

# Review Conference of States Parties to the Convention on Cluster Munitions

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Item 10 of the provisional agenda

**Consideration of requests submitted under  
Article 3 and Article 4 of the Convention**

### **Analysis of Bosnia and Herzegovina's request of deadline extension under Article 4 of the Convention on Cluster Munitions**

**Submitted by the Analysis Group of Article 4 Extension Requests —  
Afghanistan, Montenegro, the Netherlands and Sweden**

#### **I. Background**

1. Bosnia and Herzegovina (BiH) signed the Convention on Cluster Munitions (CCM) on 3 December 2008, ratified on 7 September 2010 and the Convention entered into force on 1 March 2011. In Bosnia and Herzegovina's initial transparency report submitted on 20 August 2011, it reported to have a total of 13.97 km<sup>2</sup> of cluster munition contaminated area. In its extension request submitted on 28 September 2020 and its updated request submitted on 5 October 2020, Bosnia and Herzegovina informed that preliminary survey results in 2011 indicated that a total area of 12.17 km<sup>2</sup> was contaminated with cluster munitions and an additional 2.43 km<sup>2</sup> was also found to be contaminated during the period 2012-2019, which brought the total cluster munition contaminated area to 14.61 km<sup>2</sup>. Between 2012 and 2019, 8.81 km<sup>2</sup> of land had been cleared or released while 3.6 km<sup>2</sup> was separated and marked as areas contaminated with non-conventional/improvised weapons. Bosnia and Herzegovina specified that 2.14 km<sup>2</sup> of cluster munition contaminated land remained to be addressed. Under Article 4 of the Convention, Bosnia and Herzegovina is obligated 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 by 1 March 2021. On 27 August 2020, Bosnia and Herzegovina informed the CCM Implementation Support Unit (ISU) of its intention to submit an extension request.

#### **II. Consideration of the request**

2. Bosnia and Herzegovina submitted its zero draft extension request to the CCM Implementation Support Unit (ISU) on 10 September 2020 for the ISU to make an initial assessment to ensure the request did not lack any critical components. Thereafter, Bosnia and Herzegovina provided a revised draft on 22 September 2020 along with two annexes.

3. On 22 September 2020, Bosnia and Herzegovina submitted an official request for an 18-month extension of its Article 4 deadline up to 1 September 2022 to the President of the Second Review Conference (2RC). Along with its submission Bosnia and Herzegovina



provided its Mine Action Strategy 2018-2025, a chapter on how clearance and technical survey of areas contaminated with unexploded cluster munitions are conducted, and its cluster munition clearance and land release work plan during the extension period as accompanying annexes for consideration. On behalf of the 2RC President, the ISU informed States Parties to the Convention on the same day that Bosnia and Herzegovina had submitted its extension request and made it available on the CCM website.

4. The Analysis Group invited representatives of the Cluster Munition Coalition (CMC), International Committee of the Red Cross (ICRC) and the Geneva International Centre for Humanitarian Demining (GICHD) to a meeting on 28 September 2020 to join them in considering the request. In order to ensure a uniform approach to all requests, the Analysis Group used the *Methodology for requests of deadline extensions under Articles 3 and 4 of the Convention on Cluster Munitions* (CCM/MSP/2019/12) that was adopted at the 9<sup>th</sup> Meeting of States Parties (9MSP) to analyse Bosnia and Herzegovina's extension request.

5. Following that meeting, on 1 October 2020, the Analysis Group requested additional information from Bosnia and Herzegovina to facilitate the analysis of its request. On 5 October 2020, Bosnia and Herzegovina submitted an updated extension request that took into account the comments and observations made by the Analysis Group. Additionally, on 6 October 2020, Bosnia and Herzegovina provided a detailed response to the questions posed by the Analysis Group. The documents have both been made available on the Convention's website. The Analysis Group met on 7 October 2020 to consider the updated extension request and the supplementary information provided by Bosnia and Herzegovina.

