COMMISSION DECISION

C (2005) 3613 of 28/09/2005

on the continuation of a pilot project on de-mining activities in Cyprus

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities¹, and in particular Article 49 (2) thereof,

Whereas:

(1) Budget line 22 02 09 (Pilot project on de-mining activities in Cyprus) is intended to cover Community financing for the clearing of mines in Cyprus, in particular in the buffer zone between the Government-controlled area and the northern part of the island.

(2) In 2004, the Commission decided to establish a de-mining assistance programme for Cyprus under the form of a pilot project (Decision C/2004/2977 of 4 August 2004). It is appropriate to continue this project.

(3) Article 49 (2) of the Financial Regulation provides that appropriations for pilot schemes may be implemented without a basic act. The present Decision constitutes a framework equivalent to a financing decision in accordance with Article 15(1) of Commission Decision of 15 March 2005 on the Internal Rules on the implementation of the general budget of the European Communities.

(4) The United Nations have control over the buffer zone to be de-mined and are considered by both communities as being politically neutral. The UN have a de facto monopoly for actions to be carried out within the above-mentioned buffer zone. Therefore, in accordance with Article 168 (1)c of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of the Financial Regulation², the grant for the de-mining activities in Cyprus is awarded without a call for proposals.

(5) The only way to implement this pilot project on de-mining is by full financing in accordance with Article 169 of the Financial Regulation and Article 253 (1)a of Commission Regulation No 2342/2002, since the UN do not have the necessary funds to co-finance this project,

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HAS DECIDED AS FOLLOWS:

Article 1

The pilot project on de-mining activities in Cyprus described in the Annex to this Decision is hereby adopted.

Article 2

The maximum amount of Community assistance shall be EUR 1.5 million, to be charged to budget line 22 02 09 of the 2005 General Budget of the European Communities (Pilot project on de-mining activities in Cyprus).

Community assistance in the form of a grant for the maximum amount of EUR 1.5 million shall be awarded to the United Nations Development Programme for the implementation of the project in annex.

Done at Brussels, […]

For the Commission

[...]
FINANCING PROPOSAL:

PILOT PROJECT: DE-MINING ASSISTANCE FOR CYPRUS - PHASE 2

1. Identification

   Beneficiary: Republic of Cyprus
   Programme: De-mining assistance programme for Cyprus
   CRIS number: 2005/017-656
   Year: 2005
   Cost: € 1.5 million
   Implementing Authorities: DG ELARG
   Expiry Date: Contracting: 31 December 2005
                  Execution of contracts: 31 March 2007
   Sector (DAC) Code: 15066
   Group: O
   Budget Line: PP-22.02.09
   Programming Task Manager: A. Viezzer, DG ELARG
   Implementation Task Manager: H. Visser, DG ELARG

2. Background

   For the budget year 2004 the budget line **PP 22.02.09 Pilot project on de-mining activities in Cyprus** was established with a value of € 2.5 million. A Commission Decision on the establishment of the de-mining assistance programme for Cyprus was taken on 04/08/2004 (C/2004/2977).

   The objective of this pilot project is to contribute to the clearing of mines in Cyprus, in particular in the buffer zone between the areas under effective control of the Government of the Republic of Cyprus and the northern part of the island, thus contributing to the peace-building process between both communities.

   Before and after 1974 both sides laid defensive minefields. Following a de facto cease-fire, the UN Peacekeeping Force in Cyprus (UNFICYP) inspected the deployment of the Cyprus
National Guard and the Turkish and Turkish Cypriot forces, and a buffer zone was established between the areas controlled by the opposing forces. The defensive minefields laid by both sides were located within, and outside of, the buffer zone. The cease-fire lines extend approximately 180 kilometres across the island. The buffer zone varies in width from less than 20 metres to some 7 kilometres, and it covers about 3 per cent of the island, including some of the most valuable agricultural land.

De-mining has been referred to in several UN Security Council Resolutions on Cyprus including 1062 (1996) and 1251 (1999). Those resolutions called for the two sides to engage in de-mining, however the potential risk of having serving military from either side conducting de-mining in the buffer zone outweigh the potential benefit of clearing mines.

