

GERMANY

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

PROGRAMME PERFORMANCE	2017	2016
Problem understood	8	8
Target date for completion of cluster munition clearance	4	4
Targeted clearance	6	5
Efficient clearance	2	2
National funding of programme	8	8
Timely clearance	5	4
Land-release system in place	5	5
National mine action standards	8	8
Reporting on progress	7	5
Improving performance	7	6
PERFORMANCE SCORE: AVERAGE	6.0	5.5

PERFORMANCE COMMENTARY

Germany's programme for the release of cluster munition remnants (CMR) performed better in 2017, with clearance finally beginning and expanding its demining capacity. However, the density of the CMR and other unexploded ordnance (UXO) contamination encountered during clearance in 2017 was higher than expected, and the almost 0.5km² of land cleared during the year was less than planned.

While Germany aims to complete CMR clearance by its August 2020 deadline under the Convention on Cluster Munitions (CCM), there is no margin for delays and it is unclear whether it will meet its deadline. It has taken Germany more than five years since it first identified it had cluster munition-contaminated area on its territory to start clearance. Under the CCM it is required to complete clearance "as soon as possible".

RECOMMENDATIONS FOR ACTION

- Germany should assess ways in which it can speed up release to ensure that it meets its CCM Article 4 deadline.
- If staffing shortages prevent Germany upscaling clearance capacity to the level required, Germany should consider deploying army engineers or contracting non-governmental organisation (NGO) or commercial expertise to ensure it meets its Article 4 deadline.

CONTAMINATION

As at December 2017, Germany had approximately 11km² of area suspected to contain CMR at a former Soviet military training area at Wittstock, Brandenburg, in former East Germany.¹ This is unchanged from the contamination reported for 2016,² despite clearance of 470,000m² in 2017.³ The Soviet-era ShOAB-0.5 submunitions contaminating Wittstock result from testing of the weapon in 1952–93.⁴ The area is heavily contaminated with various kinds of explosive ordnance, and “especially ordnance with considerable explosive power”, as well as scrap metal.⁵

In its initial CCM Article 7 transparency report, submitted in January 2011, Germany declared having no areas confirmed or suspected to contain CMR.⁶ 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.⁷ 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.⁸

From 2011 to early 2014, suspected CMR contamination was reported to total 4km².⁹ In August 2014, however, Germany reported that the total suspected hazardous area (SHA) was actually 11km².¹⁰ The greatly increased estimate was ascribed to discovery of submunitions during non-technical survey across a wider area than previously reported.¹¹

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.¹² Activities included marking the perimeter and preventing civilian access to the area.¹³ It was planned to conduct an initial survey of access routes and areas of suspected UXO contamination in neighbouring locations, and, subsequently, technical survey.¹⁴ The cost of any clearance would 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.¹⁵

Strategic Planning

Germany has not yet developed a national plan to complete clearance of all CMR as the CCM requires; nor has it set specific milestones for the release of areas confirmed or suspected to contain CMR. It has explained that their decision is due to the high level of contamination at the site, which includes different types of ERW, and the varying spatial distribution of contamination, due to overlapping contamination from multiple weapon types, encountered during clearance efforts in 2017.¹⁶

Legislation and Standards

The legislation and standards governing demining operations in Germany are not known.

Quality Management

The quality management system for demining operations in Germany is not known.

Information Management

The information management system for demining operations in Germany is not known.

Operators

Clearance capacity during the first months of 2017 comprised some 20 deminers, which later increased to a monthly average of 40–45.¹⁷ As at July 2018, three private companies were being tasked to conduct operations at the site.¹⁸ Germany was hoping to further increase clearance capacity to around 150 deminers in 2018, but may not be able to achieve this.¹⁹ There are reportedly staff shortages for deminers in companies and in the market in general in Germany, in particular for the specially licenced team leaders required by German law.²⁰

LAND RELEASE

In 2017, Germany conducted clearance, for the first time, of CMR-contaminated area at Wittstock. It reported total clearance of 470,000m².

Survey in 2017

No CMR-contaminated area was released by survey in 2017.

Clearance in 2017

Clearance efforts at Wittstock finally began in March 2017, following completion of preparation of a fire protection system the same month, during which 2km² of heathland was burnt.²¹ Germany cleared 470,000m², between March and December 2017, during which 513 submunitions were destroyed (329 ShOAB-0.5; 33 AO-1Sch; 1 AO-1 SC; 61 ZAB 2.5M; 87 PTAB 2.5M; and 2 PTAB 10-5), along with 2,395 items of other UXO.²² Magnetometers were used for pre-clearance of large ferrous items, and metal detectors for CMR detection.²³

Survey and clearance in 2012–16

Germany has been very slow to begin clearance of its sole CMR-contaminated area. 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.²⁴ By August 2014, however, it was stated only that preparations for a “technical investigation” were “underway”.²⁵

According to Germany, in order to start technical survey, an area of 100 hectares (1km²) 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.²⁶ In April 2015, Germany again reported that a technical survey was scheduled for later in the

year.²⁷ 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.²⁸

In September 2015, Germany reported having carried out extensive non-technical and technical survey.²⁹ During preparation of the technical survey in 2015, four ShOAB-0.5 submunitions were cleared.³⁰ Site and “geophysical investigation” revealed strong evidence that CMR contamination existed only on the surface.³¹ Germany subsequently confirmed that all required survey had been completed in 2015, and the results had formed the basis for the subsequent preparatory work in 2016.³²

