically provides for the use of the NDICI rapid response pillar to (a) support, through the provision of technical and logistical assistance, for the efforts undertaken by international, regional and local organisations and by State and civil society actors in promoting confidence-building, mediation, dialogue and reconciliation, transitional justice, women’s and youth empowerment, in particular with regard to community tensions and protracted conflicts; (b) support for the implementation of UNSCRs on women, youth, peace and security; (g) support for measures necessary to start the rehabilitation and reconstruction of key infrastructure, housing, public buildings and economic assets, and essential productive capacity, as well as other measures for the re-starting of economic activity, the generation of employment and the establishment of the minimum conditions necessary for sustainable social development, and (j) support for measures to address, within the framework of Union cooperation policies and their objectives, the socio-economic impact on the civilian population of anti-personnel landmines, unexploded ordnance or explosive remnants of war. Activities financed under the Instrument may cover, inter alia, risk education, mine detection and clearance and, in conjunction therewith, stockpile destruction.

**3.3 RISKS AND ASSUMPTIONS**

Risks	Probability	Project response
Tensions, exchanges of fire or skirmishes make mine action tasks difficult.	Medium	The areas selected for intervention have not been affected by recent skirmishes. Continuous contacts between the implementing partners, ANAMA, CHDE, the EU Delegation and formal and informal networks are ensured to provide up to date analysis of the security context to enable risk mitigation and management as well as flexibility on areas of intervention.
Developments in AM-AZ negotiations results in mine action not being seen as a priority	Low	Both sides have indicated mine action as a priority confidence building measure, not least

Confidence Building Measure, thus EU support in this area is considered less welcome.		Azerbaijan. EU involvement in AM-AZ negotiations promote confidence building measures, including mine action.
Up to date international mine action standards are not accepted by the national counterparts.	Medium	The effectiveness of up-to-date international mine action standards has been demonstrated to the counterpart organisations/governments and corresponding changes in the operational procedures and the organisational/decision-making structures are introduced.
Implementing partners are not able to deliver capacity building up to the standards expected by ANAMA and CHDE.	Low	Robust pre-identification of needs is followed by continuous contacts at appropriate levels with the two institutions during implementation.
Corruption	Low	An appropriate control environment is ensured by the implementing partners.
The focus on gender inclusive mine action does not receive the required buy-in with national counterparts.	Medium	There is high-level commitment to the promotion of women in the mine action sector which the action will further foster through continuous engagement on its operationalisation.

## 4. OBJECTIVES

### 4.1 OVERALL OBJECTIVE

The overall objective of the action is to support the EU's role as a peace actor in the Karabakh conflict through enabling confidence building measures linked to improving the protection of civilians in areas affected by the long-standing conflict.

### 4.2 SPECIFIC OBJECTIVES

- 4.2.1 Mine/UXO contamination in Azerbaijan is addressed rapidly, efficiently and in compliance with International Mine Action Standards (IMAS);
- 4.2.2 Mine/UXO contamination in Armenia is addressed rapidly, efficiently and in compliance with International Mine Action Standards (IMAS);
- 4.2.3 Women's involvement in mine-clearance operations is strengthened.

## 5. ACTION COMPONENTS AND EXPECTED RESULTS

**The main expected results/outcomes include:**

**Expected Result (1):** The capacity in Azerbaijan to coordinate and perform clearance of mines and UXOs is strengthened leading to a reduction in related accidents.

Activities (indicative):

- 5.1.1 Support institutional capacities and equipment needs of the national operator ANAMA, including activities such as the development of a tailored Information- and Quality Management Systems in line with best practice standards, as well as policy formulation and operationalisation for increased gender inclusion;
- 5.1.2 Support ANAMA strategic capacities such as the establishment and piloting of technical survey teams and detection testing capacities to significantly increase land release;
- 5.1.3 Develop capacities of local mine action operators (NGOs);
- 5.1.4 Gauge possibilities for Azerbaijan to join the Ottawa Convention, contribute to Mine Awareness and strengthen Victim Assistance in all affected communities.

**Expected Result (2):** The capacity in Armenia to coordinate and perform clearance of mines and UXOs is strengthened leading to a reduction in related accidents.

Activities (indicative):

- 5.2.1 Support to the institutional capacities of the national operator CHDE in line with best practice standards;
- 5.2.2 Facilitate the creation of an interagency coordination mechanism for all mine action pillars;
- 5.2.3 Gauge possibilities for Armenia to join the Ottawa Convention, contribute to Mine Risk Awareness and strengthen Victim Assistance in all affected communities.

