

**DIPLOMATIC CONFERENCE FOR
THE ADOPTION OF A CONVENTION
ON CLUSTER MUNITIONS**

CCM/31

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Proposal by Ireland for the amendment of Article 4

Article 4

Clearance and destruction of cluster munition remnants

1. Each State Party undertakes to clear and destroy, or ensure the clearance and destruction of, cluster munition remnants located in areas under its jurisdiction or control, as follows:

(a) Where cluster munition remnants are located in areas under its jurisdiction or control at the date of entry into force of this Convention for that State Party, such clearance and destruction shall be completed as soon as possible but no later than 5 years from that date;

(b) Where, after entry into force of this Convention for that State Party, cluster munitions have become cluster munition remnants **that are** located in areas under its jurisdiction or control, such clearance and destruction must be completed as soon as possible, but no later than 5 years after **the end of the active hostilities during which** such cluster munitions became cluster munition remnants.

(c) Upon fulfilling either of the obligations set out in sub-paragraphs (a) and (b) of this paragraph, the relevant State Party shall make a declaration of compliance to the next Meeting of States Parties.

2. In fulfilling the obligations set out in paragraph 1 of this Article, each State Party shall as soon as possible take the following measures, taking into consideration the provisions of Article 6 of this Convention regarding international cooperation and assistance:

(a) Survey, assess and **record** the threat posed by cluster munition remnants, **making every effort to identify all areas under its jurisdiction or control in which cluster munitions remnants are known or suspected to be located;**

(b) Assess and prioritise needs ~~and practicability~~ in terms of marking, protection of civilians and clearance and destruction, take steps to mobilise resources and develop a national plan to carry out these activities, **building, where appropriate, upon existing structures, experiences and methodologies;**

(c) **Take all feasible steps to** ensure that all cluster munition remnants located in areas under its jurisdiction or control are perimeter-marked,

monitored and protected by fencing or other means to ensure the effective exclusion of civilians. ~~The marking shall at least be to the standards set out in the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices, as amended on 3 May 1996, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects.~~ **Warning signs based on methods of marking recognised by the affected community should be utilised in the marking of suspected hazardous areas. Signs and other hazardous area boundary markers should as far as possible be visible, legible, durable and resistant to environmental effects and should clearly identify which side of the marked boundary is considered to be within the area affected by cluster munition remnants and which side is considered to be safe;**

(d) Clear and destroy all cluster munition remnants located in areas under its jurisdiction or control; and

(e) Conduct risk-**reduction** education to ensure awareness among civilians living in or around areas in which cluster munition remnants are located of the risks posed by such remnants.

3. In conducting the above activities each State Party shall take into account international standards, including the International Mine Action Standards.

4. This paragraph shall apply in cases in which cluster munitions have been used or abandoned by one State Party prior to entry into force of this Convention for it and have become cluster munition remnants **that are** located in areas under the jurisdiction or control of another State Party at the time of entry into force of this Convention for the latter.

(a) In such cases, upon entry into force of this Convention for both States Parties, the former State Party shall provide, *inter alia*, technical, financial, material or human resources assistance to the latter State Party, either bilaterally or through a mutually agreed third party, including through the UN system or other relevant organisations, to facilitate the marking, clearance and destruction of such cluster munition remnants.

(b) Such assistance shall include, **where available**, information on types and quantities of the cluster munitions used, precise locations of cluster munition strikes and areas in which cluster munition remnants are known to be located.

5. If a State Party believes that it will be unable to clear and destroy or ensure the clearance and destruction of all cluster munition remnants referred to in paragraph 1 of this Article within that time period it may submit a request to a Meeting of States Parties or a Review Conference for an extension of the deadline for completing the clearance and destruction of such cluster munition remnants for a period of up to 5 years. **The requested period shall not exceed the minimum number of years strictly necessary to fulfil the obligations under paragraph 1 of this Article.**

6. 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 contain:

- (a) The duration of the ~~proposed~~ **requested** extension;
- (b) A detailed explanation of the reasons for the proposed extension, including:
 - i) The preparation and status of work conducted under national clearance and demining programmes **during the initial five year period**;
 - ii) The financial and technical means available to, and required by, the State Party for the clearance and destruction of all cluster munition remnants **during the requested extension period**; and
 - iii) Circumstances that have impeded the ability of the State Party to destroy all cluster munition remnants located in areas under its jurisdiction or control **during the initial five year period, and those that may impede this ability during the requested extension period**;
- (c) The humanitarian, social, economic, and environmental implications of the extension; and
- (d) Any other information relevant to the request for the proposed extension.

7. The Meeting of the States Parties or the Review Conference shall, taking into consideration the factors contained in paragraph 6 of this Article, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension period. **The States Parties may decide to grant a shorter extension period than that requested and may propose benchmarks for the extension period as appropriate.**

8. Such an extension may be renewed **for a period of up to 5 years** upon the submission of a new request in accordance with paragraphs 5, 6 and 7 of this Article. In requesting a further extension period a State Party shall submit relevant additional information on what has been undertaken in the previous extension period pursuant to this Article.