

# Convention on Cluster Munitions

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**Twelfth Meeting of States Parties****Geneva, 10-13 September 2024**

Item 9 of the provisional agenda

**Presentation of deadline extension requests  
under Articles 3 and 4 of the Convention  
and of the analysis of these requests**

## **Analysis of Germany's request of deadline extension under Article 4.1 of the Convention on Cluster Munitions\***

**Submitted by the Analysis group for Article 4 extension  
requests – Italy, Lebanon, Norway, and Switzerland**

### **I. Background**

1. The Federal Republic of Germany signed the Convention on Cluster Munitions on 3 December 2008 and ratified it on 8 July 2009. Germany was obliged to clear and destroy, or ensure the clearance and destruction of, cluster munition remnants located in the contaminated area under its jurisdiction and control by 1 August 2020.
2. In its 2011 annual transparency report, submitted on 30 April 2012, Germany reported having a suspected cluster munition contamination area of 4km<sup>2</sup> at a former military training area at Wittstock. In its 2014 annual transparency report, submitted on 20 April 2015, Germany reported that the actual size of the contaminated area was found to be 11km<sup>2</sup>. Germany began clearance in March 2017, as reported in its 2017 annual transparency report submitted on 2 March 2018. At the Eighth Meeting of State Parties (8MSP) of the Convention on Cluster Munitions, Germany informed State Parties that it would be unable to fulfil its obligations under Article 4 by its deadline of 1 August 2020 and of its intention to submit a deadline extension request.
3. Germany submitted its first request to extend its Article 4 deadline of 1 August 2020 at the Ninth Meeting of States Parties (9MSP) of the Convention on Cluster Munitions. The 9MSP granted Germany an extension of five years until 1 August 2025.
4. At the Eleventh Meeting of States Parties (11MSP), Germany stated that it would be difficult to fulfil its obligations under Article 4 by the deadline granted in its first extension request and informed of its intention to submit a second extension request.
5. Germany submitted its extension request on 21 December 2023 and reported that the initial area contaminated with cluster munitions was 11km<sup>2</sup>. Of this, 6,267,900m<sup>2</sup> (6.268km<sup>2</sup>) had been cleared, leaving a remaining area of 4,732,100m<sup>2</sup> (4.7321km<sup>2</sup>) to be cleared.

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\* The present document is being issued without formal editing.



## II. Consideration of the request

6. On 21 December 2023, Germany submitted an official request for a five-year extension of its Article 4 deadline through 1 August 2030, to the President of the Twelfth Meeting of States Parties (12MSP). On behalf of the 12MSP President, the Implementation Support Unit (ISU) informed States Parties that Germany had submitted its second extension request and made it available on the CCM website.

7. On 15 January 2024, the ISU made an initial assessment of Germany's second extension request, to ensure that it did not lack any critical component. On 30 January 2024, Germany provided additional clarifications and information in response to the ISU's feedback. Thereafter, both documents were forwarded to the Analysis Group for its consideration.

8. As per established practice, the Analysis Group used the procedure established in the document "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 Germany's extension request.

9. In preparation of the preliminary report, the Analysis Group held a consultative meeting on 2 February, inviting representatives of the International Committee of the Red Cross (ICRC), Cluster Munition Coalition (CMC), Geneva International Centre for Humanitarian Demining (GICHD), Mines Advisory Group, Mine Action Review, and Norwegian People's Aid (NPA).

10. Following that meeting, on 15 March 2024, the Analysis Group requested additional information and clarifications from Germany to facilitate further consideration of its request.

11. On 10 May 2024, Germany submitted a revised extension request and a detailed response to the questions posed by the Analysis Group.

12. On 27 May 2024, the Analysis Group met to consider the revised extension request and additional information. Following that meeting, on 3 June 2024 the Analysis Group recommended that Germany provide further clarity on specific issues.

13. On 10 June 2024, Germany submitted its response and clarifications to the Analysis Group.

14. Germany's extension request outlines the efforts conducted so far to clear cluster munition remnants and unexploded ordnance (UXO) remnants at the Wittstock site, which spans 11,000,000m<sup>2</sup> (11km<sup>2</sup>) and remained closed to the public due to intense contamination. It also reports that clearance operations had commenced in March 2017, and by August 2023, over 6,270,900m<sup>2</sup> had been cleared. This effort resulted in the removal of 6,850 cluster munition remnants, 60% of which were ShOAB-0.5 submunitions. The site was noted to be contaminated with various types of UXO, with cluster munition remnants comprising only about 5% of the total contamination.

15. The extension request identifies seven main factors as potential causes for further delays in clearing cluster munitions at Wittstock. These include: the number of EOD personnel; the areas available after controlled burning, which is limited to a few days in a year and contingent on meteorological conditions; high contamination levels, including by other ordnance and scrap; adverse weather conditions; the abundance of material identified; the COVID-19 pandemic; and procurement procedures. Germany indicates it will continue to monitor these risk factors and adapt work plans accordingly, although many factors are acknowledged to be beyond its control.

