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## **Eighth Meeting of States Parties to the Convention on Cluster Munitions (2018)**

Convention on Cluster Munitions

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# Convention on Cluster Munitions

19 September 2018

Original: English

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## Eight Meeting of States Parties

Geneva, 3–5 September 2018

Item 11 of the agenda

### Consideration and adoption of the final document of the Meeting

## Final report

### I. Introduction

1. Article 11 of the Convention on Cluster Munitions provides that "the States parties shall meet regularly in order to consider and, where necessary, take decisions in respect of any matter with regard to the application or implementation of the Convention, including:

- (a) The operation and status of the Convention;
- (b) Matters arising from the reports submitted under the provisions of the Convention;
- (c) International cooperation and assistance in accordance with article 6 of the Convention;
- (d) The development of technologies to clear cluster munition remnants;
- (e) Submissions of States parties under articles 8 and 10 of the Convention;
- (f) Submissions of States parties as provided for in articles 3 and 4 of the Convention."

2. Article 11 also provides that the Meetings of States Parties shall be convened by the Secretary-General of the United Nations annually until the First Review Conference.

3. The First Review Conference of the Convention (Dubrovnik, Croatia, 7 to 11 September 2015) decided that the Meetings of States Parties shall continue to be convened by the Secretary-General of the United Nations.<sup>1</sup>

4. Article 11 further provides that "States not party to the Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organizations, may be invited to attend the Meetings of States Parties as observers in accordance with the agreed rules of procedure."

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<sup>1</sup> Paragraph 34 of the Final report of the First Review Conference (CCM/CONF/2015/7).

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5. By operative paragraph 7 of resolution 70/54 entitled "Implementation of the Convention on Cluster Munitions", adopted by the General Assembly on 7 December 2015, the General Assembly requested the Secretary-General "to continue to convene the Meetings of States Parties to the Convention on Cluster Munitions and to continue to render the necessary assistance and to provide such services as may be necessary to fulfil the tasks entrusted to him by the Convention and the relevant decisions of the First Review Conference."

6. The Seventh Meeting of States Parties decided that the Eighth Meeting of States Parties would be from 3 to 5 September 2018 in Geneva, unless its President decided at a later stage to host the meeting in Managua, Nicaragua, in accordance with paragraph 30 (d) of the Final Report of the Review Conference (CCM/CONF/2015/7).<sup>2</sup>

7. Accordingly, and following consultations, the Secretary-General of the United Nations convened the Eighth Meeting of States Parties to the Convention and invited all States parties, as well as States not party to the Convention, to participate in the Meeting.

8. The Seventh Meeting of States Parties also decided to designate Ambassador Hernán Estrada Roman, Permanent Representative of Nicaragua to the United Nations in Geneva as President of the Eighth Meeting of States Parties.<sup>3</sup> In accordance with the decision taken at the First Review Conference, his term commenced on the day following the conclusion of the Seventh Meeting of States Parties until the last day of the Eighth Meeting of States Parties.<sup>4</sup>

9. By note verbale dated 15 December 2017 addressed to all Permanent Missions to the United Nations of States Parties to the Convention on Cluster Munitions, Ambassador Hernán Estrada Roman, Permanent Representative of Nicaragua to the United Nations in Geneva, informed to have decided to step down from his position as the Ambassador Extraordinary and Plenipotentiary and Permanent Representative of Nicaragua to the United Nations Office in Geneva. In accordance with established procedures and practices, the United Nations Office for Disarmament Affairs in February 2018 conducted a silence procedure conveying the understanding of the Coordination Committee of the Convention that Nicaragua would continue to hold the Presidency of the Eighth Meeting of the States Parties to the Convention and would nominate a representative to preside the Meeting. The United Nations Secretariat received no objections to the above understanding during the silence procedure.

10. By note verbale dated 6 August 2018, Nicaragua indicated that Mr. Carlos Morales Dávila, Chargé d'Affaires *ad interim* and Deputy Permanent Representative at the Permanent Mission of Nicaragua to the United Nations and other International Organizations in Geneva, would preside the Eighth Meeting of the States Parties to the Convention on Cluster Munitions.