Under the de-mining pilot project approved in 2004, the objective was to contribute to clear all known minefields, booby-traps and suspected mined areas in the UNFICYP controlled buffer zone and adjacent areas. To achieve this, the following outputs have been pursued:

- Establishment of a Mine Action Cell (MAC) to oversee that all de-mining operations in Cyprus are carried out correctly and to International Mine Action Standards;
- Construction of a Mine Detection Dog Accreditation Area to ensure that the dogs and handlers are competent to carry out the work in Cyprus to international standards;
- Development of technical standards and guidelines for the Mine Action project in Cyprus;
- Development and implementation of the accreditation process for Quality Assurance/Quality Control, and Clearance Contractors;
- Clearance of mines and unexploded ordnance (UXO): identified minefields, suspect mined areas and booby-trapped areas cleared of all landmines and UXO, in a cost effective and timely manner, in accordance with technical standards and guidelines for Cyprus and International Mine Action Standards.

After the establishment of the MAC, mine clearance operations started in November 2004. With the 2.5 meuro allocated to the pilot project under the 2004 budget, 8 National Guard minefields would have been cleared for a total area of 700,000 m² (equating to 14 % of the estimated 5 million m² in Cyprus to be cleared).

Highest priority has been given to clear mined areas that would affect the opening of new crossing points across the buffer zone. Future crossing points at Zodia and Ledra Street have been de-mined under this project. A number of suspected areas have been cancelled through technical surveys.

3. Summary

Through this financing proposal, additional 1.5 meuro will be deployed under the 2005 budget to contribute to de-mining in Cyprus. It is estimated that in total 15 meuro are required for
fully de-mining the island. This financing proposal will make an additional contribution towards achieving this goal.

4. Objectives and Description

The ultimate objective of the programme is to contribute to the peace building process between the two communities through the removal and destruction of all landmines and UXO in Cyprus.

The identified immediate objective of the programme is to further contribute to clearance of all known minefields, booby-traps and suspected mined areas in the UNFICYP controlled buffer zone.

The removal of the minefields in Cyprus will contribute to the peace and confidence-building processes between both sides, which will benefit the whole island. Furthermore, it is essential for a future economic exploitation of the land.

Mine/UXO Contamination

In some areas, the mines can be seen above ground, exposed by erosion. Current records show a total of 101 mined, suspect mined and booby-trapped areas on the island. Of these, 48 are located within the buffer zone and 53 are outside, though many are less than 1,000 meters from the buffer zone, an area that still falls under UNFICYP monitoring. A Level 1 Survey of the 8 National Guard minefields put forward for clearance by the Government of the Republic of Cyprus in the buffer zone was carried out in November 2003. In most cases the areas were larger than previously recorded, in some cases up to 50%.

It is estimated that as much as 4,300,000 m² of land contaminated with mines and UXO still remains to be cleared after the completion of the initial pilot project. Through this financing proposal, it is estimated that additional 500,000 m² will be cleared (i.e. additional 10%).

The project will remain flexible concerning requests for the clearance of suspect dangerous areas to ensure that new crossing points can be readily opened. All requests for mine clearance activities will be evaluated and prioritised accordingly. If the political situation remains the same in Cyprus, the project priorities will be implemented in the following manner:

- Priority will be given to the clearance of minefields for the opening of new crossing points where required;
- Any other identified National Guard minefields inside the buffer zone;
- Turkish Forces laid minefields and minefields not attributed to either side (pursuant to agreement to guidelines by the Turkish Forces for de-mining operations) within the buffer zone;
- Additional minefield clearance, survey and fencing tasks within the buffer zone;
- The extension of 1.5 million euro will be utilised to extend the current mine clearance operations in Cyprus from October 2005 to April 2006. Moreover, the Mine Action Cell will be extended from January 2006 to July 2006.
These actions will contribute to Cyprus’s compliance with Article 5 of the Ottawa Convention well before its deadline in 2013. Having ratified the Ottawa Convention in 2003, Cyprus has to clear all mined areas of anti-personnel mines by 2013 in order to comply with Article 5.

**Justification**

The mined, suspect mined and booby-trapped areas are a threat for the population living nearby. Farmers are currently using the land adjacent to the mined areas and in most cases farmers have cultivated the land to within 2 meters of the minefield perimeter fence. There are reports of livestock losses due to mine accidents; the last human casualty occurred in April 2004. Before this the last recorded accident was August 2003.

In addition to the humanitarian aspect, the political impact of mine clearance in Cyprus would be significant both through the elimination of a physical barrier that divides the two sides and as a confidence building measure for other bi-communal initiatives. The negotiations with all sides regarding the clearance initiative have already shown significant progress.

