

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 Iraq's deadline extension request under Article 4 of the Convention on Cluster Munitions

**Submitted by the Analysis Group for Article 4 Extension Requests –
Germany, Guyana, Lebanon and Norway**

I. Background

1. The Republic of Iraq signed the Convention on Cluster Munitions (CCM) on 12 November 2009, ratified it on 14 May 2013, and the Convention entered into force for it on 1 November 2013. In Iraq's extension request submitted on 16 November 2022, it reported to have had approximately 128 km² of cluster munition contamination in 2013 when the Convention entered into force for it. Since entry into force, an additional 248 km² of contamination had been discovered, making the updated known baseline to be around 376 km². Of this area, a total of approximately 195 km² had been released through survey and clearance, and 58,015 cluster munitions destroyed. Iraq specified that about 181 km² of known cluster munition contaminated land would remain to be addressed at the start of the extension period and predicted that an additional 79 km² of contamination would be identified during the 5-year extension period requested. Therefore, Iraq estimated a total area of 260 km² cluster munition contamination to be addressed during the extension period up to 1 November 2028. Under Article 4 of the Convention, Iraq 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 November 2023.

2. In its 2020 annual transparency report, submitted on 31 March 2021, Iraq informed that it did not expect to be able to complete its survey and clearance operations by the deadline and would submit an extension request. At the first part of the Second Review Conference (2RC) in November 2020, Iraq reported to other States Parties that it was facing a variety of obstacles in meeting its clearance obligations. At the second part of the 2RC in September 2021, Iraq reiterated that it would be unable to fulfil its obligations under Article 4 by the deadline and would begin preparing its extension request the following year. Thereafter, Iraq invited the CCM Implementation Support Unit (ISU) to conduct a workshop in Basra, Iraq, in June 2022 to support its preparation of the Article 4 extension request.

II. Consideration of the request

3. Iraq submitted a zero draft extension request to the ISU on 26 July 2022 for it to make an initial assessment that would ensure that the request did not lack any critical components.



Thereafter, Iraq provided three revised drafts on 7 September, 15 September and 4 October 2022.

4. On 16 November 2022, Iraq submitted an official request for a 5-year extension of its Article 4 deadline up to 1 November 2028 to the President of the Eleventh Meeting of States Parties (11MSP) for the request to be considered at the Meeting. On behalf of the 11MSP President, the ISU informed States Parties to the Convention on the same day that Iraq had submitted its extension request and made it available on the CCM website.

5. The Analysis Group invited representatives of the International Committee of the Red Cross (ICRC), the Cluster Munition Coalition (CMC), the Geneva International Centre for Humanitarian Demining (GICHD), Mine Action Review and Norwegian People's Aid (NPA) to a meeting on 1 December 2022 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 Iraq's extension request.

6. Following that meeting, on 15 December 2022, the Analysis Group requested additional information from Iraq to facilitate further consideration of its request. On 23 January 2023, Iraq submitted a revised extension request and a detailed response to the questions posed by the Analysis Group.

7. The Analysis Group met on 2 February 2023 to consider the revised extension request and the supplementary information provided by Iraq. Following that meeting, on 9 February, the Analysis Group recommended that Iraq provides additional information as well as two separate work plans: one for survey activities and another on planned clearance operations. In response, on 27 February, Iraq provided an annex to its extension request with updated information.

8. On 6 March 2023, the Analysis Group held an informal virtual meeting with the Iraqi Directorate of Mine Action (DMA) to further exchange views on the extension request. On 20 March, the ISU took the opportunity of being in Baghdad, Iraq, to meet in person with the DMA to discuss the preparation of Iraq's detailed survey, clearance, risk education and resource mobilization plans to be included as part of the request.

9. Following those meetings, on 30 March, Iraq submitted another revised extension request with detailed 5-year and 16-year work plans as annexes. The Analysis Group met on 5 April 2023 to consider the updated extension request as well as its annexes. The Analysis Group requested Iraq to adjust terminology in the extension request to make it consistent with the International Mine Action Standards (IMAS). On 11 April, Iraq submitted an amended extension request.

10. Iraq's extension request indicates that it is one of the world's most heavily cluster munition contaminated countries following the first Gulf War in 1991 and the second Gulf War in 2003. The request points out that Iraq also has significant contamination from other types of explosive ordnance, with cluster munition remnants accounting for less than 10% of overall contamination. When the CCM entered into force for Iraq in November 2013, the baseline for cluster contamination was estimated to be 128 km². The baseline continued to increase due to inaccurate information on the locations of cluster munition strikes provided to the DMA, the non-registration of discovered contaminated areas between 1991 and 2003 in the national Information Management System for Mine Action (IMSMA) database, and the newly identified contaminated areas adjacent to confirmed hazardous areas (CHAs). The total discovered and confirmed cluster munition area between November 2013 and July 2022 is 248 km², making the updated known baseline to be approximately 376 km². Between 2013 and 2022, around 73 km² was cancelled through non-technical survey (NTS), 23 km² reduced through technical survey (TS) and 99 km² cleared. This amounted to circa 195 km² of land released along with 58,015 cluster munitions destroyed. Therefore, the known remaining area to be addressed is 181 km². Nonetheless, based on past experience, Iraq estimates that an additional 79 km² of contamination would be identified and based its projected work plans on approximately 260 km² of cluster munition contaminated area.