## II. Organization of the Eighth Meeting of States parties

11. The Eighth Meeting of States Parties was held in Geneva, Switzerland, from 3 to 5 September 2018.

12. Ms. Sheila N. Mweemba, Director of the Implementation Support Unit (ISU) of the Convention on Cluster Munitions, participated in the work of the Meeting.

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<sup>2</sup> CCM/MSP/2017/12 paragraph 53.

<sup>3</sup> Ibidem paragraph 52.

<sup>4</sup> Ibidem paragraph 52.

13. The Meeting confirmed Ms. Anja Kaspersen, Director of the Conference on Disarmament Secretariat and Conference Support Branch of the United Nations Office for Disarmament Affairs, as Secretary-General of the Conference.

14. Ms. Silvia Mercogliano, Political Affairs Officer, Conference on Disarmament Secretariat and Conference Support Branch of the United Nations Office for Disarmament Affairs served as Secretary of the Meeting.

15. The following States parties to the Convention participated in the work of the Meeting: Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Burundi, Canada, Chad, Chile, Colombia, Costa Rica, Croatia, Cuba, Czech Republic, Dominican Republic, Ecuador, El Salvador, France, Germany, Guatemala, Holy See, Honduras, Hungary, Iraq, Ireland, Italy, Japan, Lao People's Democratic Republic, Lebanon, Liechtenstein, Lithuania, Mauritania, Mexico, Montenegro, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Saint Kitts and Nevis, San Marino, Senegal, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, State of Palestine, Sweden, Switzerland, Trinidad and Tobago, Tunisia, United Kingdom of Great Britain and Northern Ireland, Zambia.

16. The following States, which had ratified or acceded to the Convention, but for which it was not yet in force, participated in the work of the Meeting: Namibia.

17. The following States signatories to the Convention participated in the work of the Meeting as observers: Angola, Cyprus, Gambia, Philippines, São Tomé and Príncipe, Uganda.

18. Argentina, Bahrain, China, Finland, Morocco, Oman, Serbia, Singapore, South Sudan, Sudan, Turkey, United Arab Emirates, and Vanuatu also participated in the work of the Meeting as observers.

19. The United Nations Mine Action Service and the United Nations Office for Disarmament Affairs participated in the work of the Meeting as observers, pursuant to rule 1 (2) of the rules of procedure (CCM/MSP/2018/4).

20. The International Committee of the Red Cross (ICRC), the Geneva International Centre for Humanitarian Demining (GICHD) and the Cluster Munition Coalition also participated in the work of the Meeting as observers, pursuant to rule 1 (2) of the rules of procedure (CCM/MSP/2018/4).

21. The European Union, the Center for International Stabilization and Recovery (CISR) of James Madison University, the International Association of Soldiers for Peace, the Mines Advisory Group (MAG), the Norwegian Red Cross and The Halo Trust took part in the work of the Meeting as observers, pursuant to rule 1 (3) of the rules of procedure (CCM/MSP/2018/4).

### III. Work of the Eighth Meeting of States Parties

22. On 3 September 2018, the Eighth Meeting of States Parties was opened by Mr. Carlos Morales Dávila, Chargé d'affaires *ad interim* and Deputy Permanent Representative at the Permanent Mission of Nicaragua to the United Nations and other International Organizations in Geneva.

23. The Eighth Meeting of States Parties held five plenary meetings. Upon invitation of the President of the Meeting, at the first plenary meeting on 3 September 2018, Ambassador Sabrina Dallafior-Matter, Permanent Representative of Switzerland to the Conference on Disarmament in Geneva, made a statement.

24. At the same meeting, a video message was delivered by Ms. Izumi Nakamitsu, High Representative for Disarmament Affairs. Statements were also made by Dr. Gilles Carbonnier, Vice President of the International Committee of the Red Cross (ICRC) and by Mr. Hector Guerra, Director of the Cluster Munition Coalition.

