

# Convention on Cluster Munitions

28 June 2019

Original: English

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**Ninth Meeting of States Parties****Geneva, 2–4 September 2019**

Item 8 of the provisional agenda

Informal presentation of requests for extension of deadlines

submitted under Article 3 and Article 4 of the Convention and of the analysis of these requests

## **Methodology for requests of deadline extensions under Articles 3 and 4 of the Convention on Cluster Munitions**

### **Submitted by the Netherlands and Sweden**

1. The Eight Meeting of States Parties in 2018 adopted Guidelines for the Convention on Cluster Munitions (CCM) Article 3 Extension Requests (Final Report, Annex II) and Guidelines for CCM Article 4 Extension Requests (Final Report, Annex III). The annexes contain detailed information on how to submit an extension request, what the timelines will be as well as suggested outlines for the extension requests, i.e. content and structure of the requests.
2. In both annexes, the Coordination Committee of the CCM is tasked to create an Analysis Group composed of the Coordinators on Stockpile Destruction and Retention and the Coordinators on International Cooperation and Assistance for Article 3 extension requests and an Analysis Group composed of the Coordinators on Clearance and Risk Reduction and the Coordinators on International Cooperation and Assistance for Article 4 extension requests.
3. The Implementation Support Unit of the Convention is not specified as a member of the Analysis Group in the annexes, but its role in providing support to the Analysis Group is crucial and it is therefore recognized as a de facto member of the Analysis Group, with requested participation in all phases of the work of the Analysis Group as well as being tasked of carrying out preparatory work on behalf of the Analysis Group.
4. As their first task, the Analysis Groups shall create a methodology to be used in the consideration of extension requests. The methodology will need to be adopted by the Coordination Committee and at a later stage be incorporated into the guidelines for adoption by the next Meeting of States Parties. The methodology will be used together with a separate checklist for Article 3 and 4 extension requests, annexed to this document.
5. The Analysis Groups propose the following elements for the methodology:

#### **A. Importance of pre-analysis efforts**

6. To facilitate sufficient time for preparation of the requesting State Party, the Implementation Support Unit is tasked to provide a pre-notification to the relevant States Parties about the upcoming deadline and provide guidelines about the necessary content of an extension request. This should be done through a letter from the President of the Convention and the Chair of the Analysis Group.



7. To ensure that all necessary information is available to make the necessary analysis and recommendation, the Implementation Support Unit needs to make an initial determination to ensure that the request is not lacking any component and, after consultation with the Analysis group, immediately seek to obtain additional information that may be necessary for a complete analysis. This will ensure a more efficient handling of extension requests and avoid unnecessary delays in their processing.

## **B. Access to support of expertise outside of the Analysis Groups**

8. A number of organizations and bodies, offering relevant expertise, such as, but not limited to, the United Nations and its agencies, the International Committee of the Red Cross (ICRC), the Cluster Munition Coalition (CMC), the Geneva International Centre for Humanitarian Demining (GICHD), as well as other organizations and demining experts shall be consulted and requested to provide expertise during analysis of the extension request, as deemed appropriate by the Analysis Group.

## **C. Possibility of conflict of interests**

9. In order to avoid conflicts of interest, members of the Analysis group will excuse themselves from analysing their own government's extension requests as well as in the case of other apparent conflicts of interest. If there are any uncertainties with regard to a possible situation of conflict of interests, the issue may be referred to the President for decision.

## **D. Possibility to further improve process**

10. The Analysis Groups will make use of the checklists included with the methodology, and will have the possibility, based on their experience in processing the extension requests, to further develop tools for their work, including forms, to effectively structure their work and to assist in commenting on the completeness and quality of information provided as well as to ensure that the Analysis Groups give equal treatment to requests submitted. Any such development will need to be presented to the Coordination Committee for possible adoption before being utilized.

## **E. Importance of continued dialogue with requesting States Parties**

11. The Analysis Groups will engage in a continued dialogue, as appropriate, with the requesting State Party, including to seek additional clarifications on various matters, to offer advice on ways to improve requests, and to invite representatives of the requesting State Party to informal meetings with the Analysis Group.

## **F. Timeline**

12. In line with the suggested timelines contained in Annex II and Annex III of CCM/MSP/2018/9, the Analysis Groups will conclude their preliminary analysis as a basis for further clarifications, as necessary, from the requesting State Party within 8 weeks after reception of the extension request. Subsequently, the Groups will have 12 weeks to engage with the requesting State Party to clarify outstanding issues and formally submit its initial report to the requesting State Party for final comments. A period of 4 weeks will be granted to the requesting State Party to formally provide comments. The Analysis Groups may, at any time, ask for clarifications or additional information from the requesting State Party. The requesting State Party may, at any time, submit amendments to its extension request or submit a reviewed extension request. Upon receipt of the comments, the Analysis Group will have 4 weeks to submit the final report to the President. The President will make the final report with recommendation for decision available to all States Parties, for consideration at the Meeting of States Parties or Review Conference.

