

Review Conference of States Parties to the Convention on Cluster Munitions

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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 II

Submitted by the President of the Second Review Conference

I. Victim Assistance

A. Status of the situation and progress since Dubrovnik

1. The Convention is a landmark humanitarian disarmament agreement, which is still the only international treaty to contain precise obligations on assistance by States Parties to victims of a given weapon in areas under the State Party's jurisdiction or control. As well as being a legal obligation, assistance to survivors, families of those killed and injured and affected communities, is recognized as a key component in the mitigation of the harm caused by cluster munitions. The Convention sets a new standard advancing IHL in the context of rights-based approaches, ultimately improving and facilitating victim assistance and fostering the victims' right to inclusion in their societies on an equal basis.

2. After the First Review Conference, a significant increase in the number of new cluster munition casualties worldwide was registered in 2016, mainly as a result of armed conflicts occurring in States not Parties. Since 2016, a positive trend has been registered with casualties steadily decreasing. Civilians are the great majority of victims, with children accounting for a considerable proportion of victims throughout the review period and for the majority of victims in 2018. One important challenge in this area is the need for accurate and nationwide surveillance systems for the better identification of cluster munition victims.

3. At the First Review Conference, the States Parties renewed their commitment to the full, equal and effective participation of victims in their societies. They recognized the importance of long-term and sustainable assistance to victims as well as the need to integrate victim assistance into broader frameworks relating to the rights of persons with disabilities, and to health, education, employment, and poverty reduction to ensure the realisation of their rights.



4. At the First Review Conference, 13 States Parties had reported to have obligations under Article 5. Since 2015, Colombia was removed from the list after declaring that there are no cluster munitions victims on its territory. Additionally, Sierra Leone has been removed until further information regarding this obligation is provided. After the accession of Somalia to the Convention and the submission of its initial report, the number of States Parties with obligations stands currently at 11 — Afghanistan, Albania, Bosnia and Herzegovina, Chad, Croatia, Guinea-Bissau, Iraq, Lao People's Democratic Republic, Lebanon, and Montenegro. In its 2019 Article 7 report, Mozambique clarified that after verification it did not have any victims of cluster munitions

5. Notably, all 11 States Parties with obligations under Article 5 have reported to varying degrees on efforts made throughout the past five years to meet the requirements set by the Convention, as well as to implement actions contained in the Dubrovnik Action plan (DAP) related to victim assistance. Regarding their reporting obligations, in 2018 all but two States Parties submitted their annual reports providing appropriate information concerning victim assistance, although some of them did so partially. Furthermore, since 2015 six of them (Afghanistan, Bosnia & Herzegovina, Chad, Iraq, Lao People's Democratic Republic and Lebanon) have reported on new cluster munition victims.

6. Key progress can be noted on the compliance with obligations under Article 5.2 (g), Action 4.1 (a) under the DAP. Since the First Review Conference, the 12 States Parties with victims in areas under their jurisdiction or control have designated a national focal point implementing fully the corresponding action set in the DAP. The appointment of these positions contributes therefore to the enhancement of the coordination, development, implementation, enforcement and monitoring of policies and plans relevant to the needs and rights of cluster munition victims. Additionally, the number of States Parties that have elaborated national disability action plans or victim assistance national action plans or that have designated a national authority to lead the work in this domain has increased from eight in 2015 to eleven (Article 5.2), Action 4.1 (c) under the DAP. This allowed them to strengthen their national capacity in this sector. Overall, progress in victim assistance has benefitted from increased coordination and exchange of information between victim assistance related bodies of the CCM, Protocol V of the Convention on Certain Conventional Weapons (CCW) and the Anti-Personnel Mine Ban Convention (APMBC).