25. At the same meeting, Costa Rica, Croatia, the Netherlands and Germany were elected by acclamation as Vice-Presidents of the Meeting.

26. At the same meeting, States Parties adopted the agenda of the Meeting, as contained in document CCM/MSP/2018/1, the Provisional Annotated Programme of Work, as contained in document CCM/MSP/2018/3, and confirmed the Rules of Procedure (CCM/MSP/2010/3 and CCM/MSP/2018/4).

27. The Meeting considered documents CCM/MSP/2018/1 to CCM/MSP/2018/8 and CCM/MSP/2018/WP.1 and Rev.1, CCM/MSP/2018/WP.2 and Rev.1, CCM/MSP/2018/WP.3 and CCM/MSP/2018/WP.4.

#### **IV. Decisions and recommendations**

28. Noting the importance of universalization, the Meeting warmly welcomed the recent accession of Sri Lanka and the ratification of Namibia to the Convention on Cluster Munitions and expressed appreciation for the efforts made by France and Panama as Coordinators on Universalization.

29. States Parties expressed their strong concern regarding recent incidents and evidence of use of cluster munitions in different parts of the world and condemned any use by any actor, in conformity with article 21.<sup>5</sup>

30. The Meeting thanked Germany for efforts undertaken in its capacity as President of the Seventh Meeting of States Parties that led to the adoption in 2017 of resolution 72/54 on the Convention titled "Implementation of the Convention on Cluster Munitions".

31. The Meeting was encouraged by the tremendous progress made in stockpile destruction which saw all States Parties with the first Article 3 completion date of 1 August 2018 comply with their obligations, ahead of this deadline. The Meeting also congratulated Croatia, Cuba and Spain for having reported compliance with their Article 3 obligations ahead of their Convention deadlines. The Meeting expressed its appreciation for the efforts undertaken by Croatia and Mozambique, as the Coordinators on Stockpile Destruction and Retention in advancing implementation of this key Convention obligation.

32. The meeting adopted the draft - Article 3 Declaration of Compliance (CCM/MSP/2018/WP.4), submitted by Croatia and Mozambique (Annex I).

33. The Meeting considered and adopted the Guidelines for the Convention on Cluster Munitions Article 3 Extension Requests (CCM/MSP/2018/WP.1/Rev.1), as orally amended, submitted by Bosnia-Herzegovina as one of the Coordinators on the general status and operation of the Convention (Annex II).

34. The Meeting acknowledged with appreciation the work of the Netherlands and Lao People's Democratic Republic, as the Coordinators on Clearance and Risk Reduction and

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<sup>5</sup> Cuba and Nicaragua did not support the inclusion of the phrase "in conformity with article 21" and requested to place on record that in their view this reference to Article 21 is ambiguous, contravenes the spirit and purpose of the Convention on Cluster Munitions, and is incoherent with the principled position agreed in the Dubrovnik Declaration of condemning any use of cluster munitions by any actor.

emphasised the importance of employing effective and efficient technologies in the survey and clearance of cluster munitions remnants in contaminated areas as well as the necessity of developing plans to complete clearance.

35. The Meeting considered and adopted the Guidelines for the Convention on Cluster Munitions Article 4 Extension Requests (CCM/MSP/2018/WP.2/Rev.1), as orally amended, submitted by Bosnia-Herzegovina as one of the Coordinators on the general status and operation of the Convention (Annex III).

36. The Meeting also thanked Italy and Ireland, as the Coordinators on Victim Assistance, for their efforts in facilitating increased information exchange among States Parties on the implementation of Article 5 obligations, with the goal of identifying good practices as possible useful resources for other States Parties, and for providing a platform to share information on challenges encountered and to convey assistance needs.

37. Reiterating the importance of initial and annual national reporting under article 7 of the Convention as an obligation under the Convention and as an essential tool to measure its implementation and to foster international cooperation and assistance, the Meeting thanked Zambia, in its capacity as Coordinator on Transparency Measures, for the work undertaken throughout the year which had resulted in a significant increase in the submission of initial transparency reports since the Seventh Meeting of States Parties.

