

Review Conference of States Parties to the Convention on Cluster Munitions

21 September 2020

Original: English

Second Review Conference

Lausanne, 23-27 November 2020

Item 10 of the provisional 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, the 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 it entered into force on 1 June 2011. In the initial transparency report submitted by Chile in September 2012, it reported to have a total of 96.88 km² of cluster munition contaminated area in four military training sites resulting from military training activities conducted between 1997 and 2008. In its extension request submitted on 24 January 2020, its revised extension request submitted on 10 July 2020, and its 2019 annual transparency report submitted on 28 April 2020, Chile reported that the estimated contaminated area had been reduced to 64.61 km² through a non-technical survey conducted in 2019. Under Article 4 of the Convention, Chile 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 June 2021. On 27 November 2019, Chile informed the CCM Implementation Support Unit of the CCM (ISU) of its intention to submit an extension request.

II. Consideration of the request

2. Chile submitted its draft extension request to the ISU on 27 November 2019 for the ISU to make an initial assessment to ensure the request did not lack any critical components. Thereafter, Chile provided a revised draft on 16 December 2019. Following additional feedback from the ISU and with information obtained from its non-technical survey (NTS)

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conducted in 2019, Chile submitted a third draft extension request on 15 January 2020 for further ISU comments.

3. On 24 January 2020, Chile submitted an official request for a 5-year extension of its Article 4 deadline up to 1 June 2026 to the President of the Second Review Conference (2RC). On behalf of the 2RC President, the ISU informed States Parties to the Convention on 27 January 2020 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) and the Geneva International Centre for Humanitarian Demining (GICHD) to a meeting on 18 February 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 Chile's extension request.

5. Following that meeting, on 24 February 2020, the Analysis Group requested additional information from Chile to facilitate further analysis of its request. On 1 April 2020, Chile provided a detailed response to the questions posed by the Analysis Group which was made available that same day on the CCM website.

6. The Analysis Group met on 7 April 2020 to consider the supplementary information provided by Chile. Thereafter, on 15 April 2020, the Analysis Group provided additional observations and comments to Chile. On 13 May 2020, Chile provided updated information as requested.

7. On 14 May 2020, the Analysis Group held an informal meeting with the Permanent Representative of Chile to the United Nations and other international organizations in Geneva to further exchange views on the extension request. The Analysis Group met thereafter on 20 May 2020 to consider the updated information received from Chile in response to the additional request for clarification from the Group. The meeting resolved to engage in a dialogue with the requesting state to provide clarification on the additional information requested.

8. On 11 June 2020, the members of the Analysis Group at Ambassadorial level, with the participation of the 2RC President, met virtually with Chilean representatives in Santiago to further discuss the extension request. Following that meeting, as agreed, the Netherlands in its role as the chair of the Analysis Group sent a letter to Chile recommending that the extension request be revised to request a shorter interim extension period which would be utilized to gather all the information required to determine the actual extension period needed for Chile to be Article 4 compliant. This second extension would be requested by Chile at the Tenth Meeting of States Parties (10MSP).

9. In response, on 10 July 2020, Chile submitted a revised extension request seeking a one-year extension of its Article 4 deadline up to 1 June 2022. The Analysis Group met on 18 August 2020 to consider the revised extension request.

10. Chile's extension request indicates that it had identified a total suspected area of cluster munition remnant contamination of 96.88 km² in four military shooting ranges for training purposes. The contamination had taken place during military training exercises between 1997 and 2008. These four locations are active military training grounds and continue to be used as firing ranges for different conventional weapons. They are located in remote areas away from populated localities and civilian access is prohibited.

11. The request informs that Chile had not begun clearing cluster munition remnants as a result of its decision to first complete clearance of anti-personnel mines considered to be present in areas that posed a potential risk to civilians. Chile indicates that its inability to

clear and destroy both anti-personnel mines and cluster munitions simultaneously was due to its limited national resources and capacities.

12. The request reports that in 2019, Chile carried out a non-technical survey (NTS) which reduced its suspected hazardous area (SHA) of cluster munition contaminated land to 64.61 km². The request further indicates that based on the NTS that was conducted, technical survey (TS) will need to be performed to determine the confirmed hazardous areas (CHA) and release land found not to be contaminated by cluster munitions.

13. Chile requests for an initial extension of one year of its Article 4 deadline of 1 June 2021. Chile indicates that TS will be carried out in all four shooting ranges during this extension period and that based on the TS results a more accurate clearance plan would be developed.

14. In its request, Chile requests international cooperation and assistance of USD 1.43 million for equipment to undertake clearance activities and USD 200,000 for risk education. Chile highlights that the COVID-19 pandemic could pose serious threats to its financial situation, which would affect its ability to implement the planned activities.

III. Conclusions

15. The Analysis Group regrets to note that Chile was unable to implement its Article 4 obligations within the initial 10-year period but appreciates that it has not requested the maximum time allowed under the Convention to fulfil its Article 4 obligations. The Analysis Group commends Chile for requesting a short interim extension period to be used to conduct a technical survey which will provide the necessary information to establish the actual extra amount of time needed as well as to develop a comprehensive plan for completion of Article 4 obligations.

16. The Analysis Group noted that the extension request submitted by Chile had a number of inconsistencies throughout the document. The Group requests Chile to address these inconsistencies when presenting their extension request at the 2nd Review Conference as well as in the submission of the subsequent request to be considered at the 10MSP in 2021.

17. The Analysis Group notes with concern that Chile is yet to secure national and international funding for the planned technical survey to be carried out during the extension period and regrets that Chile did not provide clear information on a work plan for the extension period and on resource mobilization efforts. The Group requests Chile to provide more detailed information on these issues and the progress made since the submission of the extension request, when it presents the request at the 2nd Review Conference.

18. The Analysis Group notes with appreciation that Chile has made reference to the use of the International Mine Action Standards (IMAS) during the non-technical survey and that it intends to continue to consider IMAS in the planned technical survey.

19. The Analysis Group also notes that Chile plans to perform technical survey on the suspected hazardous areas in order to develop a more accurate work plan for the clearance of any cluster munition remnants. The Analysis Group requests that Chile provide a project management and a clear work plan once the confirmed hazardous areas have been determined.

20. The Analysis Group requests that Chile reports annually through its Article 7 reports and at Meetings of States Parties 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.

21. 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.

22. The Analysis Group recommends the swift establishment of a Defense Disarmament Commission (CDD) so as not to adversely affect the implementation of the planned technical survey.

IV. Draft Decision on the Article 4 Extension Request submitted by Chile

23. The Meeting 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 2022 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.

24. In granting the request, the Meeting noted that the technical survey should provide a clear baseline on the remaining cluster munition contaminated areas to be cleared.

25. In granting the request, the Meeting recommended that Chile regularly reports to States Parties on the outcomes of the technical survey and provides a costed workplan, resource mobilization plan, and annual work schedule broken down by month for the next extension period.

26. In this regard, the Meeting 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.

27. In addition to reporting as requested above, the Meeting 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.
