

Annex II

Guidelines for the Convention on Cluster Munitions (CCM) Article 3 Extension Requests

I. Article 3 Extension Request Guidelines

1. The Convention on Cluster Munitions, in its Article 3, envisions that a State Party shall “separate all cluster munitions under its jurisdiction and control from munitions retained for operational use and mark them for the purpose of destruction” as well as “undertakes to destroy or ensure the destruction of all cluster munitions” no later than eight years after the entry into force of the Convention for that State Party.
2. Should a State Party believe that it will be unable to destroy or ensure the destruction of all cluster munitions within the aforementioned eight years, it may submit a request to a Meeting of States Parties or a Review Conference for an extension of the deadline, for a period of up to four years. In exceptional circumstances, a State Party may submit a request for an additional extension of up to four years.
3. States Parties intending to submit requests are encouraged to seek assistance and input from the CCM Implementation Support Unit in regards to the preparation of their request.
4. A request for an extension must be submitted at least nine months prior to the Meeting of States Parties or the Review Conference at which it is to be considered. The request should be addressed to the current serving President of the upcoming CCM Meeting of States Parties (MSP) or Review Conference (RC), as well as a copy addressed to the CCM Implementation Support Unit (ISU).
5. The CCM ISU will inform States Parties that an extension request has been received and share that extension request with States Parties by making it available on the CCM website.
6. The CCM ISU shall bring the request to the attention of the CCM Coordination Committee. The Coordination Committee will create an *ad hoc* Analysis group, which will consider all requests submitted. The Analysis group can also be created at an earlier stage, at the discretion of the Coordination Committee, in order to assist with the preparation of requests or consultations with requesting States Parties.
7. The Analysis group will prepare and submit a report, including a draft decision, and, if necessary, recommendations, to the President, who will make it available to States Parties for their consideration at the next MSP or Review Conference.
8. The Analysis group will be composed of:
 - Coordinators on Stockpile Destruction and Retention;
 - Coordinators on International Cooperation and Assistance.

Representatives of the CCM Implementation Support Unit as well as other States Parties can serve in a support role.

9. A number of organizations and bodies, offering relevant expertise, such as, but not limited to, the UN 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.

10. In order to avoid conflicts of interest, members of the Analysis group will excuse themselves from analyzing their own government's extension requests as well as in the case of other apparent conflicts of interest.

11. The first Analysis group will create a methodology, to be presented to and adopted by the Coordination Committee, which will be used for all future requests, in order to ensure a uniform approach to all requests. The methodology created will be incorporated into these guidelines, to be presented to States Parties for adoption at the next MSP or Review Conference.

12. The Analysis group will, within eight weeks after receiving an extension request, prepare a preliminary report as a basis for further clarifications, as necessary, from the requesting State Party. This preliminary report analyses the comprehensiveness and level of detail of the request, aiming to improve all extension requests and seeking to address any potential shortcomings. The Analysis group 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.

13. Once the report is finalized, it shall be presented to the requesting State Party for comments and/or to correct points of fact. After that, the report will be submitted to the President as stated in paragraph 7 above.

14. The Meeting of States Parties or the Review Conference will assess the request and decide, in accordance with its rules of procedure, whether to grant the request for an extension. The Meeting of States Parties may decide to grant the request extension in accordance with the request by the State Party, in accordance with recommendations from the Analysis Group, or to grant an extension of a different length, in accordance with the Convention.

15. States Parties may also propose benchmarks for the extension, should they find it so necessary. Regardless of proposed benchmarks by States Parties, a State Party that has been granted an extension request will submit annual progress reports, through existing transparency reports, or through statements or reporting to the Meeting of States Parties and Review Conferences.

16. These guidelines will be reviewed annually by the CCM Coordination Committee. Changes, if deemed necessary, shall be proposed to be adopted at the next CCM MSP. A comprehensive review and discussion of guidelines and methodology shall take place at the 2020 Review Conference of the CCM, where more permanent and institutional issues, as well as a methodology, will be decided.

