

Observations and Comments of the CCM Article 4 Analysis Group on the Extension Request Submitted by Bosnia and Herzegovina in accordance with Article 4.5 of the Convention

The Analysis Group notes with regret the late submission of the Article 4 deadline extension request by Bosnia and Herzegovina on 28 September 2020, less than two months before the Second Review Conference (2RC). Article 4.6 of the Convention stipulates that “A request for an extension shall be submitted to a Meeting of States Parties or a Review Conference prior to the expiry of the time period referred to in paragraph 1 of this Article for that State Party. Each request shall be submitted a minimum of nine months prior to the Meeting of States Parties or Review Conference at which it is to be considered.”

However, the Analysis Group acknowledges the efforts made by BiH to ensure completion by its initial deadline of 1 March 2021 which until the submission of the request was reported as being on track to meet this deadline.

The Analysis Group also observed that there are a number of key elements which require further elaboration by the requesting State. In particular, the Analysis Group notes with concern the absence of a complete work plan - in particular that of the BiH Armed Forces and Civil Protection Units - and information on BiH’s resource mobilization plan, making it difficult to justify the time needed by Bosnia and Herzegovina to fulfil its Article 4 obligations. In the absence of a detailed work plan, the Analysis Group will not be in a position to positively recommend the requested 18 month extension period to the Second Review Conference where the extension request will be considered.

Therefore, the Analysis Group requests additional information or further clarification from Bosnia and Herzegovina by Monday, 5 October 2020, on the following elements:-

1. The inclusion of a complete detailed work plan which would include:

- (a) clear information on clearance operation: who (BiH Armed Forces, Civil Protection agencies, and Norwegian People’s Aid), when, where and how clearance/land release will be carried out to allow for easy monitoring over the requested extension period;
- (b) the rationale and criteria for clearance priorities during the period;
- (c) clear plans for TS and NTS during the extension period;

Taking into account that the extension request will be considered at the Second Review Conference, which forms an important milestone for the CCM, preserving the established practice of evidence-based work plans that underpin the extension requests remains an important consideration for all States Parties to the Convention. By including a detailed work plan, Bosnia and Herzegovina will be setting a necessary and positive example that will strengthen the CCM going forward.

Answer: Based on the experience so far, the expected types of cluster munitions and the nature of the tasks, a detailed plan has been prepared in Annex 3. Table 2 on page 9 shows the work schedule of

governmental organizations and NPA who plan to work on projects. For some of the projects that are not on the reservation, but in the section of organizations is shown that they are prepared, that means that they have not been reserved yet because they are in the process of preparing work plans for governmental organizations (Armed Forces BiH and Civil protection) for 2021. Governmental organizations plan mine action on an annual basis so they cannot show the projects they possibly plan to do in 2022. The NPA is a holder of actions for the removal of cluster munitions, and a small part of the work is done by governmental organizations. Based on experiences of neighbouring countries and looking at the resources available to them – cluster munitions disposal operations can be performed by the following demining organisations: Centar za humanitarno razminiranje, Detektor, In Demining NGO and Stop Mines NGO. These organisations could be accredited and engaged if and when a tender is issued for removal of the remaining cluster munitions. The tender and engagement of these organizations represents an opportunity to involve additional forces in case of non-fulfillment of plans.

2. The request would benefit from information on coordination mechanisms between key actors of cluster munitions disposal operators in the country (BiH Armed Forces, Federal Administration of Civil Protection, Civil Protection of Republika Srpska, and Norwegian People's Aid).

Answer: Cooperation and coordination between governmental organizations and the NPA as key actors in solving problems of cluster munitions is reflected in meetings held on a monthly basis under the patronage of the BiH Mine Action Center to report on progress in cluster munition removal and planning further activities. In addition to holding these meetings, the NPA and governmental organizations signed a Memorandum of Understanding.

3. The Group noted the need for consistency in the presentation of figures throughout the Request, specifically, the total remaining cluster munition contaminated area. Page 5 of the request indicates that the total cluster munition contaminated areas is 14.61 km², the area that has been addressed 8.81 km² and the area classified as contaminated with non-conventional/improvised devices 3.6 km². This would leave 2.2 km² left to be addressed. On pages 9 and 11, the request specifies that the current cluster munition contaminated area is 2.137 km² whilst Table 3 on page 11 shows that to be 1.95 km².

