

# Review Conference of States Parties to the Convention on Cluster Munitions

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## Second Preparatory Meeting for the Second Review Conference

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**Exchange of views on the preparation of documents  
for the Second Review Conference****Review of the operation and status  
of the Convention 2016-2020**

## Draft Review Document of the Dubrovnik Action Plan

### Part I

### Submitted by the President of the Second Review Conference

## I. Introduction and objective

1. The Convention on Cluster Munitions (CCM) was born of a collective awareness of the humanitarian consequences of cluster munitions and a determination to put an end for all time to the suffering and casualties caused by these weapons. To meet this objective, the Convention relies on a set of core provisions both of a disarmament and a humanitarian nature: the prohibition of the use, production, transfer and stockpiling of cluster munitions, the clearance of contaminated land, the provision of risk reduction education and of assistance to victims, their families and communities. Since entry into force, on 1 August 2010, the Convention has made substantial progress in meeting its objective and as such represents one of the most important developments in international humanitarian law in recent times. States parties have, from the outset, shown determination to implement the Convention rapidly and thoroughly. They have worked together in a spirit of cooperation, consultation and collaboration to take forward the implementation of the Convention.

2. Since the First Review Conference of the Convention held in Dubrovnik in 2015, progress has been made in meeting the purpose and objective of the Convention and in implementing its provisions. While regular progress continues to be made, several challenges remain in the full implementation of the Convention. This review is intended to record the progress made by the States Parties in fulfilling their obligations since the First Review Conference. Progress is measured in general terms as well as against the actions and objectives set forth in the Dubrovnik Action plan (DAP) and decisions or recommendations adopted by the States Parties since then. It is intended to provide an analysis of the current state of affairs, highlight challenges that remain to fulfil the objectives of and obligations under the Convention as well as serve as a basis to the elaboration of the action plan to be adopted at the Second Review Conference (2RC) in Lausanne.



## II. Universalization

### A. Status of the situation and progress since Dubrovnik

3. To date, 121 States have committed themselves to the goals of the Convention. 108 of them have become full States Parties through ratification or accession, while 13 are Signatory States that are still to ratify the Convention.

4. During the review period, a total of 12 States have joined the CCM. From 2015 to 2017, the Convention saw at least two ratifications or accessions each year. This number increased to three in 2018 but went back to two in 2019 with one ratification so far in 2020. Mauritius ratified and Somalia acceded to the Convention in 2015. Palau ratified while Cuba acceded in 2016. In 2017, Madagascar and Benin ratified the Convention, followed by Namibia and Gambia in 2018. Sri Lanka also acceded in 2018. In 2019, the Philippines ratified, and the Maldives acceded to the Convention. In January 2020, Sao Tome and Principe ratified the CCM bringing the number of State Parties to its current level of 108.

5. Regarding the 13 States that have signed but not yet ratified the CCM, nine are in Africa (Angola, the Central African Republic, the Democratic Republic of Congo, Djibouti, Kenya, Liberia, Nigeria, Uganda, and the United Republic of Tanzania), two in the Americas (Haiti, Jamaica), one in Asia (Indonesia) and one in Europe (Cyprus).

6. A number of States that are reportedly affected by cluster munition contamination are not parties to the CCM. The *Cluster Munition Monitor* indicates that this concerns two States that have signed, but not yet ratified the CCM, Angola and the Democratic Republic of the Congo. It further indicates that it also concerns a number of States neither parties nor signatories, notably, Azerbaijan, Cambodia, Iran, Libya, Serbia, South Sudan, Sudan, Syria, Tajikistan, Ukraine, Vietnam, Yemen and potentially Georgia.

### B. Evaluation against the actions and objectives set forth in the DAP

7. Action 1.1 titled “*Increase adherence with the convention*” sets the objective of 130 States parties to the CCM by the Second Review Conference. Although the number of States parties has increased from 96 at the end of the First Review Conference to 108 to date, there is still a large deficit regarding the objective set forth by the DAP.