38. Recalling the importance for States Parties to comply with the provisions of Article 9 of the Convention, the Meeting expressed appreciation for the continued work of New Zealand, in its capacity as Coordinator on National Implementation Measures over several years, which aimed at increasing States Parties' understanding of the wide range of obligations under the Convention and to increase their reporting on their implementation of these commitments.

39. The Meeting also thanked Australia and Peru, as the Coordinators on Cooperation and Assistance, for their work in advancing partnerships and collaboration among States, including through the further development of the Country Coalition initiative, which aims to effectively enhance implementation of obligations under the Convention.

40. The First Review Conference of the Convention approved the ISU budget and workplan for the period 2016–2020. As decided by the First Review Conference, Ms. Sheila N. Mweemba, Director of the ISU, presented the 2019 budget and workplan of the ISU, which the Meeting approved on 4 September 2018 (CCM/MSP/2018/2). The Meeting also agreed that the 2020 ISU budget and work plan would be submitted sixty days prior to the Ninth Meeting of States Parties and that the Director of the ISU would continue to submit annually reports on the work undertaken by the ISU.

41. The Meeting welcomed the Convention on Cluster Munitions 8MSP Progress Report - monitoring progress in implementing the Dubrovnik Action Plan, submitted by Nicaragua in its capacity as President of the Eighth Meeting of States Parties (CCM/MSP/2018/5) and expressed satisfaction at the progress made in the implementation of the Dubrovnik Action Plan.

42. The meeting considered document CCM/MSP/2018/WP.3, submitted by Germany, on the Establishment of a Process for the Selection of the Presidency of the Convention on Cluster Munitions. Following an exchange on the proposals contained in the document, the Meeting recognized that there was need to continue to reflect upon this important issue and to explore a sustainable process to make the succession of presidencies more predictable. The Meeting agreed to consider further this matter at the Ninth Meeting of States Parties with an aim to reach an agreement at the Second Review Conference, when the whole machinery of the Convention will be reviewed.

43. The Meeting heard a presentation by Ms. Anja Kaspersen, Director of the Conference on Disarmament and Conference Support Branch of the United Nations Office for Disarmament Affairs, on the financial status of the Convention. Noting that lack of funds would incur the risk of meetings not taking place and services not be provided, Ms. Kaspersen stressed the importance of receiving all assessed contributions at the outset of each budget year. Ms. Kaspersen also raised the issue of arrears and encouraged those States that have not paid yet to promptly pay their dues. She also recalled that a full overview of the financial status of the Convention, detailed Frequently Asked Questions (FAQ) and electronic copies of invoices have been published on a restricted website available to all State Parties and States not Party to the Convention on Cluster Munitions participating in its Meetings.

44. In the context of considering the financial status of the Convention, the Meeting noted with concern the financial situation due to the arrears in payment of assessed contributions and underlined the importance to ensure full compliance with article 14 obligations. The Meeting called upon the States Parties and States not parties participating in the Meetings of the States Parties to address issues arising from outstanding dues. The Meeting therefore requested the President of the 2019 Meeting of States Parties to consult and prepare a document in consultation with the Coordination Committee on possible measures to address financial predictability and sustainability, for consideration at the 2019 Meeting of States Parties. In fulfilling this task, the President is invited to take into account discussions held in other disarmament conventions.

45. At its fifth plenary meeting, on 5 September 2018, the Eighth Meeting welcomed new Coordinators to guide the intersessional work programme, as follows:

(a) **Working group on the general status and operation of the Convention:** Germany (until the end of the Ninth meeting of States parties) working with Zambia (until the end of the Second Review Conference);

(b) **Working group on universalization:** Panama (until the end of the Ninth Meeting of States Parties) working with Chile (until the end of the Second Review Conference);

(c) **Working group on victim assistance:** Ireland (until the end of the Ninth Meeting of States Parties) working with Spain (until the end of the Second Review Conference);

(d) **Working group on clearance and risk reduction:** Lao People's Democratic Republic (until the end of the Ninth Meeting of States Parties) working with Sweden (until the end of the Second Review Conference);

(e) **Working group on stockpile destruction and retention:** Mozambique (until the end of the Ninth Meeting of States Parties) working with Austria (until the end of the Second Review Conference);

(f) **Working group on cooperation and assistance:** Peru (until the end of the Ninth Meeting of States Parties) working with the Netherlands (until the end of the Second Review Conference).

