

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 Bulgaria's request of deadline extension under Article 3 of the Convention on Cluster Munitions

**Submitted by the Analysis Group of Article 3 Extension Requests –
Australia, Austria, Montenegro and the Netherlands**

I. Background

1. The Republic of Bulgaria signed the Convention on Cluster Munitions on 3 December 2008, ratified on 6 April 2011, and entered into force on 1 October 2011. On 9 January 2019, Bulgaria submitted to the President of the Ninth Meeting of States Parties (9MSP) its first request to extend its Article 3 deadline of 1 October 2019. The 9MSP considered Bulgaria's extension request and granted a 12-month extension of its initial deadline pending the provision of a detailed project management and work plan to be included in an updated extension request to be considered at the Second Review Conference of the Convention on Cluster Munitions (2RC).

2. In its updated extension request submitted on 6 April 2020, Bulgaria reported to have 6,862 cluster munitions and 186,349 explosive submunitions remaining to be destroyed during the requested extension period of 24 months. Bulgaria informed that a contract was signed between the NATO Support and Procurement Agency (NSPA) and the selected company on 24 July 2019 to destroy its cluster munition stockpiles that had been divided into 3 lots. Bulgaria provided a general timeline for the destruction of all 3 lots including a detailed work plan or complete contractual programme for Lots 1 and 2. A Statement of Work (SOW) which outlines the details of the stockpile destruction project was also submitted. Furthermore, Bulgaria reported to have successfully secured the necessary funding for the entire project through a Memorandum of Understanding (MoU) between the United States Department of State and the Ministry of Defence (MoD) of the Republic of Bulgaria in February 2020.

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II. Consideration of the request

3. Bulgaria submitted a draft of its updated extension request to the Convention's Implementation Support Unit (ISU) on 18 March 2020 for the ISU to make an initial assessment to ensure that the request did not lack any critical components.

4. On 6 April 2020, Bulgaria submitted an official request for a 24-month extension of its Article 3 deadline up to 1 October 2022 to the President of the 2RC. Along with its submission, Bulgaria provided its Statement of Work (SOW) and accompanying annexes for consideration. On behalf of the 2RC President, the ISU informed States Parties to the Convention on 7 April 2020 that Bulgaria had submitted its extension request and made the documents available on the CCM website.

5. The Analysis Group invited representatives of the Cluster Munition Coalition (CMC), International Committee of the Red Cross (ICRC) and the Geneva Centre for Humanitarian Demining (GICHD) to a meeting on 22 April 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 9MSP to analyse Bulgaria's extension request.

6. Following that meeting, on 29 April 2020, the Analysis Group requested additional information from Bulgaria to facilitate the analysis of its request. On 15 May 2020, Bulgaria provided a detailed response to the questions posed by the Analysis Group.

7. Bulgaria's extension request declares that 6,862 cluster munitions and 186,349 explosive submunitions held by the Bulgarian Armed Forces remain to be destroyed and that these munitions have been divided into three lots. In the request, Bulgaria reports that in 2019, a Bulgarian private company, EMKO LTD, destroyed all 35 cluster munitions and 4,170 explosive submunitions it had previously owned. Another Bulgarian private company, EXPAL BULGARIA JCS, also in 2019, destroyed all remaining 1,344 explosive submunitions imported from Cyprus. With regard to the 400 explosive submunitions retained by the Bulgarian Armed Forces under Article 3.6 of the Convention for training purposes, Bulgaria reports that 50 of them were used in 2019 during training exercises and another 100 have been planned for use in 2021.

8. The request indicates that the tender process had been concluded, and a contractor was selected to destroy the cluster munition stockpiles held by the Bulgarian Armed Forces. The NATO Support and Procurement Agency (NSPA) signed a renewable 12-month contract with an Italian company, Esplodenti Sabino Srl., on 24 July 2019. A financial assessment showed that the USD 1.8 million that had been provided by the United States to the NSPA would only be sufficient for the destruction of Lots 1 and 2. Therefore, the Bulgarian Ministry of Defence (MoD) initiated three additional processes to facilitate the completion of the entire project: (i) a law amendment to allow the transportation of cluster munitions outside the territory of Bulgaria, adopted in December 2019; (ii) a tripartite agreement between the MoD, the project contractor and the transport subcontractor, signed in January 2020; and (iii) a memorandum with the US Embassy in Sofia to secure additional funding of up to USD 2 million for the destruction of Lot 3, signed in February 2020.