8. CCM universalisation has been promoted in a number of forums. CCM Presidencies have in particular leveraged the UN General Assembly where a resolution titled “Implementation of the Convention on Cluster Munitions” has been introduced annually since 2014. Support for the resolution has progressed, even if modestly, during the cycle under review (from 139 yes, 2 no and 40 abstentions in 2015 to 144 yes, 1 no and 38 abstentions in 2019). It is also noticeable that some 30 States that are neither party nor signatory to the CCM voted in favour of the resolution. In 2019, the following States not parties to the CCM voted in favour of the resolution: Algeria, Azerbaijan, Bahamas, Bangladesh, Barbados, Bhutan, Brunei Darussalam, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Jordan, Kazakhstan, Kiribati, Kyrgyzstan, Libya, Malaysia, Marshall Islands, Micronesia, Mongolia, Papua New Guinea, Saint Lucia, Singapore, Solomon Islands, Sudan, Surinam, Thailand, Timor Leste, Tuvalu, Vanuatu, Venezuela and Yemen.

9. All the States that did not support the resolution in 2019 were non-signatories, with the exception of Cyprus and Uganda. Diverse explanations were provided by these States for not supporting the resolution. They included the fact that the CCM was not negotiated in a UN framework, the fact that the CCM definition of cluster munitions is too restrictive, that cluster munitions are a legitimate weapon when used in accordance with International Humanitarian Law or are required for defence needs and because of enduring security challenges. The absence of support for the resolution does not imply that a State does not share the overall humanitarian objectives of the Convention as its position can be motivated by other considerations. Several States have expressly

indicated that while they cannot vote for the resolution, they support its humanitarian objectives. For its part, Cyprus explains its vote of abstention by the fact that security situation it faces holds up the ratification process.

10. In order to increase adherence to the CCM, a number of other steps were taken by the successive Presidencies and Coordinators on universalisation. This included formal letters addressed to, or bilateral meetings with, these States to encourage them to consider joining the CCM and/or better understand the challenges that they may be facing in taking this step. A number of events in the form of seminars have also been held to promote adherence to the CCM in particular regions by the Presidency, the coordinators for universalisation or other States Parties. This includes in particular events in Africa, Europe, South East Asia, the Pacific, the Americas and the Caribbean. The CCM Implementation Support Unit (ISU) played a central and invaluable role in the majority of these activities. The United Nations Secretary-General, in his capacity as depositary of the CCM, has also played an active role in universalization efforts in the period under review, notably writing to the Heads of State and Government of the States not party to the Convention to encourage them to become parties to it.

11. Likewise, participation in the annual Meeting of States Parties of the Convention by States not parties or signatories to the Convention has been encouraged, with a view to promoting dialogue with those States as well as adherence both to the CCM and its norm. On average, around 18 States not parties have taken part in the annual Meeting of States Parties. The following States have participated in at least one Meeting of States Parties: Argentina, Azerbaijan, Bangladesh, Bhutan, China, Finland, Greece, Kazakhstan, Libya, Maldives, Mongolia, Morocco, Myanmar, Oman, Pakistan, Qatar, Republic of Korea, Saudi Arabia, Singapore, Sri Lanka, South Sudan, Sudan, Thailand, Turkey, Vanuatu, Vietnam, Yemen, Zimbabwe.

12. Many of the steps reported under Action 1.1 also contributed to implementing Action 1.2 titled “*promote the universalization of the Convention*”. Several of the activities undertaken were carried out in close cooperation with relevant partners, including in particular the International Committee of the Red Cross (ICRC) and civil society organisations. Their resources and expertise were leveraged in the organisation of the regional outreach events referenced above. These organisations also organised regional events to promote CCM universalisation. They also offered and provided assistance to States interested in joining the Convention, for instance in the field of national legislation.

13. Particular attention has been paid to States still producing and/or stockpiling cluster munitions, as they represent a challenge both in terms of the CCM universalisation and the promotion of its norm. A dialogue has been sought with a number of these States. In particular, the Presidency of the Seventh Meeting of States Parties initiated a structured discussion with a group of such States, which included a military-to-military dialogue. The norm established by the CCM was discussed in the context of this dialogue, as well as how the armed forces of CCM States Parties addressed the fact that they could no longer rely on cluster munitions on an operational level. The value of such approaches has been welcomed by numerous stakeholders.

