

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

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

I. Background

1. Peru signed the Convention on Cluster Munitions (CCM) on 3 December 2008, ratified on 26 September 2012 and the Convention entered into force on 1 March 2013. In the initial transparency report submitted by Peru on 1 August 2013, it reported to have a total of 676 cluster munitions containing 862,280 submunitions stockpiled and marked for the purpose of destruction. Peru is obliged to destroy or ensure the destruction of all its cluster munitions by 1 March 2021. In the same report, Peru announced that it was in the process of preparing national inventories of cluster munitions for their subsequent final disposal through demilitarization and destruction according to the regulations of its national law. It also reported to be developing a study and evaluation of the demilitarization project to dispose of all the munitions. In its 2014 annual report, Peru reported that Norwegian People's Aid (NPA) had conducted a visit on 14 September 2014 and agreed on a 8-phase project over several years to destruct Peru's cluster munitions stockpiles. In its 2015 annual report, Peru reported on the discovery of additional stockpiles of 1,331 cluster munitions containing 66,894 submunitions. As part of this project, in 2017, 20 members of the Peruvian Air Force were trained in the methodology to be used for the process of demilitarization and destruction. Between 2013 and 2019, Peru destroyed 164 cluster munitions containing 8,982 submunitions and 290 bomblets. In its 2019 annual report, Peru informed that the plan for the decommissioning and disposal of all cluster munitions was designed under the assumption that all munitions would be transported to the Punta Lobos Air Base for demilitarization and destruction. However, due to climate conditions, natural factors and logistical considerations, the transportation of all cluster munitions to the Punta Lobos Air Base became impossible and the destruction plan had to be modified. Furthermore, on 18

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February 2019, Peru amended its legislation to facilitate the administrative process of the destruction.

2. On 27 November 2019, the CCM Implementation Support Unit (ISU) met with representatives of Peru in the sidelines of the 4th Review Conference of the Mine Ban Convention held in Oslo, Norway with an aim to get an update on the implementation of Article 3 of the CCM by Peru. The Peruvian representatives informed the ISU that Peru would be unable to meet its Article 3 obligation and would therefore submit an extension request. Peru officially informed the President through a Note Verbale on 6 January 2020 that it would not be able to meet its article 3 obligation and would submit an extension request to be considered at the Second Review Conference of the Convention.

II. Consideration of the request

3. Peru submitted the first draft of the extension request to the Convention's ISU on 12 February 2020 for the ISU to make an initial assessment of the request so as to ensure that the document did not lack any critical components.

4. On 2 April 2020, Peru submitted an official request for a 37- month extension of its Article 3 deadline up to 1 April 2024 to the President of the Second Review Conference (2RC) along with the relevant annexes for consideration. On behalf of the 2RC President, the ISU informed States Parties to the Convention on the same day that Peru had submitted its extension request and made it available on the CCM website.

5. The Article 3 Analysis Group was established and invited representatives of the Cluster Munition Coalition (CMC), International Committee of the Red Cross (ICRC) and the Geneva Centre for Humanitarian Demining (GICHD) to join them in considering the request at a meeting held on 22 April 2020. 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 the extension request.

6. Following the initial assessment of the extension request, the Analysis Group on 29 April 2020 requested additional information from Peru to facilitate its further consideration of the request. On 2 June 2020, Peru submitted a revised version of the extension request of its Article 3 deadline that took into account the comments and observations made by the Analysis Group. The updated extension request was considered on 10 June 2020 by the Analysis Group.

7. Peru's extension request declares that :

(a) Peru has never used cluster munitions and remained committed to complying with its Convention obligations;

(b) the stockpiled cluster munitions under its jurisdiction and control have been marked and separated as 1,683 cluster munitions containing 129,058 explosive submunitions to be destroyed during the extension period with the support of Norwegian People's Aid (NPA);

(c) Between 2013 and 2019, Peru has destroyed 164 cluster munitions containing 8,982 submunitions and 290 explosive bomblets;

(d) Peru plans to destroy 174 cluster munitions and all its 8,155 6kg explosive bomblets in 2020;

(e) Peru does not intend to retain any cluster munitions or explosive submunitions in accordance with Article 3, Paragraph 6.

