

Review Conference of States Parties to the Convention on Cluster Munitions

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Item 10 of the agenda

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

Analysis of Chile's Deadline Extension Request under Article 4 of the Convention on Cluster Munitions

Submitted by the Analysis Group for Article 4 Extension Requests – Afghanistan, Montenegro, Netherlands and Sweden

I. Background

1. The Republic of Chile signed the Convention on Cluster Munitions (CCM) on 3 December 2008, ratified on 16 December 2010, and the Convention entered into force for it on 1 June 2011. On 10 July 2020, Chile submitted to the President of the Second Review Conference (2RC) the first request to extend its Article 4 deadline of 1 June 2021. The request was considered during the first part of the 2RC that was held on 25 – 27 November 2020. The Conference recommended that the request be granted during the second part of the 2RC which was scheduled to be held on 4 – 5 February 2021. However, the second part of the 2RC was postponed to 20 – 21 September 2021. To avoid Chile becoming non-compliant with Article 4 as of the expiry of its 1 June 2021 deadline, Chile's request for an extension of 12 months up to 1 June 2022 was granted through a silence procedure that ended on 21 May 2021. The request was granted pending the provision of a detailed work plan and budget to be included in a subsequent extension request to be considered at the Tenth Meeting of States Parties (10MSP).

2. As the new 1 June 2022 deadline would fall ahead of the 10MSP now foreseen to take place in September 2022, on 8 June 2021, Afghanistan and Sweden, CCM Coordinators on Clearance and Risk Education, sent a letter to remind Chile to submit a new extension request to the 2RC President by 30 June 2021 for the request to be considered at the 2RC Part 2. In its extension request submitted on 23 June 2021, Chile informed that the suspected hazardous area (SHA) of the four military training sites remained at 64.61 km² as no technical survey (TS) had been conducted due to the COVID-19 pandemic. Chile stated that the provisions of the previous extension request submitted on 10 July 2020 would therefore be maintained and requested for a further 12-month extension of its new 1 June 2022 deadline to undertake the activities that Chile had initially planned for the first extension period.

II. Consideration of the request

3. On 23 June 2021, Chile submitted an official request for a 12-month extension of its Article 4 deadline up to 1 June 2023 to the President of the Second Review Conference (2RC). On behalf of the 2RC President, the ISU informed States Parties to the Convention



on 28 June 2021 that Chile had submitted its extension request and made it available on the CCM website.

4. The Analysis Group invited representatives of the International Committee of the Red Cross (ICRC), the Cluster Munition Coalition (CMC), the Geneva International Centre for Humanitarian Demining (GICHD) and Mine Action Review to a meeting on 29 June 2021 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 9MSP to analyse Chile's extension request.

5. Chile's extension request indicates that suspected hazardous area of 64.61 km² contaminated by cluster munition remnants in four of its military training sites remains unchanged since its previous extension request submission made in 2020. Chile maintains that technical survey will need to be performed at all four sites to determine the confirmed hazardous areas (CHA) on which a detailed clearance work plan for a further deadline extension could be developed.

6. The request informs that Chile has been seriously affected by the COVID-19 pandemic and that its Armed Forces were operating under an exceptional constitutional state of national catastrophe to the detriment of other activities and commitments, including its obligations to the CCM. Chile affirms that the activities required by the Ministerial Order No. 2 for Compliance with the CCM (provided as an attachment to Chile's 2020 annual transparency report) have been affected by the state of national catastrophe. In that regard, Chile indicates that neither a technical survey has been conducted nor financial resources allocated to meet its obligations under Article 4 of the Convention due to its national priorities to meet urgent health and/or social needs of the Chilean population caused by the ongoing pandemic.

7. In its request, Chile informs that approximately USD 10.54 million was required for clearance and destruction of cluster munition remnants. However, Chile expects the amount to be adjusted following the results of the technical survey. Chile indicates that it planned to request international cooperation and assistance if its national resources were found to be insufficient.