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

7. Although none of the States Parties with obligations under Article 5 have fully implemented all the actions dedicated to victim assistance within the DAP, notable progress has been achieved by many of them. Collecting reliable data is key to assess the needs of victims and therefore to develop relevant victim assistance policies. Since 2015, six States Parties (Afghanistan, Albania, Croatia, Iraq, Lao People's Democratic Republic and Lebanon) have reported on data collection, showing a need for further improvement in this area. Seven of the States Parties with obligations in this domain reported having developed dedicated action plans, making an effort to integrate victim assistance into the broader disability sector, in accordance with Action 4.1 (c) of the DAP. With only the exception of Somalia and Lebanon (has signed but not ratified), all these States Parties are also Party to the Convention on the Rights of Persons with Disabilities, underlining the possibility to coordinate actions relevant for victim assistance in so far as survivors are concerned between the CCM and this Convention, in accordance with Action 4.1 (c).

8. During the review period, some States Parties (Afghanistan, Croatia, Iraq, Lao People's Democratic Republic and Lebanon) have explicitly reported on the mobilization of resources leading to an improvement of the assistance provided to victims (Action 4.1 (d)). In addition, all States Parties with victim assistance coordination structures in place have successfully involved survivors or their representative organizations in victim assistance or disability coordination mechanisms

(Action 4.2 (a)). However, the number of States Parties that have made efforts to implement Action 4.1 has not increased throughout the past five years, underlining the need for further action in this area. With regards to Action 4.3 related to the need to share information, all the States Parties with obligations under Article 5 have submitted their initial transparency reports, and most of them have consistently submitted their annual reports over the review period.

9. Additionally, despite significant efforts, States Parties having obligations under Article 5 continue to face significant challenges while compiling, processing and providing data. Five States Parties (Albania, Croatia, Iraq, Lao People's Democratic Republic and Lebanon) have indicated collecting disaggregated figures on sex and age on the assistance provided to cluster munition victims in accordance with Action 4.1 (a). Needs with regard to Article 5 implementation remain considerable, as demonstrated by the fact that nine States Parties between 2016 and 2020 (Afghanistan, Albania, Guinea-Bissau, Iraq, Lao People's Democratic Republic, Lebanon, Montenegro, Mozambique and Somalia) have requested international assistance and cooperation regarding victim assistance through their Article 7 reports (Action 4.4).

C. Challenges highlighted since the First Review Conference

10. Most States Parties with cluster munition victims have encountered difficulties in ensuring adequate survey and reporting on victim assistance. Additional challenges include the improvement of mechanisms for clearer data disaggregated by sex and age collection. As a consequence, impacted States Parties still face significant challenges to efficiently identify the intersecting needs of survivors and the capacity gaps of their national support mechanisms and legal frameworks. This situation results in inaccurate, low-quality reports, resulting in data that is no longer fit-for-purpose. In this sense, there is still room for improvement on the implementation of gender and age sensitive actions, policies and budgets. Strengthening national ownership and capacity by developing national victim assistance frameworks could also be improved.

11. The need to improve collaboration and cooperation at the international level between States Parties and the coordination at the national level between relevant government agencies has been observed. This also concerns the need for an increased and sustained approach with civil society organisations as well as other relevant stakeholders working directly with victims. Promoting increased exchange of information and good practices between States Parties and service providers working with victims could accelerate the implementation of the victim assistance commitments of the Convention and improve the collection of data disaggregated by sex and age.

12. Continued engagement among States Parties will be important to ensure involvement of victims and their representative organisations in policy development and practical implementation of victim assistance measures. States Parties have also underlined the value of establishing sustainable services in the areas of medical care, rehabilitation, psycho-social support, education, labour and social protection, and of ensuring accessible resources and territories to guarantee equal opportunities for cluster munition victims.

13. Finally, although funding for victim assistance has increased during the last years, insufficient financial resources remains a significant challenge. In fact, the amount of international assistance dedicated to victim assistance falls far short of recipients' needs and represents a very small percentage of total mine action funding.

II. International Cooperation and Assistance

A. Status of the situation and progress since Dubrovnik

14. At the First Review Conference, States Parties reaffirmed the importance of international cooperation and assistance. They adopted a comprehensive set of actions

in the DAP to significantly improve cooperation between those seeking assistance and those in a position to assist. During the period under review, significant progress in the field of international cooperation and assistance has been made. Two developments are of particular note, a) the high number of requests for assistance from States Parties with insufficient national capacities and of responses by those in a position to assist and b) the establishment of successful partnerships to implement obligations under the Convention.