## Annex I

### Article 3 Analysing Group Extension Request Checklist<sup>1</sup>

Requesting State Party: \_\_\_\_\_

	<i>Relevant Facts in Request</i>	<i>Remarks/Views</i>
<b>Quantity and type of cluster munitions or explosive submunitions held</b> at entry into force, as defined in Article 2, paragraphs 2 and 3, and Article 3, paragraph 4.d		
<b>Quantity and type of cluster, munitions or explosive submunitions discovered</b> since the entry into force in accordance with Article 3, paragraph 4.d		
<b>Quantity and types of cluster, munitions or explosive submunitions destroyed</b> since entry into force in accordance with Article 3, paragraph 2.		
<b>Destruction method(s), companies, locations etc. incl. respect for applicable public health and environmental standards applied in past destructions</b>		
<b>Circumstances that impeded destruction of all stocks</b>		
<b>Quantity and type of cluster munitions or explosive submunitions remaining</b> in accordance with Article 3, paragraph 4.f		
<b>Quantity and type of cluster munitions or explosive submunitions retained</b> , in accordance with Article 3, paragraph 6.		
<b>Quantity and types of cluster munitions or explosive submunitions separated</b> , in accordance with Article 3, paragraph 1.		
<b>Amount of time requested</b> , in accordance with Article 3, paragraph 4.a		
<b>Quantity and type of cluster munitions or explosive submunitions to be destroyed</b> during the proposed extension, in accordance with Article 3, paragraph 4.f		
<b>Annual destruction rate expected to be achieved</b> , in accordance with Article 3, paragraph 4.f		

<sup>1</sup> Each member of the Analysis Group should complete a checklist for each request submitted (with the exception of instances when a member of the Analysis Group indicates it has a conflict of interest). Members of the Analysis Group should feel free to use this checklist in a flexible manner, for instance, providing initial observations and views in a narrative format rather than in a tabular format.

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*Relevant Facts in Request    Remarks/Views*

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**Destruction method(s), companies, locations etc.  
incl. respect for applicable public health and  
environmental standards**

**Financial, technical, personnel needs per year.**

**National ownership (what is State Party  
contributing)**

**Assistance needs**

**Resource mobilisation plan**

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**Conclusions:**

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## Annex II

### Article 4 Analysing Group Extension Request Checklist<sup>2</sup>

Requesting State Party: \_\_\_\_\_

	<i>Relevant Facts in Request</i>	<i>Remarks/Views</i>
<b>Total area to be addressed</b> at entry into force, as defined in Article 2, paragraph 11, and Article 4, paragraph 6.e		
<b>Total area discovered</b> since the entry into force in accordance with Article 4, paragraph 6.d		
<b>Total new contamination including date of contamination</b> since entry into force in accordance with Article 4, paragraph 1.b		
<b>Area addressed since entry into force disaggregated by cancellation through NTS, reduction through TS or cleared</b>		
<b>Quantity and type of cluster munitions destroyed</b>		
Estimated <b>area remaining to be addressed (specify SHA, CHA)</b> in accordance with Article 4, paragraph 6.f		
<b>Amount of time requested</b> , in accordance with Article 4, paragraph 6.a		
<b>Circumstances which impeded the ability</b> of the requesting State Party to fulfil its obligations, in accordance with Article 4, paragraph 6.g		
<b>National laws and standards in place? Info on national demining structure</b>		
<b>Annual projections</b> of CMR contaminated areas to be addressed and by what method (NTS, TS, clearance), in accordance with Article 4, paragraph 6.b		
<b>Methods to be used</b> to render CMR contaminated areas no longer dangerous, in accordance with Article 4, paragraph 6.b		
<b>Financial, technical, materiel, personnel needs per year</b>		
<b>National financial resources</b> required, in accordance with Article 4, paragraph 6.b		

<sup>2</sup> Each member of the analysing group should complete a checklist for each request submitted (with the exception of instances when an analyser indicates it has a conflict of interest). Analysers should feel free to use this checklist in a flexible manner, for instance, providing initial observations and views in a narrative format rather than in a tabular format.

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*Relevant Facts in Request    Remarks/Views*

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**Assistance needs incl. financial resources**  
required, in accordance with Article 4,  
paragraph 6.b

**Resource mobilisation plan**

**Humanitarian, social, economic and  
environmental implications** of the extension, in  
accordance with Article 4, paragraph 6.h

**Any other information** relevant to the request, in  
accordance with Article 4, paragraph 6.i

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**Conclusions:**

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