16. The request points out that, since 2017, controlled burning has been conducted annually in sections within the contaminated area at Wittstock, burning up to 2,000,000m<sup>2</sup> (2km<sup>2</sup>) per year. Burned areas are integrated into the clearance programme and must be cleared within the following year to avoid regrowth challenges. Specific meteorological conditions, essential for safe burning, occur only a few days per year, typically in February or March, and occasionally in October or November. However, in 2023, suitable conditions were not present, preventing controlled burning for the first time since 2017.

17. The request highlights that around EUR 110 million had been spent on clearing approximately 11,000,000m<sup>2</sup> of potentially contaminated area up to the end of August 2023, with an expected total cost of EUR 120 million by the end of 2023. Annual spending was forecasted at EUR 30 million, totalling about EUR 150 million for 2024–2028, along with additional costs of EUR 15–20 million projected for 2029. This brings the estimated total cost of clearing the area to approximately EUR 290 million.

18. The request and subsequent clarifications inform that in 2023 the daily clearance rate based on the number of deminers was determined at 24.4 m<sup>2</sup>/person/day. Expected clearance progress is of 800,000–900,000m<sup>2</sup> annually between 2024 to 2028, and 400,000–500,000m<sup>2</sup> in 2029.

### III. Conclusions

19. The Analysis Group notes with satisfaction that the information provided in the extension request and in the subsequent responses to the questions and comments of the Analysis Group is comprehensive, complete and clear. Furthermore, the Analysis Group welcomes Germany's commitment to submit an extension request that meets all the criteria outlined in the "Methodology for requests of deadline extensions under Articles 3 and 4 of the Convention on Cluster Munitions" document (CCM/MSP/2019/12) that was adopted at the 9MSP.

20. The Analysis Group notes with appreciation that Germany continued to fully fund the clearance operation from its own sources, eliminating the need for external support. The Group also acknowledges that national and regional regulations, including environmental protection rules, limit the amount of land that could be cleared annually. Additionally, the Group notes that clearance operations were staffed exclusively by personnel licensed under German regulations.

21. The Group further notes that the work plan presented by Germany for the extension period continues to be ambitious but practicable and can be monitored. The Group also notes that the work plan is dependent on the number of days that are available for preparation of land for clearance operations, and that there is a risk that this may vary due to weather conditions. In this regard, the Group expressed concern over the limited opportunities for controlled burning, which could only take place a few days each year under specific meteorological and environmental conditions. The Group noted that in 2023, as was the case in 2017, these conditions were not favourable, thereby hindering planned operations.

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

- (a) Progress made on land cleared of cluster submunitions, as well as information on the submunitions that have been destroyed;
- (b) Updated information on remaining contamination;
- (c) Updated detailed plans for the subsequent year and, if possible, also for the following years;
- (d) Other relevant information.

23. The Analysis Group notes that the risk factors identified by Germany are the same as in its 2019 extension request (all of which had materialized since that time). In this regard, the Analysis Group notes that despite most risk factors being outside of its control, it would be good practice to provide a risk register that demonstrates a thorough risk analysis, and risk mitigation measures, including budget and responsibilities in accordance with ISO 31000 and IMAS 07.14.

24. The Analysis Group notes the importance, in addition to Germany reporting to the State Parties as noted above, of keeping the State Parties regularly apprised of other pertinent developments regarding the implementation of Article 4 during the period covered by the extension at the Meeting of State Parties or Review Conferences.

#### **IV. Draft Decision on the Article 4 Extension Request submitted by Germany**

25. The Meeting of State Parties assessed the request submitted by Germany 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, agreeing to grant the request for an extension of five years until 1 August 2030.

26. In granting the request, the Meeting noted that Germany continues to fully fund the clearance operations through its own national resources and therefore a plan to ensure external support for funding is not necessary.

27. In granting the request, the Meeting noted that national and regional regulations, including regulations to protect the environment, in effect limit the amount of land that can be cleared on an annual basis. The meeting also notes that staffing for clearance operations is limited to personnel licensed under German regulations to carry out these activities.

28. In granting the request, the meeting noted that Germany's plan the Group further notes that the workplan presented by Germany for the extension period continues to be ambitious but practicable and can be monitored. The Group also noted that the workplan is dependent on the number of days that are available for preparation of land for clearance operations, and that there is a risk that this may vary due to weather conditions. In this regard, the Group expressed concern over the limited opportunities for controlled burning, which could only take place a few days each year under specific meteorological and environmental conditions. The Group noted that in 2023, as was the case in 2017, these conditions were not favourable, thereby hindering planned operations

29. The meeting further noted that the success of the plan presented for its second extension request will depend on the number of days that are available for preparation of land for clearance operations, weather conditions, and staffing.

30. In granting the request, the Meeting noted that the Convention would benefit from Germany reporting through its Article 7 report and at Meeting of States Parties or Review Conferences on the following:

- (a) Progress made on land cleared of cluster submunitions, as well as information on the submunitions that have been destroyed;
- (b) Updated information on any additional contamination identified through subsequent clearance activities, and on remaining contamination;
- (c) Updated detailed work plans for the subsequent year and, if possible, also for the following years;
- (d) Any obstacles identified to fulfilling its Article 4 obligation in the timeframe presented in its extension request;
- (e) Other relevant information.

31. In addition to reporting as requested above, the Meeting noted the importance of Germany keeping the States Parties regularly apprised of any other pertinent developments regarding the implementation of its Article 4.1 obligations during the period covered by the request, as necessary.

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