15. Since the First Review Conference, States Parties with limited national capacity to fulfil obligations under the Convention have formulated an increasing number of requests for assistance. These States Parties have communicated their challenges and requested assistance at Meetings of States Parties and through Article 7 transparency reports, through bilateral and regional channels, or in communication with relevant expert organizations and other stakeholders in a position to respond to their requests. An increased number of States Parties has also indicated providing assistance within the framework of the CCM.

16. The intensification of cooperation and assistance in the framework of the Convention is highlighted by information provided by States Parties using their annual reports a) to request assistance, b) to indicate that they have provided assistance or c) to indicate that they have received assistance:

- In 2015, nine States Parties requested assistance, four States Parties reported to have provided assistance and four States Parties reported to have received assistance
- In 2016, eleven States Parties requested assistance while sixteen States Parties reported to have provided assistance and ten States Parties reported to have received assistance
- In 2017, twelve States Parties requested assistance, twenty-one States Parties provided assistance and twelve States Parties received assistance
- In 2018, nine States Parties requested assistance; twenty-two States Parties provided assistance and twelve States Parties received assistance
- In 2019, as reported by 30 June 2020, 11 State Parties had requested assistance; 19 State Parties had provided assistance and nine State Parties had received assistance. [TO BE UPDATED]

17. The need to avoid duplication and improve coordination between donor States, other donors and recipient States in the provision of international assistance has been constantly highlighted during the period under review. The development of strengthened partnerships for cooperation and assistance is one way to meet this challenge. Progressing in this domain has been a central element in the work under the Convention. It stems from a growing realisation of the role of international partnerships in ensuring that all States Parties make significant progress in implementing the CCM. Partnerships have a key role to play in view of the financial requirements to fulfil many of the obligations and meet deadlines, as well as constraints in funding capacity, expertise or institutional framework of many affected States Parties.

18. International partnerships have taken various forms and involved various actors: south-south and triangular cooperation, cooperation among and between States, the United Nations (UN), the ICRC, National Red Cross and Red Crescent Societies, and their International Federation, several international and regional organizations, the Cluster Munition Coalition (CMC) and other civil society organizations, survivors and their representatives organizations.

19. It must also be noted that, during the period under review, positive experiences made within the framework of the Anti-Personal Mine Ban Convention with regards to cooperation and assistance, when applicable, have been drawn upon to take forward cooperation and assistance under the CCM.

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

20. In its Action 5.1, the DAP encourages all actors to strengthen partnerships at all level. The concept of “Country Coalitions” that was introduced by the Presidency of the 7MSP in 2017 has proved particularly worthwhile to further encourage and enhance partnerships and dialogue between States Parties requesting assistance and donor countries as well as other stakeholders. Such an approach enables national authorities and their implementing partners to collectively and constructively discuss country-specific progress and challenges to Article 4 implementation and to improve coordination. Since its introduction, three Country Coalitions structures have been established concerning Lebanon, Montenegro and Botswana (with the Botswana coalition already concluded in 2018 when this country completed its Article 3 obligations). Efforts to promote the Country Coalition concept have been ongoing, including through the holding of dedicated informal meetings between affected States Parties interested by this approach with donors and other stakeholders in 2018 and 2019.

21. Action 5.2 of the DAP encourages States Parties to communicate challenges and seek assistance. Since 2015, there has been a gradual increase in the number of States Parties that have used Article 7 reports to formulate their requests for assistance. This development concerns States Parties providing assistance as well. It can also be noted that coordinators for international cooperation and assistance have undertaken numerous efforts to organise a series of separate and joint meetings with donors and recipient States to ensure that requests and offers of assistance are communicated in a clear way.

22. DAP Action 5.3 underlines the importance of evidence-based needs for better results. Coordinators have played an important role in taking this action forward by organising meetings with donors and recipient States. However, the provision of appropriate information when seeking assistance has proved a serious challenge and obstacle to the formulation of positive responses in many cases. This applies to a number of aspects of Action 5.3, which indicates inter alia that States parties seeking assistance should ensure that requests are based on appropriate surveys, needs assessments, that they focus on capacity building based on appropriate identification of needs and are embedded in broader national policy and legal frameworks.

