

Convention on Cluster Munitions

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Item 6 of the provisional agenda
Introduction by the President of the draft documents
and key draft decisions

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, Germany and Montenegro

I. Background

1. The Republic of Bulgaria submitted its first request to extend its Article 3 deadline of 1 October 2019 to the 9th Meeting of States Parties to the Convention on Cluster Munitions (9MSP) which granted Bulgaria a 12-month extension 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 (2RC). Bulgaria submitted a second extension request on 6 April 2020 which included a detailed work plan, a complete contractual programme as well as a Statement of Work (SOW) which outlined the details of the stockpile destruction project. Bulgaria also 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. Bulgaria's extension request was considered during the first part of the 2RC that was held on 25-27 November 2020. The request was granted on 26 February 2021 through a silence procedure for an extension until 1 October 2022.

2. Bulgaria informed the Implementation Support Unit (ISU) in late March 2022 of its intention to submit another deadline extension request as it would be unable to comply with its Article 3 obligations by its current deadline of 1 October 2022.

II. Consideration of the request

3. On 29 April 2022, Bulgaria submitted an official request for a 15-month extension of its Article 3 deadline up to 31 December 2023 and the ISU informed States Parties to the Convention on 1 May 2022 that Bulgaria had submitted its extension request and made the documents available on the CCM website. In accordance with the *Guidelines for the Convention on Cluster Munitions Article 3 Extension Requests* adopted at the 8MSP, Bulgaria, Coordinator on Stockpile Destruction and Retention and a core member of the Article 3 Analysis Group was excused from the consideration of its own request to avoid a conflict of interest.

4. 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 9 May 2022 to join them in considering the request. The GICHD excused itself from meeting as it had no ongoing projects in Bulgaria. 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.

5. In its extension request, Bulgaria informed that due to a halt in transportation and destruction of explosive submunitions between January 2021 and February 2022 following an explosion that occurred in December 2020 at one of the factories of the contractor company, it would be unable to comply by its current completion deadline. In its request, Bulgaria reported to have 3,593 cluster munitions and 108,269 explosive submunitions remaining to be destroyed as at 1 April 2022, with the remaining 5,819 submunitions of Lots 1 and 2 expected to be destroyed by June 2022. The destruction of Lot 3 (102,450 submunitions) is envisaged to start in June 2022 and to be completed in June 2023. An additional 6 months are requested for the verification processes of the project and for any contingencies that may arise.

6. On 10 May 2022, the Analysis Group requested clarification on a few points in the request to facilitate the analysis of its request. As agreed, on 17 May 2022, Bulgaria provided an updated version of its extension request which was uploaded onto the Convention website on 18 May 2022.

7. Bulgaria's extension request informs that its stockpile destruction process had started in May 2020 and that by late 2020, all explosive submunitions in Lots 1 and 2 had been successfully transferred to the contractor's destruction facilities in Italy. On 21 December 2020, an explosion occurred in one of the factories of the contractor company, Esploidenti Sabino Srl. Following the accident, the contractor's operational licence was suspended until November 2021. Bulgaria indicates that all activities related to transportation and destruction of the submunitions were put on hold in January 2021 for 13 months. The project resumed in February 2022, with the destruction of explosive submunitions of Lots 1 and 2 and the transportation of the first tranche of the submunitions in Lot 3.

8. The request indicates that as at 1 April 2022, Bulgaria has 3,593 cluster munitions with 108,269 explosive submunitions remaining to be destroyed. Bulgaria has destroyed 78,080 of the 83,899 explosive submunitions of Lots 1 and 2, with the remaining 5,819 submunitions planned to be destroyed by June 2022. Thereafter, Bulgaria plans to begin the destruction of the explosive submunitions of Lot 3 in June 2022. As at 1 April 2022, Bulgaria has transported 1,047 cluster munitions with submunitions to the contractor company, with the remaining 2,486 cluster munitions and corresponding submunitions to be transported between April and December 2022.

9. According to the contract the destruction process must be finalized no later than six months after the cluster munitions have been transported. Therefore, Bulgaria envisages that its stockpile destruction will be concluded by June 2023. An additional five months up to 31 December 2023 is reserved for the verification processes of the project and for any contingencies that may arise. Bulgaria has identified the ongoing war in Ukraine as a possible risk factor in delays in the transportation and destruction planned.

10. Regarding 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 and another 50 used in 2021 during training exercises.

11. Bulgaria's extension request confirms that the Memorandum of Understanding (MOU) signed with the United States Government in 2020 still stands and that in addition to the USD 1.8 million already provided to Bulgaria, up to USD 2 million has been secured.

III. Conclusions

12. The Analysis Group notes with regret that activities related to the destruction of Bulgaria's cluster munition stockpile were disrupted due to an explosion in December 2020 at one of the factories of the company contracted to undertake the destruction. The Group

recognises with gratitude that Bulgaria provided regular updates on its progress in complying with its Article 3 obligations.

13. The Analysis Group commends Bulgaria for its high-quality submission as the information provided in the request is comprehensive, transparent and informative. The Group notes with appreciation that Bulgaria has provided a work plan that is feasible, can be monitored and takes into account contingencies that may arise. The Group also notes the information provided on the use of its retained explosive submunitions for purposes permitted under Article 3.6. The Group commends Bulgaria for securing the necessary external funding needed to destroy all its cluster munitions, as well as its provision of a national capacity in the implementation of its obligations under CCM Article 3, both of which underscores its commitment and national ownership.

14. 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) Other relevant information.

15. 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

16. 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 31 December 2023.

17. In granting the request, the Meeting noted that Bulgaria had provided a detailed outline of events that led to a 13-month disruption of its destruction activities. The Meeting also noted that Bulgaria had provided a revised work plan that lent itself to monitoring and had secured all necessary funding to complete the destruction process.

18. In granting the request, the Meeting noted that Bulgaria had highlighted that the ongoing war in Ukraine presented a risk to the scheduled transportation and destruction of its cluster munitions.

19. 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) Other relevant information.

20. 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.