46. At the same meeting, the Meeting welcomed the Coordinators to lead the following thematic areas:

(a) Reporting: Iraq;

(b) National implementation measures: New Zealand.

47. In the pursuance of their duties, Coordinators may submit documents to the attention of the Ninth Meeting of States Parties.

48. The Eighth Meeting of States Parties also decided to designate H.E. Mr. Aliyar Lebbe Abdul Azeez, Ambassador and Permanent Representative of Sri Lanka to the United

Nations and other Organizations in Geneva, as the President of the Ninth Meeting of States Parties. In accordance with the decision taken at the First Review Conference, his term commenced on the day following the conclusion of the Eighth Meeting of States Parties until the last day of the Ninth Meeting of States Parties.

49. At the same meeting States Parties decided that the Ninth Meeting of States Parties shall be from 2 to 4 September 2019 in Geneva, unless its President decides at a later stage to host the meeting in another venue, in accordance with paragraph 30 (d) of the Final Report of the Review Conference (CCM/CONF/2015/7).

50. In accordance with paragraph 30 (d) of the Final Report of the Review Conference (CCM/CONF/2015/7) the financial arrangements for the Ninth Meeting of States Parties were calculated based on Geneva as default location. The Meeting considered and adopted such financial arrangements for the Ninth Meeting of States Parties, as contained in CCM/MSP/2018/7.

51. The Eighth Meeting of States Parties also decided to designate H.E. Ms. Sabrina Dallafior, Ambassador and Permanent Representative of Switzerland to Conference on Disarmament, as the President of the Second Review Conference in 2020.

52. At its fifth plenary meeting, on 5 September 2018, the Eighth Meeting of States Parties adopted its final report, as contained in CCM/MSP/2018/CRP.1/Rev.1, as orally amended, to be issued as document CCM/MSP/2018/9.



## Annex I

### Article 3 - Declaration of Compliance

Submitted by *[State Party]*: \_\_\_\_\_

Article 3 destruction deadline: \_\_\_\_\_ *[day/month/year]*

Date of completion: \_\_\_\_\_ *[day/month/year]*

*[State Party]* ratified/acceded to the Convention on *[day/month/year]*. The Convention entered into force for *[State Party]* on *[day/month/year]*.

### Article 3 - Storage and stockpile destruction

1. Each State Party shall, in accordance with national regulations, separate all cluster munitions under its jurisdiction and control from munitions retained for operational use and mark them for the purpose of destruction.
2. Each State Party undertakes to destroy or ensure the destruction of all cluster munitions referred to in paragraph 1 of this Article as soon as possible but not later than eight years after the entry into force of this Convention for that State Party. Each State Party undertakes to ensure that destruction methods comply with applicable international standards for protecting public health and the environment.

### Dubrovnik Action Plan - Action 2.4

3. States Parties that have fulfilled obligations under Article 3 are encouraged to make an official declaration of compliance with Article 3 obligations to meetings of States Parties or review conferences of the Convention and in annual submissions of transparency reports under Article 7.

### Declaration

4. As a result of efforts undertaken since its initial transparency report, *[State Party]* declares that it has fulfilled its obligations under Article 3 of the Convention by having destroyed or ensured the destruction of all cluster munition stockpiles and determined that there are no longer any such stockpiles under its jurisdiction or control. In the event that previously unknown stockpiles of cluster munitions, including submunitions, are discovered after the date of completion, *[State Party]*, in keeping with Article 7 paragraph 1(g), will immediately inform States Parties of such a discovery and share this information through annual transparency reports and any other fora including Meetings of States Parties, Review Conferences and informal meetings of the Convention. If *[State Party]* believes that it will be unable to destroy or ensure destruction of all newly discovered cluster munitions within its Article 3 deadline it may submit a request to a Meeting of States Parties or Review Conference for an extension of the deadline by a period up to four years as stipulated in Article 3. If such a discovery is after the original Article 3 deadline and *[State Party]* is unable to destroy such cluster munitions before the next Meeting of States Parties/Review Conference, it may request an extension of up to four years to complete such destruction.

