

Convention on Cluster Munitions

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Item 11 of the provisional agenda
Consideration of requests submitted
under Article 3 and Article 4 of the Convention

Analysis of Germany’s request of deadline extension under Article 4 of the Convention on Cluster Munitions

Submitted by the Analysis Group of Article 4 Extension Requests — the Lao People’s Democratic Republic, the Netherlands, Peru and Sweden

I. Background

1. The Federal Republic of Germany signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 8 July 2009. It was among the first 30 ratifications that led to the Convention’s entry into force on 1 August 2010. In Germany’s 2011 annual transparency report submitted on 30 April 2012, it reported to have a suspected cluster munition contaminated area of 4 km² at a former military training area at Wittstock. In its 2014 annual transparency report submitted on 20 April 2015, Germany reported that the actual size of contaminated area was found to be 11 km². Germany began clearance in March 2017, as reported in its 2017 annual transparency report submitted on 2 March 2018. Germany was obliged to clear and destroy, or ensure the clearance and destruction of, cluster munition remnants located in this cluster munition contaminated area under its jurisdiction and control by 1 August 2020. At the Eighth Meeting of States Parties (8MSP) of the Convention on Cluster Munitions, Germany informed States Parties that it would be unable to fulfil its obligations under Article 4 by that date and of its intention to submit a deadline extension request.

II. Consideration of the request

2. On 15 January 2019 Germany submitted to the President of the Ninth Meeting of States Parties (9MSP) with a copy to the Implementation Support Unit (ISU), a request for a 5-year extension of its deadline up to 1 August 2025.

3. The ISU brought the request to the attention of the CCM Coordination Committee which created an Analysis Group to consider Germany’s request. The Analysis Group comprised of the Coordinators on Clearance and Risk Reduction Education (Lao People’s Democratic Republic and Sweden), and the Coordinators on International Cooperation and Assistance (the Netherlands and Peru).

4. Being the first Analysis Group on Article 4 implementation, a methodology was created and adopted on 17 January 2019 by the Coordination Committee to be used for all subsequent extension requests, to ensure a uniform approach to all requests. The methodology created will be presented to States Parties for formal adoption at the 9MSP.

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5. The ISU made an initial assessment on Germany's extension request submitted on 11 December 2018 to ensure that it did not lack any critical component. Thereafter, a formal submission was made on 15 January 2019 which was forwarded to the Analysis Group for its consideration.
6. In preparation of the preliminary report, the Analysis Group held a consultative meeting on 23 January 2019 with two organizations that offer relevant expertise: the Cluster Munition Coalition (CMC) and the Geneva International Centre for Humanitarian Demining (GICHD). Following the meeting, on 30 January 2019 the Analysis Group requested additional information from Germany to facilitate the analysis. On 12 February 2019, Germany provided its response to the questions of the Analysis Group.
7. On behalf of the 9MSP President, the ISU on 26 February 2019 informed States Parties to the Convention that Germany had submitted its extension request and that its request and clarifications sought by the Analysis Group had been made available on the CCM website.
8. Germany's extension request indicates that it had identified a suspected area of contamination of 11 km² (1,100 hectares) at the former military training area at Wittstock and that the contamination was discovered by chance in 2011. The site had been continuously used for military training purposes from 1953 to 1993 and has since become part of a natural reserve. However, due to its large-scale, intensive contamination with unexploded ordnance, the Wittstock site remains closed to public access.
9. Germany reports that a technical survey of the contaminated site was not possible due to the vegetation covering the area and the special hazards posed by cluster munition remnants and other explosive ordnance. Responding to the Analysis Group's query on considering the application of technical survey, Germany clarifies its survey methods and that a technical survey has not been necessary, to date. Nevertheless, Germany would consider using a technical survey methodology if future clearance areas would be found to be without cluster munition remnants.
10. The request indicates that the total area cleared as of 31 December 2018 was 122 hectares, of which 75 hectares were cleared in 2018. Germany reports the quantity and types of cluster munitions found and destroyed.
11. Germany requests an additional 5 years to complete the clearance of its contaminated site, by providing its clearance rate with information on expected number of personnel and annual personnel work days. Based on its current clearance rate of 150-200 hectares per year, it expects clearance to be completed by the end of 2024 and documentation to be finalized in 2025. A detailed annual breakdown is provided in the request.
12. The Analysis Group had sought clarification on whether temporary decrease in staff levels was taken into consideration in the indicated clearance rates. In Germany's response, it clarifies how the clearance rate was calculated, and assures that it has taken various factors into consideration and expects the average clearance rate to be maintained in the future.