14. Action 1.3 of the DAP, titled *Reinforce the norms being established by the Convention*, addresses two different dimensions: compliance with the CCM by its States Parties and promotion of its norms with States that have not yet committed to it.

15. No case of non-compliance by a State Party has arisen under the Convention during the period under review. Also, no case of use of cluster munitions on the territory of a CCM State Party has been reported.

16. Several new uses of cluster munitions have been reported or alleged during the period under review on the territory of States not parties to the Convention, including the possible use of cluster munitions by non-State actors. These developments have given rise to expressions of concern and/or condemnation by many States Parties to the Convention, in particular the risks posed to civilians during and after attacks. This applies in particular to the enduring use of cluster munitions in Syria.

17. In the framework of the final report of the annual MSP, States Parties to the CCM have also collectively and repeatedly expressed their strong concern and their condemnation about the use of cluster munitions. Several CCM presidencies issued communications in reaction to reports of cluster munitions uses, including via the CCM website.

18. States not party to the CCM that have reportedly produced cluster munitions in the past include Brazil, China, DPRK, Egypt, Greece, India, Iran, Israel, Pakistan, Poland, Republic of Korea, Romania, Russia, Singapore, Turkey and United States. If several of those States do not actively produce cluster munitions today, none of them has officially renounced such an activity in the past 5 years. The number of States not parties to the CCM stockpiling cluster munitions has reportedly remained largely unchanged over the past five years, standing at around 50. Regarding transfers of cluster munitions, it is difficult to assess whether they have diminished over the period under review owing to the lack of available information in this domain.

19. Several States not parties to the CCM place some forms of restriction on the use of cluster munitions. For instance, the *Cluster Munitions Monitor* indicates that Estonia, Finland, Poland and Romania have committed not to use cluster munitions outside of their own territory, and that Thailand indicated that it has removed cluster munitions from its operational stocks. However, a policy adopted by the US that called for completely phasing out the possible use of cluster munitions that failed to operate as intended more than 1 percent of the time by the end of 2018 was revised before that deadline. The revised policy indicates that such weapons will be retained in active stocks until these capabilities are replaced with enhanced and more reliable munitions. Assessing trends regarding moratoria adopted by States not parties on production, stockpile, transfer or use of cluster munitions is challenging as information thereon is not systematically collected by the Convention (via its ISU) or civil society.

### **C. Challenges highlighted since the First Review Conference**

20. Although progress has been made in universalising the Convention since the First Review Conference, it must be noted that the CCM underperforms when compared to other instruments in the field of conventional disarmament. Efforts in this area will need to be sustained and strengthened where possible.

21. Efforts should notably be sustained towards the 13 States listed above that have signed but are yet to ratify the CCM. Particular attention should also be paid to those States not parties that have expressed a clear positive inclination towards by voting in favour of the annual resolution introduced at the UNGA. In view of the objectives of the Convention, efforts should also be furthered in particular towards those States identified above that are affected by cluster munitions contamination or that retain cluster munitions in their military stockpiles.

22. A number of challenges or obstacles have regularly been highlighted in taking forward universalisation efforts, including the aspects below.

23. Lack of awareness of the Convention by key decision-makers has been underlined on a regular basis. This seems to concern in particular national parliamentarians, key stakeholders in any ratification process. They seem to have little information about the Convention, its humanitarian dimension or what it contains in terms of obligation.

24. Competing national priorities seem to also affect progress on universalisation. States that have been approached regularly underline that they support the CCM in principle and even adhere to its norms, but that they have more pressing matters to attend to and/or instruments to adhere to (such as health, climate change, SDGs). This concerns in particular States with limited capacities or affected by political instability. In a number of cases, universalisation efforts have been hampered by the challenge in identifying a ministry or department at a national level to take the lead on CCM matters. This concerns States that have expressed interest in principle in joining the Convention, but the absence of an office tasked with the issue means that it is passed along instead of taken forward. It has also been noted

that identifying a national champion in the upper echelon of a national government increases the likelihood of the ratifying process going forward.