8. The request highlights the reasons Peru was unable to complete destruction of its stockpiles within the initial 8-year period which included financial, technical and climatic challenges.

9. The extension request includes a workplan with details on how the demilitarization and destruction processes will be conducted over the extension period in the five Peruvian airforce bases designated for the project.

10. Peru informs that did not have the relevant institutional, financial, technical, and expertise to destroy its stockpiled cluster munitions but that it had requested and received assistance from the Kingdom of Norway through NPA in order to meet its Article 3 obligations.

11. The Analysis Group had sought clarification from Peru on the number of cluster munitions destroyed since entry into force, the destruction methods used, health and environmental standards observed in the process, available personnel resources to implement the work plan and on the financial contingency plan in place to mitigate any shortfall in external financing. In its revised version of the extension request, Peru provided additional information in response to the preliminary assessment of the Analysis Group.

III. Conclusions

12. The Analysis Group notes with appreciation that Peru did not request the maximum number of time permitted under the Convention to complete its obligations under paragraph 2 of Article 3. The Analysis Group further notes with satisfaction that the information provided in the request to the questions of the Analysis Group is comprehensive and clear.

13. The Analysis Group recognizes with appreciation that Peru has secured the necessary funds to destroy its stockpiles and that it has also developed a national resource mobilization plan should there be a deficit in external funding.

14. The Analysis Group notes that the Convention would benefit from Peru reporting annually through its 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 made in its extension request;
- (b) Updated information on remaining stocks;
- (c) Updated and detailed plans for the subsequent years;
- (d) Other relevant information.

15. The Analysis Group notes that Peru indicated that the spread of the COVID-19 Pandemic had disrupted destruction activities and that there was a quarantine in place without a clear date when the activities would resume.

IV. Draft Decision on the Article 3 Extension Request submitted by Peru

16. The Meeting assessed the request submitted by Peru 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 of 37 months until 1 April 2024.

17. In granting the request, the Meeting noted that Peru had highlighted the obstacles it has encountered in the implementation of its Article 3 obligations and how it has adequately mitigated these challenges.
18. In granting the request, the Meeting noted that Peru had provided a practical work plan that would ensure the full and expedient implementation of its Article 3 obligations.
19. In granting the request, the Meeting commends Peru for securing the necessary technical and financial assistance necessary to destroy all the cluster munitions held by the Peruvian Air Force.
20. In granting the request, the Meeting noted that Peru highlighted factors which could impact the implementation of the destruction activities such as the remoteness of the air bases, the deficit of trained personnel, weather conditions, natural disasters and the COVID-19 Pandemic. The Meeting encourages Peru to continue informing States Parties on the developments in this regard.
21. In this regard, the Meeting noted that the Convention would benefit from Peru reporting annually through Article 7 reports and at Meetings of States Parties on the following:
- (a) Progress made relative to the projections Peru made in its extension request;
 - (b) Updated information on remaining stockpiles;
 - (c) Updated detailed plan for the subsequent year, if possible, for the following years;
 - (d) Resource mobilization efforts including external financing received, and resources made available by the Government of Peru to support implementation efforts;
 - (e) Other relevant information.
22. The Analysis Group welcomes Peru's close and continued contact with the CCM coordinators on stockpile destruction and the ISU. In this regard, the Analysis Group strongly encourages Peru to inform States Parties as soon as possible should there be any impediment to the implementation of its work plan and to provide such information in a timely manner.
23. The Analysis Group notes the importance, in addition to Peru reporting to the States Parties as noted above, of keeping the States Parties regularly apprised of other pertinent developments regarding the implementation of Article 3 during the period covered by the request at Meeting of States Parties.
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