23. DAP Action 5.4 underlines the importance for States Parties seeking cooperation and assistance to take ownership. While clear national ownership does not guarantee that resources will be provided in response to a request, it makes it significantly more likely that cooperation between those with needs and those in a position to provide assistance will be positive. Many States Parties have continued demonstrating a high level of national ownership through the development of national strategies and plans, reporting on progress made and remaining challenges as well as through the provision of significant national financial contributions to the implementation of their commitments under the Convention. In other cases, States Parties have demonstrated high levels of national ownership by facilitating the development of inclusive national strategies and work plans for completion and, where possible, providing increased national resources to meeting their commitments under the Convention. National ownership will remain an important aspect going forward and building on progress made so far will be important.

24. Action 5.5 of the DAP encourages constructive responses to requests for assistance by those in a position to provide support. As indicated above, a growing number of States Parties are reporting that they are providing assistance in the context of the CCM. In terms of improving the impact of the assistance provided, the positive development represented by the introduction of the Country Coalitions approach must be underlined. This structure allows for a closer and more systematic interaction between the recipient States, donors, international organizations and operators on the ground, and positively contributing to the monitoring and evaluation of results-based programming.

25. The DAP, in Action 5.6, encourages States to make use of existing tools, cost efficiency and effectiveness. As noted above, there has been a gradual increase in the

number of States Parties that have utilized national Article 7 reports to formulate their requests for assistance. Similarly, there has been an upwards trend in the number of States Parties reporting having provided assistance under the Convention. In line with the Dubrovnik Action Plan, increased attention has also been given to the explorations of synergies with other relevant international humanitarian and human rights law instruments. So, for example, in the context of victim assistance, synergies with the APMBC, Protocol V of the CCW, and Convention on the Rights of Persons with Disabilities have been explored to enhance cost efficiency and effectiveness. It is also noteworthy that the number of States Parties with obligations under Articles 3 to 5 which indicated in their Article 7 reports to have received assistance to fulfil them has increased from four in 2015 to 12 in 2018.

C. Challenges highlighted since the First Review Conference

26. Despite the progress made, challenges remain in the area of international cooperation and assistance. There is scope to further enhance the role of partnerships and promote their added value for States Parties, international organizations and operators active in the field. There is also scope to increase the awareness among the various interested actors of the different opportunities for collaboration available to them.

27. In this context, there is a need to further improve the communication by affected States Parties of the challenges that they face in implementing provisions of the Convention and their needs for assistance. The Article 7 transparency reporting is not yet fully leveraged to this effect. Reports are often submitted late or not effectively used by States Parties to request for assistance. States Parties requiring assistance should be encouraged to proactively approach the Coordinators for international cooperation and assistance, as well as other thematic coordinators and relevant stakeholders with their requests.

28. Notwithstanding the progress made since the adoption of the DAP, there remains clear scope to increase national ownership by States Parties in fulfilling their Convention obligations. The following have been highlighted as key challenges to responding positively to requests for assistance: lack of political commitment, absence of appropriate national ownership as well as absence of national legislation related to the implementation of the Convention. Four affected States Parties (Afghanistan, Bosnia and Herzegovina, Croatia and Lebanon) have developed activities in line with national strategies during the review period. This allows them to align policies, facilitates resource mobilization and shows national ownership.

29. Despite all the existing tools and cost efficiency measures, activities can in some cases overlap, resulting in an inefficient resource allocation. This is often due to a lack of national ownership and/or insufficient national planning and human or technical capacity of the recipient State. Careful resource planning and the establishment of coordination frameworks are possible solutions to be envisaged. In this sense, the further development of the Country Coalitions concept could prove useful.

30. Lastly, it is necessary to underline that some States Parties with cluster munition victims will require support in the long-term. In this area, it must be realised that obligations under the Convention are of a different nature than those related to stockpile destruction or clearance, which are time bound.