9. Bulgaria's extension request indicates that the contract between NSPA and Esplodenti Sabino Srl. was based on the SOW approved by the Bulgarian MoD that provides guidelines on the destruction methods and standards to be used by the contractor for the demilitarization of cluster munitions, including applicable environmental standards. The contract also encompasses a contractual programme for the destruction of Lots 1 and 2, which is envisaged to be implemented in the period of April 2020 to February 2021. The Bulgarian authorities project that the destruction process of Lot 3 will take up to an additional 12 months, between

March 2021 and April 2022. A maximum of 6 months up to 1 October 2022 is also scheduled for the verification processes of the project and any contingencies that may arise. A detailed work plan or complete contractual programme for Lots 1 and 2 is provided in the request. Bulgaria indicates that a detailed work plan for Lot 3 will be provided at a later stage. In its response to the feedback of the Analysis Group on 15 May 2020, Bulgaria informed that the project had been delayed for approximately 5 weeks due to government lockdown measures related to the COVID-19 pandemic, and that implementation would nonetheless begin on 18 May 2020.

III. Conclusions

10. The Analysis Group notes with appreciation Bulgaria's compliance with the recommendations of the Ninth Meeting of States Parties (9MSP) to provide a detailed project management and work plan in its updated extension request to be considered at the Second Review Conference (2RC). The Analysis Group further notes that the information provided in the request and the response to the feedback of the Group is comprehensive, transparent and informative.

11. The Analysis Group recognises with gratitude that Bulgaria reported on the progress made on the destruction of the cluster munitions under its jurisdiction and control. The Group also notes the information provided on the use of its retained explosive submunitions for purposes permitted under Article 3.6 and on plans to further reduce the amount of submunitions retained.

12. The Analysis Group notes with appreciation that Bulgaria has selected a contractor and provided a detailed work plan that is workable, can be monitored and takes into account contingencies that may arise. The Group further notes with satisfaction that Bulgaria has successfully secured the necessary funding to destroy all the cluster munitions held by the Bulgarian Armed Forces.

13. The Analysis Group notes that the Convention would benefit from Bulgaria reporting annually through its Article 7 reports and at Meetings of States Parties the following:

- (a) Progress made on the destruction of its cluster munition stockpiles relative to the projections Bulgaria made in its extension request;
- (b) Updated information on the use of its retained submunitions;
- (c) Detailed work plan for the subsequent year;
- (d) Other relevant information.

14. The Analysis Group notes the importance, in addition to Bulgaria 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 3 Extension Request submitted by Bulgaria

15. The Meeting assessed the request submitted by Bulgaria for an extension of its deadline to complete the destruction of all its cluster munition stockpiles in accordance with Article 3.2 of the Convention and agrees to grant the request for an extension until 1 October 2022.

16. In granting the request, the Meeting acknowledged Bulgaria's compliance with the recommendations of the Ninth Meeting of States Parties (9MSP) by providing a detailed

project management and work plan in its updated extension request to be considered at the Second Review Conference.

17. In granting the request, the Meeting noted that Bulgaria had selected a contractor and provided a work plan for the destruction of Lots 1 and 2 that is workable and lends itself to be monitored. The Meeting recommends that Bulgaria provide a work plan for Lot 3 of similar detail as soon as it is possible.

18. In granting the request, the Meeting commends Bulgaria for securing the necessary funding to destroy all the cluster munitions held by the Bulgarian Armed Forces.

19. In granting the request, the Meeting noted that Bulgaria had highlighted possible delays to transportation and destruction activities that could occur due to the COVID-19 pandemic.

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

- (a) Progress made on the destruction of its cluster munition stockpiles relative to the projections Bulgaria made in its extension request;
- (b) Updated information on the use of its retained submunitions;
- (c) Detailed work plan for the subsequent year;
- (d) Other relevant information.

21. In addition to reporting as requested above, the Meeting noted the importance of Bulgaria keeping the States Parties regularly apprised of other pertinent developments regarding the implementation of Article 3 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.