25. Security issues and considerations remain a key challenge in universalising the CCM, and this at different levels. Regional security considerations may lead a State to refrain from joining the Convention unless neighbouring countries take the same steps. In such a case, universalisation efforts probably have to be undertaken at regional rather than national level only. Also, a number of States apparently continue to consider that cluster munitions have a significant military utility and/or are in a security situation that means that they are not in a position to relinquish such weapons. Promoting a dialogue with these States is nonetheless important, in particular to promote the norms of the Convention. A military-to-military dialogue with these States, as organised by a presidency during the cycle under review, has also been underlined as particularly useful, including to discuss how the armed forces of States that have become party to the CCM have been able to relinquish such weapons.

26. Regarding the promotion of the norms established by the Convention, a challenge was evidenced by the difficulty for States Parties to agree on consensus language in the Final Document of MSP regarding the expression of concern and/or of condemnation of cluster munitions uses. Evaluating the promotion of the norms is also affected by a lack of clarity concerning policies adopted by States not party regarding cluster munitions, such as limitations/moratoria on use, development, production, acquisition, stockpiling, retention and transfer. A more systematic collection of information in this area could be useful.

27. Although not a challenge or obstacle to universalisation, the structure established by the CCM plays an important function in taking forward efforts in this domain. CCM Presidencies have played a leading role in promoting the universalisation of the Convention as have the two coordinators for universalisation. Due to changes in office holders, priorities and/or differences in terms of capacities, consistency and continuity in efforts may sometimes have been impacted. Also, other instruments have relied on a more structured machinery to promote universalization, including a universalization contact group or a (or a set of) flag bearer(s) in the form of a special envoy with a positive impact. The CCM has not explored or leveraged this option at this stage. Finally, some of these instruments have been able to rely on informal regular meetings to take universalization efforts forward.

### **III. Stockpile Destruction**

#### **A. Status of the situation and progress since Dubrovnik**

28. The implementation of Article 3 is a resounding success story. Thirty-six (36) of 41 States Parties that reported to have stockpiles of cluster munitions when the Convention entered into force for them have completed their destruction obligations. Over 95 per cent of the weapons detained by States Parties have already been destroyed, which represents a total of nearly 1.5 million cluster munitions containing 178 million submunitions. Today, there are 100 States Parties which do not hold stockpiles of cluster munitions because they have completed their destruction programmes or because they never held stockpiles of cluster munitions. At the close of the First Review Conference, 13 States Parties still had an obligation to destroy their existing cluster munitions stockpile. Since the First Review Conference, the following was observed:

(a) Nine States Parties (Botswana, Croatia, Cuba, France, Germany, Italy, Slovenia, Spain and Switzerland) have declared compliance with their Article 3 obligations, with all of them having done so within the Convention stipulated timeframe. Five of these States completed their obligations at least three years ahead of deadline;

(b) One State Party (Cuba) that joined the Convention since 2015 reported having cluster munitions, and the destruction of its stockpiles is already completed;

(c) Two States Parties (The Maldives, Sao Tome and Principe) recently joined the Convention and have not yet shared their initial report; however, none of them is believed to hold stockpiles of cluster munitions;

(d) There are now four States Parties (Bulgaria, Peru, Slovakia and South Africa) that reported still having cluster munition stockpiles and that therefore have an outstanding obligation to destroy stockpiled cluster munitions. Guinea-Bissau is still verifying the existence of cluster munitions in its stock and is yet to confirm whether it indeed has any cluster munitions stockpiled in its arsenals.

29. Although strides have been made in the destruction of stockpiles, a number of uncertainties remain owing to the fact that 9 States Parties including two new States Parties (Maldives and Sao Tome and Principe) have not submitted their initial report as stipulated in CCM Article 7. It is unclear whether any of these States may have cluster munitions stockpiles. One State Party (Guinea Bissau) reported that it has ammunition that is not identified and requested assistance in identifying whether this includes any cluster munitions.