Germany reported that following non-technical and technical survey, 46km of affected roads had been “cleared” in order to guarantee safe access to the area.³³ Despite a request for clarification from Mine Action Review, Germany did not confirm if the 46km of affected road was actually released by clearance, as reported, or was in fact released by survey, which seems more probable. Germany also did not confirm the number and type of UXO 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 CMR, and that it would commence clearance in the first quarter of 2016.³⁴

Due to the dense vegetation in the contaminated area, Germany opted 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”.³⁵ As at July 2016, Germany reported it was “making progress with the fire protection system and everything is so far working as planned”.³⁶ Preparation of the site-wide fire protection system was implemented by remote-controlled caterpillar machinery operated by a team of five explosive ordnance disposal (EOD) personnel (one senior EOD technician and four machinery operators/surveyors). This was completed in 2016, with the exception of a small forest area on the eastern edge of the SHA.³⁷ During this process, a further five ShOAB-0.5 submunitions were destroyed.³⁸

Survey of the area of suspected CMR-contamination was completed in 2015, and in 2016 Germany undertook preparations for CMR clearance.³⁹

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. It is unclear whether Germany is on track to meet this deadline.

In the last five years, Germany has conducted clearance in only one year, clearing less than 0.5km² of cluster munition remnant-contaminated area (see Table 1). Furthermore, the 0.47km² of area cleared in 2017 is substantially less than the 2km² of area prepared for clearance along with some of the forest on the eastern edge of the SHA that could not be burnt as part of the fire protection system, which Germany had planned to clear in 2017.⁴⁰

Table 1: CMR clearance in 2013–17

Year	Area cleared (km ²)
2017	0.47
2016	0
2015	0
2014	0
2013	0
Total	0.47

Clearance capacity in 2017 did, however, increase from 20 personnel at the start of clearance, to a monthly average of 40–45, and would potentially be increased up to as many as 150 in 2018.⁴¹ However, staffing shortages in Germany may pose challenges to achieving this.⁴²

Furthermore, in addition to possible staffing shortfalls, Germany foresees other potential obstacles that could impact its ability to meet its Article 4 deadline, including the very high level of CMR and UXO contamination; the very different spatial distribution of the contamination; higher levels of contamination than expected; restrictions due to legal requirements (fire protection and nature conservation); reduced burning of heathland due to unfavourable meteorological conditions; and shortage of destruction capacities at the responsible state authorities.⁴³

Germany reported that it intends to meet its Article 4 deadline, but that these factors could lead to unplanned delays.⁴⁴ Given the tight timetable, such delays could prevent Germany from meeting its Article 4 deadline of 1 August 2020.

The cost of the clearance of 470,000m² in 2017 stood at almost €1.63 million (approximately US\$ 2 million),⁴⁵ and CMR clearance at Wittstock is funded entirely by an agency of the federal government.⁴⁶

1 CCM Article 7 Report (for 2017), Form F; and email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 7 May 2018.

2 Email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 19 April 2017; and CCM Article 7 Report (for 2016), Form F.

3 Email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 7 May 2018.

4 CCM Article 7 Report (for 2016), Form F; and Statement of Germany, High-Level Segment, First CCM Review Conference, Dubrovnik, 7 September 2015.

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

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

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

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

9 Ibid.; and 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.

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

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

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

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

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

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

16 Emails from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 7 May and 12 July 2018.

17 Email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 7 May 2018.

18 Email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 12 July 2018.

19 Email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 7 May 2018.

20 Email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 12 July 2018.

21 Emails from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 19 April and 13 June 2017; and CCM Article 7 Report (for 2016), Form F.

22 CCM Article 7 Report (for 2017), Form F; and email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 7 May 2018.

23 CCM Article 7 Report (for 2017), Form F.

24 Statement of Germany, CCM intersessional meetings (Clearance and Risk Reduction Session), 17 April 2012.

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

26 Meeting with official from the Desk for Conventional Arms Control, German Federal Foreign Office, in San José, September 2014.

27 CCM Article 7 Report (for 2014), Form F.

28 Meeting with official from the German Mission to the Conference on Disarmament, Geneva, 25 June 2015.

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

30 CCM Article 7 Report (for 2015), Form F.

31 Email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 19 April 2017.

32 Ibid.

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

34 Ibid.

35 CCM Article 7 Report (for 2015), Form F.

36 Email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 14 July 2016.

37 Email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 19 April 2017; and CCM Article 7 Report (for 2016), Form F.

38 CCM Article 7 Report (for 2016), Form F; and email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 14 June 2017.

39 Email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 19 April 2017; and CCM Article 7 Report (for 2016), Form F.

40 Email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 19 April 2017.

41 Ibid.; and CCM Article 7 Report (for 2017), Form F.

42 Email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 7 May 2018.

43 Email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 7 May 2018.

44 Email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 7 May 2018.

45 CCM Article 7 Report (for 2017), Form F; and email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 7 May 2018.

46 Email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 7 May 2018.