8. The Analysis Group agreed that Netherlands in its role as the Chair of the Article 4 Analysis Group sends a letter with a request that Chile presents at the 2RC Part 2 a detailed work plan of the technical survey to be conducted during the second extended deadline period as a prerequisite to the request being granted. This work plan should, provide detailed information on the time that will be required to conduct technical surveys of the remaining SHAs (disaggregated per each of the four military training sites), clarify which military branch or entity is responsible for conducting the technical survey for each of the four military training sites, specify the capacity that would be deployed at each military training site, and at what total and annual cost. As part of the request, Chile needs to also include a resource mobilization plan to demonstrate how it intends to secure the funding required for implementation of its work plan.

III. Conclusions

9. The Analysis Group notes with appreciation the passing of Ministerial Order No. 2 on the Provision of Activities for Compliance with the Convention, which shows political will to be CCM compliant. At the same time, it regrets to observe that Chile has not demonstrated any tangible progress in implementing its Article 4 obligations since the submission of its previous extension request in 2020. The Group also notes with grave concern that Chile has not provided a technical survey work plan or any information on its resource mobilization efforts during the current deadline extension period.

10. While the Analysis Group takes note of the national priorities of Chile to meet the health and social needs of the citizenry caused by the COVID-19 pandemic, the Group requests Chile to present at the second part of the Second Review Conference its work plan for conducting the technical surveys during the extension period as a prerequisite to the

request being granted. The Analysis Group is of the view that the drafting of such a work plan, in which the planning for the technical surveys is outlined, should be possible despite the COVID-19 pandemic. This work plan should include the following elements:

- (a) a timeline of the survey activities, including information on the time required to conduct the needed technical surveys (disaggregated per each of the four military training sites);
- (b) information as to which military branch or entity is responsible for conducting the technical survey for each of the four military training sites;
- (c) the capacity intended for activities at each of the four military training sites; and
- (d) a clear budget for activities at each of the four military training sites.

11. In addition, Chile needs to include a resource mobilization plan which would demonstrate how it intends to secure the required funding and assistance.

12. The Analysis Group notes with appreciation that Chile intends to conduct technical survey in accordance with International Mine Action Standards (IMAS) and provide information in a manner consistent with IMAS Minimum Data Requirements (IMAS 05.10) in the development of a clearance work plan.

13. The Analysis Group requests that Chile reports annually through its Article 7 reports and at Meetings of States Parties on the following:

- (a) Progress made relative to the technical survey to be undertaken as indicated in its extension request;
- (b) Updated information on remaining cluster munition contamination based on the findings of the technical survey;
- (c) A detailed work plan and budget for the subsequent year;
- (d) Resource mobilization efforts including international cooperation and assistance received, and resources made available by the Government of Chile to support implementation efforts;
- (e) Other relevant information.

14. The Analysis Group notes the importance, in addition to Chile 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 Chile

15. The Conference assessed the request submitted by Chile 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 12 months up to 1 June 2023 conditionally upon the provision of a work plan of the technical surveys at the second part of the Second Review Conference.

16. In granting the request, the Conference noted that technical surveys would provide a clear baseline of cluster munition contaminated areas that would contribute to the development of a clearance work plan and budget to be included in a subsequent extension request.

17. In granting the request, the Conference recommended that Chile regularly reports to States Parties on the implementation of its technical survey work plan and resource mobilization plan during the extension period.

18. In this regard, the Conference noted that the Convention would benefit from Chile reporting annually through Article 7 reports and at Meetings of States Parties on the following:

- (a) Progress made relative to the technical survey to be undertaken as indicated in its extension request;
- (b) Updated information on remaining contamination based on the findings of the technical survey;
- (c) A detailed work plan and budget for the subsequent year;
- (d) Resource mobilization efforts including international cooperation and assistance received, and resources made available by the Government of Chile to support implementation efforts;
- (e) Other relevant information.

19. In addition to reporting as requested above, the Conference noted the importance of Chile 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 as well as through its Article 7 reports due before 30 April every year.