III. Transparency and exchange of information measures

A. Status of the situation and progress since Dubrovnik

31. Under Article 7 the submission of an initial transparency report followed by annual reports is a legal obligation. It is also an important transparency and confidence building measure among States Parties to the Convention and an important tool to

monitor progress in implementation. Most States Parties have engaged in fulfilling their obligation to provide initial and annual reports.

32. At present, 99 of 106 States Parties that should have already submitted their initial transparency report have done so, representing a submission rate of 93 per cent. At the end of the First Review Conference, 19 initial reports were overdue. By the 6MSP, the number had risen to 22. Since then, the number of overdue initial Article 7 Reports has decreased to seven in 2020, a reduction of approximately 60 per cent. Between 2015 and 2020, 32 States Parties have submitted their initial reports. Of these 32 reports, 23 were submitted late while nine were submitted on time. As at March 2020, seven (7) States Parties (Cabo Verde, Comoros, Congo, Guinea, Madagascar, Rwanda and Togo) have yet to comply with this important obligation. Only two new States Parties have initial reports not yet due. [TO BE UPDATED]

33. The record is less satisfactory as far as the annual reporting is concerned. During the period under review, 75 per cent of States Parties submitted their annual Article 7 reports on average with 51 per cent of them submitting their reports by the Convention stipulated deadline of 30 April. Only two signatory States (Democratic Republic of Congo and Palau) have submitted a voluntary Article 7 report during this period. One State not Party, South Sudan, also submitted a voluntary report during the same period.

34. In initial or annual reports, an average of ten States Parties per year have requested specific assistance to comply with outstanding obligations under the Convention. Furthermore, about 22 States Parties per year reported on providing assistance to affected States to implement the Convention. It is also noteworthy that the reporting rate has increased among countries contaminated by cluster munition remnants and implementing obligations under Articles 3 to 5 of the Convention.

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

35. Action 6.1 of the DAP requires to report in time, initially and annually. As indicated, the rate of submission of initial reports improved significantly from 75 per cent at the end of 2015 to 93 per cent at the beginning of 2020 largely due to the constant engagement of thematic coordinators through various activities including through bilateral meetings with States Parties especially those with obligations to provide updates. However, these initial reports were rarely submitted within the foreseen deadlines. On the other hand, an overall decrease in the submission rate of annual reports from 82 per cent in 2015 to 75 per cent in 2019 was observed. This is mainly a result from the increase in the number of States Parties and the fact that many of them were often late in submitting their initial report. Additionally, despite being a legal obligation, States Parties with no obligations under Articles 3 to 5 to implement are less inclined to submit annual reports after the initial report as they perceive that there is no new information to report on. Besides the regular transmission of individual reminders to States Parties that Article 7 reports were either due or overdue, the development of an explanatory brochure on why, what and how to prepare Article 7 report also played a positive role in raising awareness on the importance of national reporting.

36. Action 6.2 of the DAP encourages the CCM community to make practical use of reporting. States Parties used formal and informal fora to provide updates on the implementation of the provisions of the Convention. Furthermore, the quality of reports improved, and a larger number of States Parties provided more detailed and disaggregated information regarding progress in implementing the Convention's provisions. Country Coalitions also allowed for the sharing of information, including that contained in transparency reports, which laid the basis for cooperation among affected and donor States as well as operators.

37. Through the implementation of these actions, the DAP sets to achieve various results:

- With regard to the increased submission rate, the results are ambivalent. A higher submission rate of initial reports is unfortunately balanced by a reduced rate of annual reports. However, the high rate of submission among States Parties implementing core obligations is a positive sign.
- The quality of reports has seen an improvement, which can notably be traced back to the continuous engagement by the coordinators and the ISU with States Parties. However, the quality continues to diverge markedly, and greater efforts should be invested in ensuring that more accurate information is provided.
- With regard to the increased exchange of information of good and cost-effective reporting practices, the continuous engagement by the coordinators and the ISU shows that improvements are possible but also that continuous efforts are required.
- Finally, it is difficult to assess whether the reporting guide has been increasingly used in preparing reports.

