GERMANY

ARTICLE 4 DEADLINE: 1 AUGUST 2020
(UNCLEAR WHETHER ON TRACK TO MEET DEADLINE)

PROGRAMME PERFORMANCE

	2015	2014
Problem understood	7	6
Target date for completion of cluster munition clearance	4	4
Targeted clearance	4	4
Efficient clearance	2	5
National funding of programme	8	8
Timely clearance	4	4
Land-release system in place	5	7
National mine action standards	8	8
Reporting on progress	4	3
Improving performance	5	5
PERFORMANCE SCORE: AVERAGE	**5.1**	**5.4**

PERFORMANCE COMMENTARY

Germany's mine action programme performance declined in 2015. Despite initiation of technical survey, proposed land release methodology is resource-and time-intensive, and persistent delays have occurred in releasing cluster munition remnants (CMR) contamination.

RECOMMENDATION FOR ACTION

→ Germany should act far more quickly to survey and release the area suspected to contain CMR. Its lack of urgency does not comply with its duty under Article 4 of the Convention on Cluster Munitions (CCM) to clear CMR on its territory "as soon as possible".

CONTAMINATION

Germany has 11km^2 of area suspected to contain CMR at a former Soviet military training area at Wittstock, Brandenburg, in former East Germany. Soviet-era ShOAB-0.5 submunitions contaminating Wittstock result from testing of the weapon in 1952–93.[1] The area is highly contaminated with various kinds of explosive ordnance, and "especially ordnance with considerable explosive power", as well as deposited scrap metal.[2]

In its initial CCM Article 7 transparency report, submitted in January 2011, Germany declared having no areas confirmed or suspected to contain CMR.[3] In June 2011, however, at an Anti-Personnel Mine Ban Convention (APMBC) Standing Committee meeting, Germany declared that the area at Wittstock was suspected to contain CMR.[4] Germany repeated the information at the CCM Intersessional Meetings a week later, noting that the remnants were "principally found within the confines of a target range" located at the south of the training area.[5]

From 2011 to early 2014, suspected CMR contamination was reported to total 4km^2.[6] In August 2014, however, Germany reported that the area suspected as contaminated was 11km^2, considerably higher than previously reported.[7] The increased estimate of the size of the suspected hazardous area (SHA) was ascribed to discovery of submunitions during non-technical survey across a greater area than previously reported.[8]

PROGRAMME MANAGEMENT

In early October 2011, ownership of the Wittstock former training range was transferred from the military to the federal government authority in charge of real estate, Bundesanstalt für Immobilienaufgaben (BImA).

Beginning in 2012, BImA implemented a risk education programme in collaboration with local authorities based on a "danger prevention plan". The plan was described as a "crucial prerequisite" for further technical survey of the area.[9] Activities included marking the perimeter and preventing civilian access to the area.[10] It was planned to conduct an initial survey of access routes and areas of suspected UXO contamination in neighbouring locations, and, subsequently, technical survey.[11] The cost of any clearance will be covered by BImA. Once safely released, the site is due to remain part of a "nature protection area" in the Kyritz-Ruppiner-Heide, managed by BImA as part of the Europa NATURA 2000 site, under the European Union (EU) Habitats Directive.[12]

1 CCM Article 7 Report (for 2015), Form F; and Statement of Germany, High-Level Segment, First CCM Review Conference, Dubrovnik, 7 September 2015.

2 Statement of Germany, First CCM Review Conference, Dubrovnik, 7 September 2015.

3 CCM Article 7 Report (for 2010), Form F.

4 Statement of Germany, APMBC intersessional meetings (Standing Committee on Mine Action), Geneva, 21 June 2011.

5 Statement of Germany, CCM intersessional meetings (Clearance and Risk Reduction Session), Geneva, 28 June 2011.

6 Ibid; Statement of Germany, CCM Third Meeting of States Parties, Oslo, 13 September 2012; CCM Article 7 Report (for 2012), Form F; and CCM Article 7 Report (for 2013), Form F.

7 Email from an official from the Desk for Conventional Arms Control, German Federal Foreign Office, 4 August 2014.

8 Statement of Germany, First CCM Review Conference, Dubrovnik, 7 September 2015.

9 Statement of Germany, APMBC intersessional meetings (Standing Committee on Mine Action), Geneva, 23 May 2012.

10 CCM Article 7 Report (for 2011), Form G.

11 Statements of Germany, APMBC intersessional meetings (Standing Committee on Mine Action), Geneva, 27 May 2012; and APMBC Twelfth Meeting of States Parties, Geneva, 6 December 2012.