III. Conclusions

13. The Analysis Group notes with appreciation that Germany will fully fund the clearance operation through its own sources and therefore a strategy to ensure external support for funding was not necessary. The Analysis Group further notes that national and regional regulations, including regulations to protect the environment, in effect limits the amount of land that can be cleared on an annual basis. Also staffing of the clearance operation is limited to personnel licensed under German regulations to carry out these activities.
14. The Analysis Group notes with satisfaction that the information provided, in the request and in the subsequent response to the questions of the Analysis Group, is comprehensive, complete and clear. The Group further notes that the work plan presented

by Germany is ambitious and workable and can be monitored. The Group notes that the workplan is dependent on the amount of days that are available for preparation of land for clearance operations, and that there is a risk that due to weather conditions this may vary, and also that more detailed planning is only possible on a shorter-term basis.

15. The Analysis Group notes that the Convention would benefit from Germany reporting annually through its Article 7 reports and at Meetings of States Parties or Review Conferences the following:

- (a) Progress made on land cleared of cluster sub-munitions, as well as information on the submunitions that have been cleared.
- (b) Updated information on remaining contamination.
- (c) Updated detailed plan for the subsequent year, if possible, also for the following years.
- (d) Other relevant information.

16. The Analysis Group notes the importance, in addition to Germany reporting to the States Parties as noted above, of keeping the States Parties regularly apprised of other pertinent developments regarding the implementation of Article 4 during the period covered by the request at Meeting of States Parties or Review Conferences

IV. Draft Decision on the Article 4 Extension Request submitted by Germany

17. The Meeting assessed the request submitted by Germany for an extension of its deadline for completing the clearance and destruction of cluster munition remnants in accordance with Article 4.1 of the Convention, agreeing to grant the request for an extension until 1 August 2025.

18. In granting the request, the Meeting acknowledged that Germany declared that it would complete clearance in 2024 and finalize documentation in 2025 and hence fulfil its Article 4 obligations by the extended deadline.

19. In granting the request, the Meeting noted that Germany highlighted factors which could limit the amount of land cleared on an annual basis such as national and regional regulations, weather conditions and staffing of clearance operations. These challenges had been into consideration in its plan and Germany is fully committed to maintaining its average clearance rate over the entire extension period.

20. In granting the request, the Meeting noted that while Germany had stated that the use of technical survey was not possible due to the vegetation covering the contaminated area and the special hazards posed by cluster munition remnants, it would consider adapting its methodologies depending on findings to ensure full and expedient implementation of its Article 4 obligations.

21. In granting the request, the Meeting notes that Germany will fully fund the clearance operations through its own resources and therefore a strategy to ensure external support for funding is not necessary.

22. Also, in granting the request, the Meeting noted that Germany's plan is workable, lends itself to be monitored and clearly states which factors could affect the pace of implementation. The Meeting further noted that the plan is ambitious and that its success is dependent on the amount of days that are available for preparation of land for clearance operations, weather conditions and staffing.

23. In this regard, the Meeting noted that the Convention would benefit from Germany reporting annually through Article 7 reports and at Meetings of States Parties or Review Conferences on the following:

- (a) Progress made on land cleared from cluster munition remnants, as well as information on the cluster munition remnants that have been cleared.

- (b) Updated information on remaining contamination.
- (c) Updated detailed plan for the subsequent year and, if possible, also for the following years.
- (d) Other relevant information.

24. In addition to reporting as requested above, the Meeting noted the importance of Germany keeping the States Parties regularly apprised of other pertinent developments regarding the implementation of Article 4 during the period covered by the request and other commitments made in the request at Meetings of States Parties or Review Conferences as well as through its Article 7 reports due before 30 April every year.
