
Review Conference of States Parties to the Convention on Cluster Munitions

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

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

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

I. Background

1. The Islamic Republic of Afghanistan signed the Convention on Cluster Munitions (CCM) on 3 December 2008, ratified it on 8 September 2011, and the Convention entered into force for it on 1 March 2012. In Afghanistan's initial transparency report, submitted on 30 August 2012, it reported to have a total of 7.6 km² of cluster munition contaminated area. In its extension request, submitted on 3 August 2021, Afghanistan reported that, since entry into force, an additional 15.3 km² of contamination had been discovered. Of this area, a total of 12.7 km² was released through survey and clearance, with 5,454 cluster munition remnants destroyed. Afghanistan specified that 9.9 km² of cluster munition contaminated land would remain to be addressed during the extension period. Afghanistan also reported on a further 3 km² of potential cluster munition contamination in a district that had not been surveyed due to the presence of Anti-Government Elements (AGEs). Under Article 4 of the Convention, Afghanistan 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 2022. On 12 July 2021, Afghanistan informed the CCM Implementation Support Unit (ISU) of its intention to submit an extension request.

II. Consideration of the request

2. Afghanistan submitted its zero draft extension request to the CCM Implementation Support Unit on 29 July 2021 for the ISU to make an initial assessment to ensure the request did not lack any critical components. Thereafter, Afghanistan provided a revised draft on 1 August 2021.

3. The ISU brought Afghanistan's intention to submit an extension request to the attention of the Analysis Group. In accordance with the *Guidelines for the Convention on Cluster Munitions Article 4 Extension Requests* adopted at the 8MSP, Afghanistan, Co-Coordinator on Clearance and Risk Education, had to be excused from the Analysis Group's consideration of its own request to avoid conflicts of interest.

4. On 3 August 2021, Afghanistan submitted an official request for a 4-year extension of its Article 4 deadline up to 1 March 2026 to the President of the Second Review Conference (2RC) for the request to be considered at the 2RC Part 2, scheduled to be held on 20 – 21 September 2021. On behalf of the 2RC President, the ISU informed States Parties to the Convention on the same day that Afghanistan had submitted its extension request and made it available on the CCM website.

5. 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 4 August 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 Afghanistan's extension request.

6. Following that meeting, on 4 August 2021, the Analysis Group requested additional information from Afghanistan to facilitate further consideration of its request. On 10 August 2021, Afghanistan submitted a revised extension request and a detailed response to the questions posed by the Analysis Group. The documents were made available on the CCM website on the same day. The Analysis Group met on 11 August 2021 to consider the revised extension request and the supplementary information provided by Afghanistan.

7. Afghanistan's extension request indicates that it was first contaminated with Russian-made cluster munitions in 1979–2000 and then with cluster munitions used by NATO military forces in October–November 2001. When the CCM entered into force for Afghanistan, in March 2012, 21 cluster munition (CM) hazards covering 7.6 km² were recorded. Since then, an additional 26 CM hazards that cover 15.3 km² have been discovered. Clearance programmes since entry into force have released 30 CM hazards, with 12.4 km² cleared and 0.25 km² cancelled. A total of 5,454 cluster munition remnants have been destroyed.

8. The request specifies that prior to April 2021 (when Afghanistan submitted its latest Article 7 transparency report), there were only 10 CM hazards that remained to be cleared, 5 of which—covering a total area of 3.58 km²—are currently being addressed (1.33 km² cleared as of early August 2021), with clearance expected to be completed by the end of 2021. Clearance operations for the other 5 CM hazards have been delayed due to a delay in donor funding. Additionally, 11 CM hazards have been identified and surveyed since April 2021. Out of these 11 recently discovered contaminated sites, 7 were not previously identified due to access issues as they were under the control of Anti-Government Elements (AGEs). Therefore, there will remain 16 CM hazards with a total area of 9.9 km² to be addressed during the requested extension period. The request states that there is a possibility of an additional 3 km² of cluster munition contaminated area in Paktya province, but this area cannot currently be surveyed due to the presence of AGEs. Afghanistan's Directorate of Mine Action Coordination (DMAC) estimates this to be the last area suspected to contain cluster munition remnant contamination. Nevertheless, Afghanistan assures that any previously unknown cluster munition contamination discovered during ongoing non-technical survey in the country will be reported.