**Expected Result (3):** An enabling environment for women’s involvement in mine-clearance operations is created.

Activities (indicative):

- 5.3.1 Support female deminers and assist female leadership development promoting women engagement both in clearance operations and management;
- 5.3.2 Adapt facilities and security arrangements to cater for women’s participation.

## **6. IMPLEMENTATION**

### **6.1 IMPLEMENTATION MODALITIES**

The Commission will ensure that the appropriate EU rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures<sup>1</sup>.

#### **6.1.1 Indirect management with a pillar assessed entity**

A part of this action may be implemented in indirect management with an entity which will be selected by the Commission’s services using the following criteria: operational capacity and

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<sup>1</sup> [www.sanctionsmap.eu](http://www.sanctionsmap.eu) Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website, it is the OJ version that prevails.

experience from working with the relevant national actors The implementation by this entity entails the implementation of expected results 1 and 3.

### **6.1.2 Indirect management with a pillar assessed entity**

A part of this action may be implemented in indirect management with an entity which will be selected by the Commission’s services using the following criteria: operational capacity and experience from working with the relevant national actors. The implementation by this entity entails the implementation of expected result 2.

## **6.2 INDICATIVE BUDGET**

The total European Union contribution under this Financing Decision **will not exceed EUR 5 000 000**. A breakdown among components is provided hereunder, and is indicative.

### **Indicative budget breakdown**

<b>Components</b>	<b>EU contribution (amount in EUR)</b>	<b>Indicative third party contribution, in currency identified</b>
Component 1: Strengthening capacities in Azerbaijan composed of	4 250 000	
6.1.1 – Indirect management with an international organisation	4 250 000	N.A.
Component 2: Strengthening capacities in Armenia composed of	750 000	
6.1.2 – Indirect management with an international organisation	750 000	N.A.
<b>Total</b>	<b>5 000 000</b>	

## **6.3 ORGANISATIONAL SET-UP AND RESPONSIBILITIES**

The action shall be implemented under indirect management. It will be managed by the Commission, with the support of the European Union Delegations for the monitoring of the action.

## **6.4 PERFORMANCE AND RESULTS MONITORING AND REPORTING**

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partner’s responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final report. Each report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and outcomes) as measured by corresponding indicators, using as reference the Logframe matrix. The report shall be laid out in such a way as to allow monitoring of the means

envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

## **6.5 EVALUATION**

Having regard to the nature of the action, an evaluation will not be carried out for this action or its components.

The Commission may, during implementation, decide to undertake such an evaluation for duly justified reasons either on its own decision or on the initiative of the partner.

The financing of the evaluation shall be covered by another measure constituting a financing decision.

## **6.6 AUDIT**

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

The financing of the audit shall be covered by another measure constituting a financing decision.

## **6.7 COMMUNICATION AND VISIBILITY**

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Requirements for European Union External Action (or any succeeding document) shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

Acknowledging that activities financed under this action will be politically sensitive and/or may constitute a security risk for the implementing partner/beneficiaries, the communication and visibility plan for this measure should develop a differentiated approach to satisfy the requirements from the legal obligations to which EU external funding is bound to without putting at risk the actions supported by this measure.

## **7. COMPLEMENTARITY, COORDINATION AND FOLLOW-UP**

In the context of the EU integrated approach, attention will be given to maximising operational linkages and synergies with other EU funded activities on the ground.

The measures will be implemented in synergy with the ongoing Instrument contributing to Stability and Peace actions under the EU4Peace programme, promoting dialogue and confidence building to address the legacy of the Nagorno-Karabakh conflict as well as the regional EU4Dialogue project funded under the EU's dedicated geographical cooperation. The action is specifically mobilised to support the political process linked to the EU facilitated high-level discussions between the European Union (President of the Council) and the leaders of Azerbaijan and Armenia. It underpins the EU's commitment to supporting a peace process in the region through implementing confidence building measures in the form of mine actions.

This action will also be complementary to ongoing humanitarian funded activities in Armenia and Azerbaijan related to humanitarian demining and mine risk education. Special emphasis will be given to ensure good coordination when it comes to the provision of equipment, as well as when standing up technical survey teams and detection testing capacities.

The action will further be coordinated with other donors seeking to strengthen mine action capacities in the two countries.