

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

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## Second Preparatory Meeting for the Second Review Conference

Geneva, 4 September 2020

Item 5 (a) of the provisional agenda

### 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 — Implementation Support

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

1. The implementation of the CCM is supported by a machinery that includes several distinct areas: the Implementation Support Unit (ISU), the Meeting of States Parties, intersessional meetings, the Coordination Committee, the Sponsorship Programme and the participation of other actors.

## I. Implementation Support Unit

### A. Status of the situation

2. At the First Review Conference, the States Parties adopted a multi-year work plan and budget for the Implementation Support Unit (ISU). They also adopted financial procedures for the ISU, with a number of States Parties making declaration and/or reservations and/or position in this regard. The First Review Conference also decided that these financial procedures would be reviewed at the Seventh Meeting of States Parties. It further decided to explore possible synergies between the ISU CCM and other similar units at the Seventh Meeting of States Parties.

### B. Challenges highlighted since the First Review Conference

3. The Financial Procedures on the Financing of the ISU were reviewed at the Seventh Meeting of States Parties. The Meeting noted that not all States Parties interpreted or read the financial procedures in the same manner. It identified a number of specific measures completing or amending the financial procedures with a view to improving their effectiveness: the Presidency and ISU should conduct regular outreach to explain the financial procedures, invoices should be sent out rapidly after the adoption of the ISU budget and the ISU should send individualised notes and invoices to States Parties. It was also decided that the capital reserve should only serve to cover cash flow shortfalls and be maintained at CHF 400,000 through voluntary contributions. Finally, the Meeting decided that the financial procedures, including the allocation between the different contribution categories and their nature as well as the impact of the financial



procedures on universalization efforts and participation by non-States Parties in Meetings of States Parties, would be reviewed at the Second Review Conference of the Convention with a view to ensuring their sustainability. Overall, if budget of the ISU has been covered fully each year by contributions under the financial procedures adopted at the First Review Conference, the number of States providing contributions remains limited and continues to be the subject of some confusion. Also, the management of the financial procedures are time-consuming for the ISU.

4. The Meeting noted that significant synergies had already been achieved regarding administrative support required for the functioning of the ISU, and that the potential for further measures in this domain seems to be largely exhausted, and that the formal merger of the CCM ISU with other support units is a complex and multifaceted issue. The Meeting underlined the value of holding meetings directly after or before meetings of other Conventions and related issues and encouraged the ISU to further develop informal cooperation on issues of substance with other implementation support units where such cooperation contributes to reinforcing its capacity to support States Parties. Finally, the Seventh Meeting of States Parties decided to review the implementation of synergies between the ISU and other implementation support units no later than at the Second Review Conference.

5. The Seventh Meeting of States Parties also reviewed the agreement between the States Parties to the CCM and the Geneva International Centre for Humanitarian Demining on the Hosting of the Implementation Support Unit. The Meeting welcomed that the agreement was effectively implemented to the satisfaction of all parties since its signature and had contributed to the effective functioning of the ISU. It decided that the agreement would be assessed again at the Second Review Conference, including the periodicity of this exercise.

## **II. Meetings of the States Parties (MSP)**

### **A. Status of the situation**

6. Article 11 of the Convention stipulates that “the States Parties shall meet regularly in order to consider and, where necessary, take decisions in respect of any matter with regard to the application or implementation of the Convention (...)”. At the First Review Conference, States Parties agreed that one Meeting of the States Parties would take place annually until the Second Review Conference and that the duration and location of these will remain within the purview of the President with a default location in Geneva. Additionally, a change in the presidential period was decided, whereby it would henceforth start on the last day of a Meeting of States Parties and run until the last day of the following Meeting of States Parties.

7. The CCM has held an MSP annually since the First Review Conference. The Presidency of the Sixth MSP decided that the meeting would last three days (effectively reducing the duration of the Meeting compared to those held prior to the First Review Conference), an approach retained by ensuing MSPs.