30. Developments have also taken place with regard to extension requests. The Eighth Meeting of States Parties in 2018 adopted Guidelines for CCM Article 3 extension requests. An annex contains guidance on how to submit an extension request i.e. content, structure and timelines of the requests. At the Ninth MSP in 2019, one State Party (Bulgaria) submitted a one-year extension request for its 2019 deadline under Article 3, which was approved by States Parties. A new request including a work plan has now been submitted and will be analyzed at the Second Review Conference. A second State Party (Peru) has submitted an extension request for its 2021 deadline that will be considered at the Second Review Conference. Regarding the other three States with outstanding obligations under CCM Article 3, two (Slovakia and South Africa) have reported to be on track to comply by the Convention's stipulated deadlines of 2024 and 2023 respectively. Another State Party (Guinea-Bissau) might ask for an extension if cluster munitions are identified in its storage. No State Party declared to have discovered previously unknown stockpiles of cluster munitions, after the initial deadline had expired.

31. Based on information available, 13 States Parties retain cluster munitions for training and research purposes (as permitted under the Convention), which represents an increase since 2015, when eleven States Parties retained cluster munitions under this provision of the Convention. This slight increase is due to retention by a new State Party and one State Party opting to retain some cluster munitions for training after initially declaring it would not do so. However, most States Parties retaining cluster munitions for training have reduced the number of their holdings since making their initial declarations.

## **B. Evaluation against the actions and objectives set forth in the DAP**

32. In order to ensure that stockpiles are destroyed as soon as possible and within the original deadline, States Parties with outstanding obligations are encouraged to develop without delay a detailed work plan for the destruction of stocks (DAP Action 2.1). It can be noted that the majority of States Parties having stockpiles to destroy have acted upon this provision. However, some of these States Parties have not been diligent in providing updates through Article 7 reports on the status of their destruction programs. The necessity to develop a detailed work plan is also included in the Guidelines on an Article 3 extension request that was adopted at the Eighth Meeting of States Parties.

33. The DAP also encourages States Parties to increase promising practices exchanges of good and cost-effective stockpile destruction practices (Action 2.2). This was done by some but not all States Parties, and exchanges in this area can certainly be improved upon. States Parties should systematically highlight any milestones in annual transparency reports and at meetings of the Convention. An improvement in the exchange of information including on the impact of destruction on public safety, health and the environment is also paramount.

34. In Action 2.3, the DAP recalls that States Parties that retain or acquire cluster munitions or explosive submunitions under Article 3.6 should ensure that the amount does not exceed the number absolutely necessary for said purposes and shall report

regularly on any changes thereon. During the review period, the number of States Parties reporting on the retention of cluster munitions have gradually increased while the ISU, together with the thematic coordinators, have regularly checked that reports were provided on the past and planned use of retained munitions.

35. Regarding Action 2.4, States Parties that completed their stockpile destruction have as a rule reported on their achievement at the following Meeting of States Parties. The provision of this information was also facilitated by the adoption of the template titled “Article Declaration of Compliance in 2018” at the Eighth Meeting of States Parties.

### **C. Challenges highlighted since the First Review Conference**

36. Important progress has been made in the destruction of cluster munition stockpiles since 2015. However, some challenges remain. During the period under review, a State was for the first time not in a position to complete its obligation to destroy its stockpile within the initial deadline set forth in Article 3 and had to submit an extension request at the Ninth Meeting of States Parties. This country has now submitted a new extension request to be analyzed at the Second Review Conference, with all the requested documents. Another State has also submitted an extension request to be reviewed at the Second Review Conference. As this is still a recent process, it is important to make sure that the requests are comprehensive and of good quality when submitted, in order to preserve the integrity of the treaty. Monitoring the implementation of such requests will be important to ensure that the completion of destruction will be as rapid as possible. More generally, one of the consequences of the reporting fatigue observed under the Convention has been that collecting information on the implementation of obligations under Article 3 has become a challenge.

37. In carrying out Article 3 obligations, the two following challenges were notably identified:

- (a) A lack of necessary expertise to carry out destructions that minimize the environmental impact in accordance with CCM Article 3.2;
- (b) Necessity to develop complex national processes to take forward Article 3 implementation, including technological challenge.