\_\_\_\_\_  
*Signature and official stamp*

\_\_\_\_\_  
*Date and place*

## 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.

## Annex III

### Guidelines for the Convention on Cluster Munitions (CCM) Article 4 Extension Requests

#### I. Article 4 Extension Request Guidelines

1. The Convention on Cluster Munitions, in its Article 4, envisions that a State Party “undertakes to clear and destroy, or ensure the clearance and destruction of, cluster munition remnants located in cluster munition contaminated areas under its jurisdiction or control” no later than 10 years after the entry into force of the Convention for that State (or, in case of active hostilities, no later than 10 years after the end of the active hostilities during which such cluster munitions became cluster munition remnants).

2. Should a State Party believe that it will be unable to clear and destroy or ensure the clearance and destruction of all cluster munition remnants within the aforementioned 10 years, it may submit a request to a Meeting of States Parties (MSP) or a Review Conference (RC) for an extension of the deadline, for a period of up to five years, although the requested extension shall not exceed the number of years strictly necessary for that State Party to complete its obligations. A State Party could also request an extension for less than five years with regard to its fulfilment of its obligations under Article 4.

3. States Parties intending to submit requests are encouraged to seek assistance and input from the CCM Implementation Support Unit (ISU) 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 or Review Conference, as well as a copy addressed to the CCM 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 Clearance and Risk Reduction Education;
- 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), 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 analysing 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. An extension to a State Party may be renewed by a period of up to five years upon the submission of a new request, in accordance with the Convention and these guidelines. In requesting a further extension, a State Party shall submit relevant additional information on what has been undertaken during the previous extension granted.

17. These guidelines will be reviewed annually by the CCM Coordination Committee. Changes, if deemed necessary, shall be proposed to be adopted at the following 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 4 extension requests**

18. With CCM Meetings of States Parties typically taking place during the month of September each year, Article 4 extension requests should be prepared, submitted, analysed, and considered in accordance with the suggested timeline below. The timeline always

pertains to the next upcoming CCM Meeting of States Parties (MSP) or CCM Review Conference (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 4 Extension Request, and, if possible, informs CCM ISU of the intent to submit request
May- November (MSP/RC Year -1)	State Party prepares Article 4 Extension Request, consults with ISU and Analysis group as necessary
1 December (MSP/RC Year -1)	State Party submits 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. Outline for Article 4 Extension Requests

Article 4 Extension Requests are to be prepared by the State Party as comprehensively as possible in regards to the assessed challenges to fulfilling Article 4 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

*4-10 pages long, summarizing essential details, in accordance with Article 4, paragraph 6 of the CCM:*

- Duration of the proposed extension (time requested, risks and assumptions);
- Rationale and resource mobilization: Summary explanation of the reasons for the proposed extension, including the financial and technical means available to and required by the State Party for the clearance and destruction of all cluster munition remnants during the proposed extension;
- Preparation of future work and the status of work already conducted under national clearance and demining programs during the initial 10 year period and any subsequent extensions;