6. Bosnia and Herzegovina's extension request indicates that its contamination with cluster munitions, landmines and other unexploded ordnance (UXO) occurred during the Bosnian War between 1992 and 1995. Since 2011, the Bosnia and Herzegovina Mine Action Center (BHMIC) had partnered with Norwegian People's Aid (NPA) to conduct a non-technical survey (NTS) to determine the scope of cluster munition contamination in the country. The request informs that preliminary survey results in 2011 revealed that a total of 12.17 km<sup>2</sup> covering 140 locations was contaminated with cluster munitions. During the period 2012 to 2019, an additional 2.43 km<sup>2</sup> in 35 other locations were also found to be contaminated, which made the total cluster munition contaminated area in Bosnia and Herzegovina amount to 14.61 km<sup>2</sup>.

7. The request reports that clearance of cluster munition remnants and land release began in 2012. Between 2012 and 2019, a total of 8.81 km<sup>2</sup> of land had been cleared or released through technical survey (TS) or non-technical survey (NTS) and 2,799 cluster munitions destroyed. Furthermore, a total of 3.6 km<sup>2</sup> had been separated out and identified as area contaminated with non-conventional/improvised weapons which do not fall under the scope of the CCM as was clarified by the CCM Coordinators for Clearance and Risk Reduction Education in 2018. The request further specifies that 2.14 km<sup>2</sup> of cluster munition contaminated land remained to be addressed, which would require Bosnia and Herzegovina convertible mark (BAM) 4.5 million (approximately EUR 2.3 million).

8. The request indicates that Bosnia and Herzegovina had previously aimed to complete the clearance of cluster munition contaminated areas and destruction of cluster munition remnants by its deadline of 1 March 2021. However, some challenges had arisen during the previous months that had impeded its ability to fulfil its obligations under Article 4 within the ten-year deadline. COVID-19 restrictions had severely interrupted demining activity between March and June 2020, which significantly reduced the overall productivity of the demining season that normally begins on 1 March every year, in line with the climate conditions of the country. Additionally, there was a six-month deferral in the appointment of new members of the Demining Commission, the body responsible for mine action activities. This led to a delay in renewing the accreditation of demining organizations, which in turn prevented clearance operations from being carried out at full capacity for a period of time. The request informs that since the appointment of the Demining Commission on 30 April 2020, the necessary accreditations have been provided and demining work has resumed as of mid-2020. The request also mentions a particular problem in the municipality of Han Pijesak where depleted uranium (DU) contamination

exists along with cluster munition remnants. The DU pollutant poses a health threat to the local population as well as to demining operators in the vicinity.

9. The request reports that the average daily productivity per operator is 220 m<sup>2</sup> on areas contaminated with only cluster munitions and 60 m<sup>2</sup> on areas contaminated with both cluster munitions and mines, and that there are 12 operators working 342 days in 18 months on the first type of areas and 40 operators working 271 days on the second type. Based on this clearance rate and human resource capacity, Bosnia and Herzegovina expects clearance to be completed by 1 August 2022 and accounting and documentation to be finalized by 1 September 2022.

10. The request further indicates that Bosnia and Herzegovina intends to continue clearance and cluster munition remnant destruction through its governmental bodies represented by the BiH Armed Forces and Civil Protection Units (Federal Administration of Civil Protection and Civil Protection of Republika Srpska) in cooperation with NPA. The request informs that NPA is the main entity assigned with actions of cluster munitions removal while a small part of the work is done by governmental organizations. It further states that the cooperation and coordination between governmental organizations and NPA as the key actors hold monthly meetings under the patronage of the BiH Mine Action Center to report on progress in cluster munition removal and planning further activities. In addition to holding these meetings, NPA and governmental organizations have signed a Memorandum of Understanding. The request further informs that the assessed amount required of BAM 4.5 million will be provided by state budget and donor funds, which Bosnia and Herzegovina assures to be secure in its response to the Analysis Group on 6 October 2020. Moreover, its Mine Action Strategy 2018–2025 provided as Annex 1 lists the international donors that have supported its mine action programmes and its strategy to maintain current donors' interest as well as to attract new ones.