## **IV. Clearance and Risk Reduction Education**

### **A. Status of the situation and progress since Dubrovnik**

38. At the end of the First Review Conference, eleven States Parties still had clearance obligations under Article 4. During the period under review, one State Party declared completion (Mozambique). One new State Party (Somalia) reported to have obligations under Article 4 while another (Mauritania) that had declared completion in 2013 reported in 2020 to have discovered previously unknown contaminated areas under its jurisdiction or control. Consequently, 12 States Parties (Afghanistan, Bosnia and Herzegovina, Chad, Chile, Croatia, Germany, Iraq, Lao People’s Democratic Republic, Lebanon, Montenegro, Mauritania and Somalia) currently have outstanding clearance obligations under Article 4. Of these 12, two (Croatia and Montenegro) are expected to comply with their 1 August 2020 deadline.

39. Since the First Review Conference, a number of States Parties have asked for extensions of their deadline. At the Ninth MSP held in September 2019, two States Parties (Germany and Lao People’s Democratic Republic) with clearance deadlines in 2020 were granted five-year extensions until 1 August 2025, the first extensions under the Convention. Two other State Parties (Chile and Lebanon) indicated that they would not meet their initial 2021 deadline and submitted extension requests in 2020, both requesting five additional years. These requests will be considered at the Second Review Conference in November.

40. In all, by the end of the Second Review Conference, it is expected that ten States Parties will continue to have outstanding clearance obligations.

41. Since the First Review Conference, five States Parties (Afghanistan, Croatia, Iraq, Lao People's Democratic Republic and Lebanon) with outstanding Article 4 obligations have provided particularly detailed information on risk reduction education efforts, including disaggregated data. Others have provided limited information. Risk education continues to play a vital role in protecting civilians, particularly when delivered in areas with very high casualty rates or where clearance operations may not be possible because of ongoing hostilities.

## **B. Evaluation against the actions and objectives set forth in the DAP**

42. The DAP includes eight actions related to clearance and risk reduction.

43. Action 3.1 of the DAP requires that affected States Parties assess the extent of the problem. In evaluating implementation as outlined in the DAP, it is recognized that land should be released through cancellation where no evidence of contamination is found, taking into account existing standards, best practices and principles for land release. The DAP promotes an evidence-based approach and underlines that an affected State Party should "make every effort to promote clarity on the location, scope and extent of cluster munitions remnants in areas under its jurisdiction or control drawing on survey approaches as appropriate and needed".

44. Since the First Review Conference, a majority of affected State Parties have carried out surveys thus providing clearer information on the scope and extent of the reported contaminated areas. States that have reported carrying out evidence-based surveys include: Afghanistan, Chile, Croatia, Germany, Iraq, Lebanon Lao People's Democratic Republic, and Montenegro. More work is certainly needed to ensure that states are afforded an accurate understanding of the true extent of contamination globally. Obtaining greater clarity on the extent of remaining cluster munition remnants contamination enables national authorities to more accurately estimate the time required to meet their obligations under Article 4; to make informed decisions based on evidence, including on prioritization of survey and clearance operations; and to improve risk analysis. It is imperative that States Parties with obligations under this key treaty provision make every effort to comply with it as soon as possible and, in cases where they are unable to meet the mandated deadline, they must request the shortest extension period possible. Extension requests should be based on a clear plan to achieve completion and must include clear milestones and timelines.

45. Action 3.2 of the DAP sets the protection of people from harm from cluster munition remnants at the core of the Convention. In their Article 7 reports, of the 12 States Parties affected by cluster munition remnants, five (Bosnia and Herzegovina, Chad, Mauritania, Montenegro and Somalia) provided only very limited information regarding risk reduction education efforts. Chile and Germany provided limited information due to the fact that their contamination is limited to a fenced off military shooting range. Only five States Parties (Afghanistan, Croatia, Iraq, Lao People's Democratic Republic and Lebanon) provided detailed disaggregated data on this aspect.

46. Action 3.3 of the DAP highlights the importance of developing a resourced work plan to address the contamination by cluster munition remnants. This is recognized as essential for effectively planning survey and clearance operations in order to meet deadlines, and for attracting international/donor support. During the review period a number of affected States parties have developed comprehensive national strategies to address contamination at the national level, and most have developed operational work plans (of varying levels of detail and quality). Several affected states report providing national resources towards their implementation (ranging from limited national contributions to entirely nationally funded programmes). In most cases, international financial support for the expedient implementation of the work plans is requested. This could however be strengthened through inclusion in Article 7 reports of progress against the work plan, milestones, deadlines and allocated requested resources.