Answer: Page 5 gives a chronological overview of the areas contaminated with cluster munitions from the date of signing the Convention and the results for the period 2012-2019, as well as the area of 3.6 km² which is not subject to the Convention on Cluster Munitions. (locally produced grenades fired from a rifle M93 with modified KB-1 and cluster munitions KB-2). We have supplemented Annex 3 and Table 3 so that the area in Table 3 and Annex 3 is - 2,137 km².

4. On page 5, the request indicates that "During non-technical survey operations, Mine Action Centre BiH teams cooperated with NPA teams, which resulted in separation of areas contaminated with non-conventional devices, i.e. areas contaminated with improvised items. Such areas will be treated as clearance of unexploded ordnance (UXO). The total size of those areas is 3.6 km²." Kindly provide more clarification on the following:

(a) Do these areas that have been reclassified as having unexploded ordnance (UXO) contamination contain cluster munition remnants such as those found in the remaining area to be addressed (2.14 km²)? The request would benefit from having the names of areas that have been reclassified.

(b) Is the area separated from recorded cluster munition contaminated areas contaminated with unmodified KB-1 and/or KB-2 DPICM scattered individually as single submunitions (which fall under the Convention) or with locally manufactured M93 rifle grenades with modified KB-1 and KB-2 cluster submunitions (which are not covered by the Convention)?

Answer: These areas were separated from the recorded areas contaminated with cluster munitions and were contaminated with locally produced grenades fired from a rifle M93 with modified KB-1 and cluster munitions KB-2 (not covered by the Convention on Cluster Munitions).

5. The request would benefit from the provision of additional information on Bosnia and Herzegovina's resource mobilization plan, in particular:

(a) How much of the required funds will be provided by the government of Bosnia and Herzegovina and how much would be provided by donors?

(b) Can Bosnia and Herzegovina provide an insight as to how much of the BAM 4.5 Million has been secured and the prospective donors for the extension period?

(c) Would the current available resources be deemed enough to complete the work in the time stated, or does Bosnia and Herzegovina need to contract another organization to complete clearance operations? Does Bosnia and Herzegovina envisage any possible delays to the process?

(d) Is there a contingency plan in place in case of lack of sufficient resources?

Answer: Governmental organizations are funded through state and entity budgets which represents secure basis for funding, and the NPA has stable funding.

6. Of the 2,779 cluster munitions cleared and destroyed, kindly provide information what types of cluster munitions they were.

Answer: Types of cleared and destroyed cluster munition:

- BL 755/MK-1, MK -3
- R-262 M87/KB-1, KB-2

7. With regard to the areas with co-contamination of depleted uranium and cluster munitions, how is Bosnia and Herzegovina planning to deal with this particular problem? How are operators clearing cluster munition remnants in those areas protected? Does Bosnia and Herzegovina require international assistance to address this issue?

Answer: Seeking international help will most likely be the only way to solve this problem.

8. On page 7, the request indicates that risk education is continuously conducted amongst affected population groups and that markings are placed to warn the population of cluster munitions. Kindly provide more information on who is most at risk from the dangers presented by cluster munition contamination. The request would benefit from elaborating more on any specific target groups Bosnia and Herzegovina needs to reach, particularly during clearance operations.

Answer: Mine Action Centre BiH identifies and prioritizes affected groups continuously, and provides adequate gender and age sensitive Mine Risk Education. BHMACH data show that most accidents occur in the spring and autumn when agricultural works and the collection of firewood and other raw materials are ongoing. They also show that most new mine/ERW victims knowingly enter known mined areas for economic reasons. Analysis of the people affected by mines, the consequences of accidents and blocked resources has shown that there is a significant impact of remained cluster munitions on society, economy and the environment in Bosnia and Herzegovina. This helps us to identify affected groups in a way that takes into account risk exposure by gender and other diversities. In this case, the population of farmers, woodmen, mountaineers and hunters who move around these areas and use this land would have a direct benefit from clearing this area of remained cluster munitions. It is necessary to provide sources of livelihood for groups that knowingly enter minefields for existential reasons, and to further develop awareness of the dangers and consequences of cluster munition accidents. BHMACH and mine action organizations will work directly with development stakeholders and development organizations to identify alternative and sustainable livelihood activities that do not expose residents to the dangers of cluster munitions.