### III. Conclusions

11. The Analysis Group notes with regret the late submission of the extension request of Bosnia and Herzegovina. The Analysis Group acknowledges that Bosnia and Herzegovina had previously been on track to fulfil its obligation under Article 4 of the Convention by the deadline of 1 March 2021.

12. The Analysis Group notes with appreciation the commitment of Bosnia and Herzegovina in allocating public funds toward clearance of cluster munition contaminated areas. Furthermore, the Analysis Group welcomes that Bosnia and Herzegovina has reported to have been able to secure the necessary national and international funding to implement the work plan.

13. The Analysis Group notes that the work plan presented by Bosnia and Herzegovina appears to be realistic, workable and could be monitored. The Analysis Group notes with appreciation that the projected clearance duration is realistic and ensures that the requested extension period does not exceed the time strictly necessary for Bosnia and Herzegovina to comply with its obligations.

14. The Analysis Group also takes notes of the mixed contamination by depleted uranium and cluster munitions in the municipality of Han Pijesak, along with other factors such as adverse climate conditions.

15. Furthermore, the Analysis Group notes that a total of 3.6 km<sup>2</sup> had been separated out and identified as area contaminated with non-conventional/improvised weapons which do not fall under the scope of the CCM.

16. The Analysis Group notes with appreciation that Bosnia and Herzegovina has provided information to demonstrate that methodologies utilized are in compliance with international standards including IMAS. The Group further acknowledges that Bosnia and Herzegovina has continued to support cluster munition victims in accordance with Article 5 of the Convention, to provide risk education to affected population groups and to mark areas contaminated with cluster munitions to prevent further casualties.

17. The Analysis Group notes that the Convention would benefit from Bosnia and Herzegovina reporting annually through its Article 7 reports due before 30 April every year and at the Tenth Meeting of States Parties the following:

(a) Progress made by Bosnia and Herzegovina on the implementation of the work plan provided in its extension request;

(b) Resource mobilization efforts including external financing received, and resources made available by Bosnia and Herzegovina to support implementation efforts;

(c) Information on Bosnia and Herzegovina's efforts in overcoming the challenges posed by co-contamination of depleted uranium and cluster munitions before the end of the extension period;

(d) Other relevant information.

18. The Analysis Group notes the importance, in addition to Bosnia and Herzegovina reporting to the States Parties as noted above, of keeping the States Parties regularly apprised of other pertinent developments as necessary.

#### **IV. Draft Decision on the Article 4 Extension Request submitted by Bosnia and Herzegovina**

19. The Meeting assessed the request submitted by Bosnia and Herzegovina 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, and agrees to grant the request for an extension of 18 months until 1 September 2022.

20. In granting the request, the Meeting noted that Bosnia and Herzegovina had highlighted factors which could reduce the clearance rate such as that of mixed contamination by mines and cluster munitions as well as the mixed contamination by depleted uranium and cluster munitions. The Meeting acknowledged that while Bosnia and Herzegovina had taken these challenges into consideration in its work plan.

21. In this regard, the Meeting noted that the Convention would benefit from Bosnia and Herzegovina reporting annually through Article 7 reports due before 30 April every year and at the Tenth Meeting of States Parties on the following:

(a) Progress made by Bosnia and Herzegovina on the implementation of the work plan provided in its extension request;

(b) Resource mobilization efforts including external financing received, and resources made available by Bosnia and Herzegovina to support implementation efforts;

(c) Other relevant information.

22. In addition to reporting as requested above, the Meeting noted the importance of Bosnia and Herzegovina keeping the States Parties regularly apprised of any other pertinent developments as necessary.

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