47. Action 3.4 of the DAP encourages affected States Parties to be inclusive when developing their response. Unfortunately, States Parties contaminated with cluster munition remnants have not systematically provided information regarding the inclusion of affected communities or other stakeholders in the development of a national response to address cluster munition remnant contamination and in risk reduction education programmes. At Meetings of States Parties during the review period, mine action operators have shared details on their programmes' efforts towards including affected communities and diverse populations. Research conducted by civil society actors in 2019 also suggests that national authorities and their implementing partners in nearly two-thirds of affected States Parties, reported consulting all groups, including women, girls, men, and boys, during survey and community liaison activities.

48. Action 3.5 relates to the management of information for analysis, decision-making and reporting. It recognizes the importance of information management as a key aspect of land release planning and prioritization, including in determining where it is possible for land previously recorded as contaminated to be released through cancellation. The quality of the reporting varies, but it is positive to note that reasonably detailed information regarding the contaminated areas is provided. However, not all affected States Parties have provided sufficiently detailed information on cluster munition remnant contamination, and further progress from them in this area would be welcome and beneficial.

49. Action 3.6 requires States Parties that have used or abandoned cluster munitions prior to entry into force of the CCM to endeavor to provide support (including technical, financial, material and human resources) to, assist and cooperate with affected States Parties to ensure the clearance of cluster munitions used or abandoned on the territory of another State Party. This aspect was not comprehensively assessed in the context of the work of the Convention during the period under review. Whilst the inability to track progress directly might be addressed in future through Article 7 reporting, it is noted that there has been anecdotal evidence of cooperation between States Parties and States not Parties. This is positive and indicates broad support for the norm that this action seeks to establish.

50. Action 3.7 encourages States Parties to apply practice development to their efforts to address cluster munition remnant contamination. The Convention has continued to encourage the use of efficient technologies in the survey and clearance of cluster munition remnants in the context of Article 4. Specifically, it continues to promote the implementation of efficient evidence-based survey and clearance activities in line with internationally recognized best practice, which are captured in International Mine Action Standards (IMAS). This promotion is based on the global understanding that efficient implementation of Article 4 relies primarily on high quality survey to identify and define confirmed cluster munition remnant contamination, based on direct evidence, and on subsequent targeted and prioritized clearance of contamination. IMAS compliant land release processes and procedures, such as Cluster Munition Remnants Survey (CMRS), an approach that is highly reliant on technical survey, and that has been promoted particularly in Southeast Asia, is an example of an innovative, evidence-based technique adopted by national authorities and their implementing partners. In all cases survey and clearance operations should be underpinned by effective information management and supported through efficient funding cycles.

51. Action 3.8 demands the promotion and expansion of cooperation. Since it is difficult to differentiate between financial contributions allocated specifically to the clearance of cluster munition remnants and those allocated to clearance of mines and other explosive remnants of war, no detailed figures can be provided. However, since 2015 international financial contributions for clearance activities increased significantly. The Landmine Monitor recorded that international support for clearance and risk education amounted to US\$ 218.6 million in 2015, US\$ 343.2 million in 2016, US\$ 395.9 million in 2017 and US\$ 396.9million in 2018. The distribution of this increased funding has not been shared equally among affected states. Significant focus has been placed on a relatively small number of states, including some States not party.

52. Additionally, innovative approaches, such as the Country Coalitions were developed which contribute to a more focused and better coordinated engagement between affected States, donor States and operators (see section on International Cooperation & Assistance).