12 APMBC Article 5 deadline Extension Request, 15 April 2013, p. 7; and CCM Article 7 Report (for 2015), Form F.

LAND RELEASE

Germany has claimed that non-technical and technical survey have released 46km of roads from the suspicion of contamination, in order to guarantee safe access to the area suspected to contain CMR.[13]

Survey in 2015

At the CCM intersessional meetings in April 2012, Germany announced plans to conduct technical survey and, if necessary, clearance during 2012 of a 40km-long, 50-metre-wide tract of land to ensure fire prevention and environment protection. During the same period, it would also clear a network of paths and tracks to enable emergency management.[14] By August 2014, however, it was stated only that preparations for a "technical investigation" were "underway".[15]

According to Germany, in order to start technical survey, an area of 100 hectares (1km^2) of vegetation had first to be burnt to form a corridor around the targeted area. This was envisaged to take place in March 2015, followed by a technical survey pilot phase later in the year. The length of the survey would be dictated by what was found, and mechanical assets were not to be deployed because of the mixed nature of contamination.[16]

In April 2015, Germany again reported that a technical survey was scheduled for later in the year.[17] In June 2015, Germany confirmed that technical survey was finally underway, but provided no further information on the expected timeframe for the survey or any clearance operations.[18]

In September 2015, Germany reported having carried out extensive non-technical and technical surveys.[19] During preparation of the technical survey in 2015, four ShOAB-0.5 submunitions were cleared.[20] Site and "geophysical investigation" revealed strong evidence that CMR contamination existed only on the surface.[21]

Clearance in 2015

In September 2015, Germany reported that following non-technical and technical surveys, 46km of affected roads had been "cleared" in order to guarantee safe access to the area.[22] Despite a request for clarification from Mine Action Review, Germany did not confirm if the 46km of affected road was released by clearance, as reported, or was in fact released by survey, which seems more probable. In addition, Germany did not confirm the number and type of ERW discovered and destroyed during this process.

As at September 2015, Germany reported that it was in the process of planning the final steps to clear the area of CMRs, and was planning to commence clearance in the first quarter of 2016.[23]

Progress in 2016

Due to the dense vegetation in the contaminated area, Germany has planned to burn the area in sections, to ensure an unobstructed view of the natural ground surface, where submunitions will be detected by visual and "geophysical means".[24] Preparation of this "site-wide fire protection system" was due to be implemented by remote-controlled caterpillar machinery in the first half of 2016, after which clearance can take place. As at July 2016, Germany reported it was "making progress with the fire protection system and everything is so far working as planned".[25] The burning of vegetation and clearance of the remaining area is envisaged to start in early 2017.[26]

ARTICLE 4 COMPLIANCE

Under Article 4 of the CCM, Germany is required to destroy all CMR in areas under its jurisdiction or control as soon as possible, but not later than 1 August 2020. If Germany conducts clearance in 2016 and 2017, as planned, it should still be able to complete the task well in advance of its deadline.

According to Germany's Article 7 report for 2015, the cost of further site investigation; establishing the approach for clearance of the contaminated area; removal of pine trees along the fire preparation path; and the call for tenders for the preparation of a site-wide fire protection system by remote-controlled caterpillar machinery, stands at €100,000.[27]

13 Statement of Germany, First CCM Review Conference, Dubrovnik, 7 September 2015.
14 Statement of Germany, CCM intersessional meetings (Clearance and Risk Reduction Session), 17 April 2012.
15 Email from an official from the Desk for conventional Arms Control, Federal Foreign Office, 4 August 2014).
16 Meeting with an official from the Desk for Conventional Arms Control, Federal Foreign Office, in San José, September 2014.
17 CCM Article 7 Report (for 2014), Form F.
18 Meeting with an official from the , German Mission to the Conference on Disarmament, Geneva, 25 June 2015.
19 Statement of Germany, First CCM Review Conference, Dubrovnik, 7 September 2015.
20 CCM Article 7 Report (for 2015), Form F.
21 Ibid.
22 Statement of Germany, First CCM Review Conference, Dubrovnik, 7 September 2015.
23 Ibid.
24 CCM Article 7 Report (for 2015), Form F.
25 Email from an official from the Desk for Conventional Arms Control, Federal Foreign Office, 14 July 2016.
26 CCM Article 7 Report (for 2015), Form F.
27 Ibid.