C. Challenges highlighted since the First Review Conference

38. States Parties have highlighted several challenges related to the drafting of reports, from the high rotation or shortage of staff responsible for preparing the reports to having too many reports to submit by the same deadline. This greatly affects the quality and number of reports submitted.

39. Other challenges include misconceptions regarding the perceived complexity of the reporting template which, once explained, resulted in an increase in the submission of initial transparency reports. In addition, many States Parties may not be aware that the information provided in these reports play a significant role in the provision of international cooperation and assistance. The Country Coalition model clearly shows how transparency reports are used to increase international cooperation and assistance. Moreover, some States Parties do not see the necessity to submit annual reports when they do not have any new information to report or are not subject to other obligations.

40. Greater outreach efforts are required for States Parties to appreciate that Article 7 is a legal obligation. States Parties also need to be made aware of the existence of a short form of the report, which can be completed and submitted in a few minutes for those States Parties with no new information to provide.

41. All States Parties, and those with outstanding obligations under Articles 3, 4, 5, 6 and 9 in particular, should continue to provide in a timely manner, high quality and updated information annually, as stipulated by the Convention.

42. In terms of measuring the implementation of the DAP, the fact that some of the elements contained in this document lack proper indicators and are not readily measurable should be taken into consideration when elaborating the action plan to be adopted at the Second Review Conference. Through the implementation of these actions, the DAP sets to achieve various results:

- With regard to the increased submission rate, the results are ambivalent. A higher submission rate of initial reports is unfortunately balanced by a reduced rate of annual reports. However, the high rate of submission among States Parties implementing core obligations is a positive sign.
- The quality of reports has seen an improvement, which can notably be traced back to the continuous engagement by the coordinators and the ISU with States Parties. However, the quality continues to diverge markedly, and greater efforts should be invested in ensuring that more accurate information is provided.
- With regard to the increased exchange of information of good and cost-effective reporting practices, the continuous engagement by the coordinators and the ISU shows that improvements are possible but also that continuous efforts are required.

- Finally, it is difficult to assess whether the reporting guide has been increasingly used in preparing reports.

IV. National Implementation Measures

A. Status of the situation and progress since Dubrovnik

43. Article 9 is a key legal obligation which obligates States Parties to take all appropriate legal, administrative and other measures to implement the Convention, thus ensuring that it lives up to its humanitarian objectives. Since the First Review Conference, States Parties have continued to express support for the importance of Article 9 and for the different tools available that have been developed in collaboration with expert organizations to assist States Parties as well as States considering adherence to the Convention to fulfil this obligation.

44. At the end of the First Review Conference, 41 States Parties reported to have undertaken the appropriate legal measures while 44 had taken administrative and other (non- legal) measures to implement the CCM. Out of 96 States Parties to the Convention, 9 (Belgium, Ireland, Italy, Liechtenstein, Luxembourg, Netherlands, New Zealand, Samoa, and Switzerland) had enacted national law prohibiting investments in cluster munitions; 24 (Australia, Austria, Belgium, Canada, Cook Islands, Czech Republic, Ecuador, France, Germany, Hungary, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Samoa, Spain, Sweden, Switzerland, and United Kingdom) had specific law to implement the CCM; 17 had existing law deemed sufficient to implement the CCM (Albania, Andorra, Bosnia and Herzegovina, Côte d'Ivoire, Denmark, Guinea-Bissau, Holy See, Lithuania, Malta, Mauritania, Montenegro, Moldova, Nicaragua, San Marino, Slovenia, Trinidad and Tobago, and Uruguay) and 21 reported to have legislation under consideration or in the process of being adopted (Afghanistan, Antigua and Barbuda, Botswana, Bulgaria, Burkina Faso, Burundi, Cameroon, Croatia, Eswatini, Ghana, Grenada, Guatemala, Lao People's Democratic Republic, Lebanon, Lesotho, Malawi, Mozambique, Saint Vincent and the Grenadines, Seychelles, Sierra Leone, and Zambia).