53. Regarding the results that were expected from these measures, the following can be highlighted:

- Increased amounts of suspected land were released for subsistence, cultural, social and commercial purposes. This has been achieved thanks to the more widespread application of evidence-based survey (both non-technical and technical survey), in line with IMAS. This has enabled several affected States Parties to safely cancel areas found not to be contaminated. The exact degree to which released land has been used for subsistence, cultural, social and commercial purposes, cannot be readily assessed at this time as impact assessments in mine action are still too rare.
- The better targeting of scarce clearance resources is difficult to assess due to the different contextual factors that influence clearance planning and tasking at a national level. It is clear that progress in this regard varies between affected States Parties and has largely depended on the degree to which evidence-based survey is used to confirm cluster munition remnant contamination, before clearance is conducted. According to Mine Action Review, in this same period, the number of submunitions cleared globally rose from more than 120,899 in 2015 (of which more than 106,863 in States Parties); to 137,544 (more than 113,085) in 2016; and 153,007 (more than 125,550) in 2017; before falling slightly to 135,779 (more than 100,455) in 2018.
- The impact of clearance progress on larger freedom and safer movement cannot be readily assessed at this time. This is an observation that may inform future planning at the convention level.
- Finally, the expected increased exchange of information of good and cost-effective clearance practices including on safety, environmental impact and efficiency can be observed through the establishment of Country Coalitions as well as other steps such as regional workshops. An example would be the ‘Balkans workshop on cluster munition survey and clearance and implementation of Article 4 of the CCM’ was convened by Norway and Netherlands in November 2017 and is a good example of how CCM State Party coordinators can leverage their mandate to help drive progress.

### **C. Challenges highlighted since the First Review Conference**

54. During the period under review, as more States made progress in implementing CCM Article 4, several challenges have been encountered. A number of affected States Parties have indicated that efforts are hampered by a lack of resources or funding to fully implement their Article 4 obligations, including the collection of disaggregated data on sex and age. This in return often impeded funding commitments from interested donors.

55. Increasingly, donors have been more responsive to clearance in humanitarian emergencies, leaving mine action programmes in non-emergency settings with decreased international support. This negatively impacts the development and implementation of cost- efficient survey and clearance processes for these affected areas as well as risk reduction education efforts. The establishment of a Country Coalition in such circumstances has proven to be a useful tool to address this development. Such a collective of forums afford affected states the opportunity to present and discuss country-specific needs and challenges in Article 4 implementation and to better engage donors to help secure the required funds.

56. Another challenge faced by some States Parties (including Afghanistan, Bosnia and Herzegovina, Croatia, Iraq, Lebanon, and Mauritania) with obligations under Article 4 is the discovery of previously unknown contaminated areas. In certain circumstances

operators have needed to conduct clearance in urban areas, incurring additional technical challenges in already complex operating environments.

57. A potential challenge for those States reaching completion is that clearance becomes increasingly difficult when contamination becomes increasingly difficult when is located on difficult terrain. Additionally, in some instances, cluster munition remnants are located in remote and insecure areas which impacts on planning and tasking.

58. Another challenge to Article 4 implementation has been that of competing national priorities of affected States Parties. With multiple competing requests for scarce resources, it is increasingly important that Conventions' narrative is strengthened at all levels, the socio-economic benefits of survey and clearance efforts are clear and should be effectively communicated to ensure that mine action receives appropriate attention and funding at the national and international levels.

59. Timely planning to ensure that survey and clearance activities are initiated early within the allocated initial ten-year Article 4 timeframe is also a key element. Article 4 requires each affected State Party to complete clearance, 'as soon as possible, but not later than ten years from the treaty's entry into force for it. Several affected States Parties have met difficulties to initiate survey and clearance, leaving little margin for encountering unforeseen obstacles and potentially jeopardising their ability to fulfil their Article 4 obligations within the ten-year deadline. There is a clear risk that an undesirable precedent will be established if States Parties do not apply all reasonable efforts during their initial Article 4 clearance deadline, but then request the maximum five-year extension period allowed by the Convention when the original deadline has been missed. This observation will likely inform planning at the Convention level and it is important that this risk is managed and mitigated through the Convention's established machinery.

60. In a small number of affected States Parties, ongoing difficult security situations impeded implementation of Article 4 obligations, this was notably the case where operational advancement was largely dependent on improving the national and the regional security situation.

61. Evaluating the implementation of the DAP has been challenging due to the fact that not all States Parties have provided annual transparency reports in accordance with Article 7 and that the quality of information contained in the reports that were submitted differed widely.

62. Finally, some of the elements contained in the DAP were not allocated appropriate indicators and as such are not readily measurable, which is a lesson to be drawn from that will inform the development of the Lausanne Action Plan.