**Clearance Tender**

Due to the specialised nature of the clearance works, it is planned that the UNDP will contract international companies with proven experience in de-mining to tender for the clearance contract. The contracting for both the Manual/Mine Detection Dog (MDD) clearance contract and the Quality Control (QC) Quality Assurance contracts will be issued through UNDP and/or through its executing agency. The clearance contractor will have to supply both manual and MDD teams to complete the clearance work in a timely and cost effective manner. As the project develops and more mined areas are made available for clearance by the parties the contractor may be required to supply a mechanical flail or other similar machine to assist with the clearance.

**External Quality Assurance/Control Tender**

International companies will also be contracted for the Quality Assurance/Control contract; this contractor will carry out external checks on the work completed by the clearance contractor, to ensure that all clearance is in line with Technical Standards and Guidelines for Cyprus and to International Mine Action Standards.

**Expected End of Project Situation**

Minefields and unexploded ordnance (UXO) to be cleared with as ultimate objective a Cyprus that is freed from landmines and unexploded ordnance (UXO) and all other explosive items of war.
5. Budget

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6. Implementation

a) Financial and Project Management by Cyprus

The programme will be implemented by the European Commission. A grant contract will be awarded directly to the implementing agency being the United Nations Development Programme (UNDP), respecting the provisions of the Financial and Administrative Framework Agreement between the European Community and the United Nations (FAFA) of 29 April 2003.

This is because the UN is the only organization which is considered as being neutral and henceforth acceptable by both sides to carry out activities such as de-mining. Furthermore, the UN has control of the buffer zone. It is for this reason a grant will be awarded without a call for proposals in accordance with Article 168.1(c) of the Implementing Rules (IR). Furthermore, in line with Article 169 of the Financial Regulation and 253.1(a) of the Implementing Rules the action will be financed in full by the budget.

The UNDP will establish the appropriate implementation structure for the project.

The implementation arrangements will be specifically designed to take into account the particular conditions in the buffer zone and the mandate of UNFICYP.

b) Contracting and disbursement deadline

All contracts must be concluded by 31 December 2005. In no case can the contracting period exceed 1 year after the date of the global commitment.

All disbursements must be made by 31 March 2007.

Budgetary commitments which have not given rise to payments during three years counted from the date of the legal commitment will be de-committed.
c) Clearance of Accounts Procedure and Recovery of Funds

The implementation of the actions will be monitored by the European Commission based upon Article 165 of the Financial Regulation, considering the Financial and Administrative Framework Agreement with the UN of 29 April 2003.

Any proven irregularity or fraud discovered at any time during the implementation of the programme will lead to the recovery of funds by the Commission.

d) Nature Conservation

If a project is likely to affect sites of nature conservation importance, an appropriate assessment according to Art. 6 of the Habitats-Directive\(^3\) must be documented.

e) Twinning

Not applicable

7. Monitoring and Evaluation

The monitoring and Assessment operations will follow the procedures defined under the Financial and Administrative Framework Agreement between the European Community and the United Nations (FAFA) of 29 April 2003.

Therefore, Article 170 of the Financial Regulation will be taken into account.

The Commission services shall ensure that an ex-post evaluation is carried out after completion of the Programme.

8. Audit Anti-Fraud Measures

In order to ensure efficient protection of the financial interests of the Community, the Commission may conduct on-the-spot checks and inspections in accordance with the procedures foreseen in Council Regulation (Euratom, EC) No. 2185/96\(^4\).

The controls and audits described above are applicable to all contractors and subcontractors who have received Community funds.

9. Visibility/Publicity

The Commission will be responsible for ensuring that the necessary measures are taken to ensure that for all activities financed from the programme, the visibility/publicity will follow

\(^3\) DIR 92/43/EEC; OJ 206/7; 22.7.1992.
\(^4\) OJ L 292; 15.11.1996; p. 2-5
the EU visibility guidelines for external actions (http://europa.eu.int/comm/europeaid/visibility/index_en.htm). In implementing this Programme, the Commission shall provide for the maximum visibility of EU actions in the beneficiary country.

10. Special conditions

In the event that agreed commitments are not met for reasons which are within the control of the beneficiary, the Commission may review the programme with a view, at the Commission’s discretion, to cancelling all or part of it and/or to reallocate unused funds for other purposes.

In the implementation of actions financed under this Financing Proposal, the rights of natural and legal persons, including the rights to possessions and property should be respected.