45. By the Second Review Conference, an increased number of States Parties have taken steps to implement Article 9 with 61 States Parties reporting to have undertaken the appropriate legal measures while 53 States Parties report to have undertaken the appropriate administrative and other (non-legal) measures to implement the CCM. Out of 108 States Parties for whom the Convention has entered into force, 12 had enacted national law prohibiting investments in cluster munitions (See above, plus Afghanistan, Saint Kitts and Nevis, and Spain); 31 had specific law to implement CCM (See above, plus Afghanistan, Bulgaria, Cameroon, Guatemala, Iceland, Mauritius, and Saint Kitts and Nevis); 30 had existing law deemed sufficient to implement the CCM (See above, plus Bolivia, Chile, Colombia, Croatia, Cuba, Dominican Republic, Guyana, Mozambique, Palau, Panama, Paraguay, State of Palestine, Slovakia, and South Africa) and 22 reported to have legislation under consideration or in the process of being adopted (See above, plus Belize, Guinea- Bissau, Nauru, Namibia, Somalia, Sri Lanka and Tunisia (Afghanistan, Bulgaria, Cameroon, Croatia, Guatemala, Mozambique have reported completing this process).

46. Although progress has been made, a significant number of States Parties have not yet shared detailed information on their national implementation of the Convention. In addition, several States Parties that have reported national legislation to be under consideration or development have been doing so for several years, and there is no clarity when these processes will be completed.

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

47. The First Review Conference of States Parties to the CCM included three actions in the Dubrovnik Action Plan relating to national implementation measures:

enact national legislation to implement the CCM; highlight challenges and request assistance; and raise awareness of national implementation measures.

48. The First Review Conference also agreed two measures against which progress towards the fulfilment of these actions will be assessed at the Second Review Conference. These measures are: (i) that all States Parties will be in compliance with Article 9 and have reported on national implementation in formal meetings of the Convention and through Article 7 transparency reports; and (ii) that all relevant national actors, including armed forces, will be informed of obligations under the Convention and of national implementation measures including as a result of their reflection, where necessary, in military doctrine, policies and training.

49. With respect to Action 7.1 “enact national legislation to implement the CCM”, based on reporting by States Parties, 31 States Parties have enacted specific legislation to implement the CCM, with 22 additional States Parties having legislation under consideration or in the process of being adopted. 30 States Parties have confirmed that their existing legislation is sufficient to implement the CCM. A total of 53 States Parties have reported on administrative and other (non-legal) measures in place to implement the CCM domestically. Work to obtain information from all States Parties on their national implementation measures is ongoing.

50. With respect to Action 7.2 “highlight challenges and request assistance”, a number of States Parties have highlighted a range of factors and challenges that may be preventing progress in the revision/adoption of national legislation in their transparency reports and at meetings of the Convention. To support States in the process of developing legislation, various tools have been developed, including model legislation for Common Law States, and model legislation for small States not possessing cluster munitions and not contaminated by them. These are available in all six UN languages. Tailored assistance is also available from a number of States Parties, the ISU and other actors.

51. With respect to Action 7.3 “raise awareness of national implementation measures”, States Parties have been reminded of this requirement at a range of workshops and in progress reports.

C. Challenges highlighted since the First Review Conference

52. A number of challenges have been highlighted in ensuring that all States Parties swiftly review, develop and adopt any legislation deemed necessary for the effective implementation of the CCM.

53. Preventing greater progress in national implementation is the lack of the requisite resources to complete legislative reviews, including any necessary amendment and/or drafting of new legislation. In some States, resource constraints mean that priority has not always been accorded to implementation of the Convention. Thus, the process of revising or adopting new legislation has advanced very slowly. Efforts must therefore be continued to further increase States Parties’ awareness of the range of resources available to assist with the development and adoption of legislation, and that they can request further tailored assistance for Article 9 implementation from a range of actors.

54. Additionally, some States Parties with heavy cluster munitions contamination have understandably prioritised the establishment of standards and regulations around clearance activities. While this is not problematic in and of itself, States Parties need to have domestic systems that enables implementation of all provisions of the Convention. In some instances, States Parties whose legal system provides for treaties to be self-executing could usefully provide details in their reporting of the basis and procedures for prosecution in their jurisdictions.