11. The request specifies that its current capacity includes 15 clearance teams, of which 3 are nationally funded and 12 internationally funded. With a total daily productivity of 5,000

m² per team, the daily productivity of 15 teams is 75,000 m². Therefore, in the case of the absence of additional support and the continuity of current annual capacities working at current land release productivity levels, with an average of 230 working days per year, Iraq anticipates completing the clearance of the estimated remaining contamination of 260.4 km² in just over 15 years. Iraq submitted two work plans to illustrate the two different scenarios: a 5-year plan where resource mobilization goals are achieved, and a 16-year plan based on current operational capacities, land release productivity levels, and funding rates, provided that certain assumptions are fulfilled. In order for Iraq to achieve its clearance compliance within the 5-year extension period, an additional 19 clearance teams would be required, taking into account the time required to train and equip these new teams. The 5-year plan foresees an increased land release productivity of 50% in the second year and 100% in the third year onwards as a result of technology and innovation supporting more effective implementation.

12. The request further informs that Iraq's current capacities includes 2 teams working on TS, several teams working on NTS that are cross trained in explosive ordnance risk education (EORE), and 6 teams on explosive ordnance disposal (EOD). Iraq's work plans also include survey and EORE plans for both the 5 and 16-year scenarios. The work plans also outline the costs of the different teams.

13. The request highlights that Iraq strongly supports diversity in its mine action teams and has a number of female teams working in the field, including a female team that has been trained to work in cluster munition survey and clearance. Furthermore, Iraq's National Mine Action Standards (NMAS) are based on the IMAS and revised as needed to reflect modifications in IMAS. The request also briefly outlines Iraq's victim assistance plans and goals, as well as the number of cluster munition victims disaggregated by age and gender.

III. Conclusions

14. The Analysis Group notes with appreciation that Iraq submitted its extension request more than nine months prior to the 11th Meeting of States Parties (11MSP), in line with Article 4.6 of the Convention. The Group commends Iraq for its timely and detailed responses to the questions posed by the Group after the submission of its request. Furthermore, the Group recognizes Iraq as one of the most heavily cluster munition contaminated countries and acknowledges the complexities that come with this scale of mixed contamination.

15. The Analysis Group welcomes Iraq's commitment to submit a high-quality 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 (CCM/MSP/2019/12) that was adopted at the 9MSP. The Group notes that the clearance, survey, EORE and resource mobilization work plans provided by Iraq are detailed and serve as useful tools for other States Parties to monitor their implementation during the requested extension period.

16. The Analysis Group notes that Iraq's survey work plans outline the envisaged number of teams and their regional deployment. Nevertheless, they do not provide details on how and when Iraq expects to identify the additional 79 km² of contamination. The baseline of cluster munition remnant contamination for the survey plan(s) is 260 km², which already includes the additional 79 km² of additional contamination, therefore suggesting the additional contamination will be confirmed in the first year. However, the extension request does not detail how Iraq plans to achieve survey and confirm the additional contamination. The Group recommends Iraq to provide regular updates on the actual additional contamination discovered and update its provisional work plans accordingly.

17. The Analysis Group notes with appreciation that Iraq has provided information to demonstrate that methodologies utilized are in compliance with international standards including the latest International Mine Action Standards (IMAS). The Group further acknowledges that Iraq demonstrates its commitment to continue to support cluster munition victims in accordance with Article 5 of the Convention.

18. The Analysis Group also acknowledges that Iraq has begun and is expanding efforts in mainstreaming gender and diversity in its mine action pillars.

19. The Analysis Group recalls the obligation for Iraq to annually provide updated information through its Article 7 report, and notes that the Convention would benefit from Iraq reporting through its annual reports and at Meetings of States Parties or Review Conferences on the following:

(a) Progress made on the implementation of its clearance, survey, EORE and resource mobilization activities and how they measure up to both the work plan scenarios provided along with its extension request;

(b) Updated information on land released through survey and clearance;

(c) Updated information on the actual additional contamination identified through survey activities;

(d) Updated information on the implementation of its EORE plan;

(e) Updated information on its funding situation (namely, allocated government funding and secured international cooperation and assistance) and how the funding situation affects its survey, clearance and EORE capacities;

(f) Updated information related to its security situation and other circumstances that could impede the ability of Iraq to carry out its work plans;

(g) Annual updated work plans that incorporate all the new information gathered.

20. The Analysis Group notes the importance, in addition to Iraq 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 4 Extension Request submitted by Iraq

21. The Meeting assessed the request submitted by Iraq 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 5 years until 1 November 2028.

22. In granting the request, the Meeting noted that Iraq was one of the world's most heavily cluster munition contaminated countries and acknowledged the complexities that accompany this scale of contamination.

23. In granting the request, the Meeting noted the predictive nature of the work plans and the many variables that could affect the implementation of Iraq's clearance, survey and EORE activities.

24. In this regard, the Meeting recalls the obligation for Iraq to annually provide updated information through its Article 7 report, and notes that the Convention would benefit from Iraq reporting through its annual reports and at Meetings of States Parties or Review Conferences on the following:

(a) Progress made on the implementation of its clearance, survey, EORE and resource mobilization activities and how they measure up to both of the two work plan scenarios provided along with its extension request;

(b) Updated information on land released through survey and clearance;

(c) Updated information on the actual additional contamination identified through survey activities;

(d) Updated information on the implementation of its EORE plan;

(e) Updated information on its funding situation (namely, allocated government funding and secured international cooperation and assistance) and how the funding situation affects its survey, clearance and EORE capacities;

(f) Updated information related to its security situation and other circumstances that could impede the ability of Iraq to carry out its work plans;

(g) Annual updated work plans that incorporate all the new information gathered.

25. In addition to reporting as requested above, the Meeting noted the importance of Iraq keeping the States Parties regularly apprised of any other pertinent developments as necessary.