9. The request informs that Afghanistan is requesting a four-year extension of its Article 4 deadline due to its volatile security situation, persistent funding shortfall since 2012, and the harsh winter conditions that limit clearance operations in most of the cluster munition contaminated areas. It further indicates that with an average productivity rate of 60,000 m² per demining team (DT) per month, 165 DTs will be required. Furthermore, at least one Explosive Ordnance Risk Education (EORE) team will be working alongside the DTs throughout the extension period. The request indicates that the total funding required for clearance and EORE is approximately USD 2,350,700, which the US State Department's Bureau of Political-Military Affairs' Office of Weapons Removal and Abatement (PMWRA) has committed to provide starting late 2022 or early 2023.

10. The request highlights a particular challenge posed by the presence of AGEs that is a direct threat to Article 4 implementation, with clearance operations being impossible in areas of active conflict and robust negotiations with AGEs required to access areas under their

control for clearance operations. The request states that a further 3 km² of suspected cluster munition contaminated land exists that requires survey in Paktya province, but is currently difficult to access due to the presence of AGEs.

11. The request further indicates that there are around 46 accredited mine action organizations that consist of NGOs and commercial mine action companies delivering at least some of the mine action services (survey, clearance, EORE and victim assistance) under the coordination of DMAC. The request informs that the programme is highly committed to build on its experience of mainstreaming gender and diversity in all its pillars. DMAC is in the process of developing its National Mine Action Strategic Plan (NMA SP) for 2021-2026 which will be officially launched in September 2021. The methodology to address CM hazards will be implemented in order of priority: community liaison, non-technical survey (NTS), technical survey (TS), and clearance. The request states that the assigned EORE team delivers formal EORE messages throughout the project lifetime to the impacted communities according to the work plan.

III. Conclusions

12. The Analysis Group notes with disappointment the need for the submission of an extension request by Afghanistan as it had previously consistently reported to being on track to fulfil its obligation under Article 4 of the Convention by the deadline of 1 March 2022. However, it commends Afghanistan for its prompt notification of the need to request a deadline extension when previously unknown cluster munition contaminated areas were discovered.

13. The Analysis Group commends Afghanistan for its high-quality extension request and detailed response to the questions posed by the Group. The Group notes that the work plan presented by Afghanistan is feasible and can be easily monitored by the States Parties. The Group further notes that Afghanistan's request indicates that its main donor has committed to provide the necessary funding to cover all the planned extension period clearance operations.

14. The Analysis Group notes with appreciation that Afghanistan has provided information to demonstrate that methodologies utilized are in compliance with international standards including the latest International Mine Action Standards (IMAS). The Group further acknowledges that Afghanistan has continued to support cluster munition victims in accordance with Article 5 of the Convention, to provide Explosive Ordnance Risk Education (EORE) to affected population groups and to mark areas contaminated with cluster munitions to prevent further casualties.

15. The Analysis Group acknowledges that while achieving equal participation remains a momentous challenge in Afghanistan's national mine action programme, Afghanistan demonstrates a tangible commitment to build on its experience of mainstreaming gender and diversity in all its mine action pillars.

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

- (a) Progress made on the implementation of the work plan provided in its extension request;
- (b) Updated information on the remaining contamination after further surveys or resurveys have been conducted and an updated work plan based on the new information gathered;
- (c) Updated information related to previously inaccessible cluster munition contaminated areas or surveyed areas controlled by Anti-Government Elements (AGEs) once these areas become accessible;
- (d) Updated information on its funding situation including finances received from its main donor and whether further resource mobilization would be necessary for any aspect of its cluster munition clearance operations;

(e) Other relevant information.

17. The Analysis Group notes the importance, in addition to Afghanistan 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 Afghanistan

18. The Conference assessed the request submitted by Afghanistan 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 4 years until 1 March 2026.

19. In granting the request, the Conference noted the deferred disbursement of donor funds leading to a delay in clearance operations of previously known cluster munition contamination and the subsequent need to mobilize additional resources to address the newly discovered contaminated areas.

20. In granting the request, the Conference noted that the particular challenge posed by the presence of Anti-Government Elements and the volatile security situation that could negatively affect Afghanistan's Article 4 implementation.

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

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

(b) Updated information on the remaining contamination after further surveys or resurveys have been conducted and an updated work plan based on the new information gathered;

(c) Updated information related to previously inaccessible cluster munition contaminated areas or surveyed areas controlled by Anti-Government Elements (AGEs) once these areas become accessible;

(d) Updated information on its funding situation including finances received from its main donor and whether further resource mobilization would be necessary for any aspect of its cluster munition clearance operations;

(e) Other relevant information.

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