- Summary work plan for period of extension;
- Total area containing cluster munition remnants at the time of entry into force of the Convention for that State Party and any additional areas containing cluster munition remnants discovered after such entry into force;
- Total area containing cluster munition remnants cleared since entry into force of the Convention (land release methodologies applied);
- Total area containing cluster munition remnants remaining to be cleared during the proposed extension;
- Circumstances that have impeded the ability of the State Party to destroy all cluster munition remnants located in areas under its jurisdiction or control during the initial 10 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 4 challenges to meeting the deadline;
- Methods used to identify areas containing cluster munitions (in accordance with International Mine Action Standards (IMAS));
- Existing national demining structures and capacities;
- Nature and extent of the progress made to date using terminology and providing information in a manner consistent with IMAS (include a list of all addressed areas, disaggregating areas cancelled by non-technical survey, reduced by technical survey and areas cleared and providing information on the geographic location of each area);
- Resources made available to support progress made to date;
- Methods and standards used to release suspected areas, incl. quality assurance standards;
- Efforts undertaken in the effective exclusion of civilians from suspected areas;
- Nature and extent of the remaining challenges, using terminology contained within, and in a manner consistent with IMAS (include a list of all remaining confirmed hazardous areas (CHA) and suspected hazardous areas (SHA), with this list including the estimated size of each area, and information on the geographic location of each area);
- Humanitarian, social, economic and environmental implications of the proposed extension;
- 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:
  - If necessary, what survey activities will take place to determine actual location, size, and other characteristics of suspected areas?
  - How much area is planned to be released each year of the extension period? (state milestones)
  - What land release methods and standards will be applied?
  - What annual costs are projected, including breakdown of costs?
  - What are the expected sources of funding necessary for implementation of the plan? Describe in detail the State's resource mobilization strategy.
  - 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 cluster munition remnants located in areas under its jurisdiction or control during the proposed extension;
- Any other information relevant to the request for the proposed extension;
- Attach supporting documents such as the national strategic plan, National Mine Action Standards (NMAS), Risk Reduction Education plan, etc.

## Annex IV

### List of documents

#### List of documents of the Eighth Meeting of States Parties of the Convention on Cluster Munitions

<i>Symbol.</i>	<i>Title</i>
CCM/MSP/2018/1	Provisional Agenda
CCM/MSP/2018/2	Implementation Support Unit budget and Work Plan 2019
CCM/MSP/2018/3	Provisional annotated programme of work
CCM/MSP/2018/4	Rules of Procedure – Submitted by the President of the Eighth Meeting of States Parties
CCM/MSP/2018/5	Convention on Cluster Munitions 8MSP Progress Report – Monitoring progress in implementing the Dubrovnik Action Plan – Submitted by the President of the Eighth meeting of States Parties of the CCM
CCM/MSP/2018/6	Convention on Cluster Munitions Implementation Support Unit – 2017 annual Report – Submitted by the Director of the Implementation Support Unit
CCM/MSP/2018/7	Estimated costs of the ninth meeting of States Parties of the Convention on Cluster Munitions – Note by the Secretariat
CCM/MSP/2018/8	Note Verbale dated 10 July 2018 from the Permanent Missions of New Zealand and Australia transmitting the text of the Auckland Declaration on Convention Weapons Treaties
CCM/MSP/2018/9	Final report
CCM/MSP/2018/INF.1	Information for States parties, observer States, intergovernmental organizations and non-governmental organizations - Note by the Secretariat
CCM/MSP/2018/MISC.1	Provisional list of participants
CCM/MSP/2018/CRP.1	Draft final report
CCM/MSP/2018/CRP.1/Rev.1	Draft final report – Revision
CCM/MSP/2018/WP.1	Guidelines for the convention on Cluster Munitions (CCM) Article 3 Extension Requests – Submitted by Bosnia-Herzegovina
CCM/MSP/2018//WP.1/Rev.1	Guidelines for the convention on Cluster Munitions (CCM) Article 3 Extension Requests – Submitted by Bosnia-Herzegovina - Revision

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<i>Symbol.</i>	Title
CCM/MSP/2018/WP.2	Guidelines for the convention on Cluster Munitions (CCM) Article 4 Extension Requests – Submitted by Bosnia-Herzegovina
CCM/MSP/2018/WP.2/Rev.1	Guidelines for the convention on Cluster Munitions (CCM) Article 4 Extension Requests – Submitted by Bosnia-Herzegovina - Revision
CCM/MSP/2018/WP.3.	Establishment of a Process for the Selection of the Presidency of the Convention on Cluster Munitions – Submitted by Germany
CCM/MSP/2018/WP.4	Draft Article 3 Declaration of Compliance - Submitted by Croatia and Mozambique

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