II. Timeline for Article 3 extension requests

17. With CCM Meetings of States Parties typically taking place during the month of September each year, Article 3 extension request should be prepared, submitted, analyzed, and considered in accordance with the suggested timeline below. The timeline always pertains to the next upcoming CCM Meeting of States Parties (CCM MSP) or CCM Review Conference (CCM RC).

<i>Month (Year of CCM MSP/RC)</i>	<i>Action taken by State Party or CCM ISU / CCM Coordination Committee</i>
May (MSP/RC Year -1)	State Party starts preparing Article 3 Extension Request, and, if possible, informs CCM ISU of the intent to submit a request
May-November (MSP/RC Year -1)	State Party prepares Article 3 Extension Request, consults with ISU and Analysis group as necessary
1 December (MSP/RC Year -1)	State Party submits its request to the President, as well as a copy addressed to the CCM Implementation Support Unit.
31 January or 8 weeks after reception of extension request (Year of MSP/RC)	Analysis group prepares preliminary analysis
February-June (Year of MSP/RC)	Analysis group analyses the request, working closely with the State Party, to close any gaps in the request; State Party is offered the final report, for comments; Analysis group submits report, including draft decision and possible recommendations to President
July (Year of MSP/RC)	The President makes the final report available to all States Parties, for consideration
September (Year of MSP/RC)	States Parties consider the request and decide on granting the extension to the requesting State Party

III. Suggested outline for Article 3 Extension Requests

18. Article 3 Extension Requests are to be prepared by the State Party as comprehensively as possible in regards to the assessed challenges to fulfilling Article 3 obligations, and regarding the methods and the time period required for those challenges to be met. The document to be submitted should contain the following:

A. Executive Summary

4-8 pages long, summarizing essential details, in accordance with Article 3, paragraph 4 of the Convention:

- Duration of the proposed extension;
- Rationale and resource mobilization: Summary explanation of the proposed extension, including the financial and technical means available to or required by the State Party, and, where applicable, the exceptional circumstances justifying it;
- Outline for how and when stockpile destruction will be completed - Summary work plan for period of extension;
- Quantity and type of cluster munitions and explosive submunitions held at the entry into force of the Convention for that State Party and any additional cluster munitions or explosive submunitions discovered after such entry into force;

- Quantity and type of cluster munitions and explosive submunitions destroyed during the eight years after the entry into force of this Convention for that State Party;
- Quantity and type of cluster munitions and explosive submunitions remaining to be destroyed during the proposed extension and the annual destruction rate expected to be achieved;
- Circumstances that have impeded the ability of the State Party to destroy all cluster munition under its jurisdiction during the initial eight year period, and those that may impede its ability during the proposed extension;
- The humanitarian, social, economic and environmental implications of the proposed extension;
- Provide full contact details of the national focal person with whom follow-up will be conducted.

B. Detailed narrative

Elaborating on the summarized details above, and, inter alia, informing States Parties about the following:

- Origins of the Article 3 challenge to meeting the deadlines;
- Existing national storage and stockpile destruction capacities;
- Nature and extent of the progress made to date;
- Resources made available to support progress made to date;
- Methods and standards used;
- Nature and extent of the remaining challenges;
- Humanitarian, economic, social, and environmental implications;
- Institutional, financial, technical, and human means and resources available and/or necessary in order to meet remaining challenges;
- Amount of time requested and reasoning behind the amount of time requested;
- Detailed work plan covering the amount of time requested, with measurable benchmarks, including, but not limited to:
 - How much storage and stockpile destruction is planned for each year of the extension period?
 - What annual costs are projected, including a breakdown of costs?
 - What are the expected sources of funding necessary for implementation of the plan?
 - What are potential challenges and/or risk factors that may negatively affect the realization of the plan?
- Circumstances that may impede the ability of the State Party to destroy all stockpiles during the proposed extension;
- Any other information relevant to the request for the proposed extension.