8. Since the First Review Conference, the States Parties have continued to make use of the MSPs as mechanisms to advance implementation of the Convention. At each Meeting, the States Parties monitored the progress made in the implementation of the Convention, through different aspects: universalisation, stockpile destruction and retention, clearance and risk reduction education, victim assistance, international cooperation and assistance, transparency measures and national implementation measures. These reports measured annual progress made by States Parties in the pursuit of the Convention’s core aims between MSPs, highlighting relevant actions of the DAP, and highlighting priority areas of work for States Parties. In addition, programmes for the MSPs provided an opportunity for States Parties implementing key provisions of the Convention to provide updates in fulfilling their obligations. In this review cycle, decisions were taken for the first time in the context of the MSPs to extend the duration of the implementation of obligations, in line with the Convention.

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

9. The CCM MSP was affected by financial difficulties since the First Review Conference. The Ninth MSP was affected more significantly, and only informal consultations without interpretation were held on its second day. At the same meeting, official documents were only gradually translated, as funds were made available.

10. Also, since the First Review Conference, the MSPs received several presentations from the UNOG Financial Services in view of the financial challenges faced by the Convention. At the Ninth MSP, States Parties expressed deep concern about the financial situation due to arrears in the payment of the assessed contributions, and the Meeting underlined the importance of ensuring full compliance with Article 14 obligations and called upon all the States Parties and States not Parties participating in the meetings of the States Parties to address issues arising from outstanding dues. During the same meeting, the President submitted a document entitled “Expressing deep concern about the financial situation due to the arrears in payment of the assessed contributions”, in accordance with the recommendations of the Eighth MSP. The Meeting further requested the President of the Second Review Conference to conduct consultations on “Possible measures to address financial predictability and sustainability of the Convention on Cluster Munitions”, with a view to presenting a proposal for a Decision at the Second Review Conference.

11. All MSPs since the First Review Conference were held in Geneva whereas they took place in various locations during the previous cycle. The decision made at the First Review Conference that any costs exceeding those for a meeting held in Geneva would have to be covered by the host may have an impact on this development.

## **III. Intersessional Meetings**

### **A. Status of the situation**

12. The First Review Conference decided that “until the following Review Conference in 2020, one Meeting of States Parties (MSP) would take place annually, with no Intersessional Meetings foreseen”. This represented a departure from the practice over the previous five- year cycle, when intersessional meetings were held yearly for a duration of two and a half days. These intersessional meetings were hosted by the GICHD with financial support from Switzerland, ensuring that they were held at no cost to States Parties.

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

13. With the discontinuation of Intersessional Meetings, exchanges within the Convention are limited to one annual event of a formal nature (MSP). The CCM does not have a platform that it can leverage to discuss or explore informally implementation challenges or other issues, and assess progress made. The submission of extension requests under Article 3 and Article 4 (which started in 2019 and is likely to continue in the immediate future) are not the object of an informal and interactive dialogue between the submitting State Party and other CCM stakeholders. CCM stakeholders sought to make up in part for this deficit by organizing informal events on the margins of platforms provided by processes or instruments with a thematic proximity with the Convention.

## **IV. Coordination Committee and Sponsorship Programme**

### **A. Status of the situation**

14. Since the First Review Conference, the Coordination Committee met regularly under each of the successive Presidencies to facilitate intersessional work and the

implementation of the Convention. As per decisions taken, the Coordination Committee was composed of the President, assisted by the Director of the Implementation Support Unit, the President-designate and the various thematic coordinators, and an invitation extended to the CMC, the ICRC and the UN represented by the United Office for Disarmament Affairs to take part in its activities. In keeping with past practice, the Coordination Committee also called upon others to assist with its work, including the Geneva International Centre for Humanitarian Demining and other mine action operators.

15. During the period under review, the Coordination Committee served not only as a means to exchange information among key stakeholders and support the implementation of the convention, but also as a vehicle to consider new initiatives such as the country-coalition approach or issues linked to the functioning of the CCM such as financial challenges. Since the First Review Conference, new tasks have been taken up by the Coordination Committee, such as the analysis of extension requests under Articles 3 and 4 of the convention. To this end, two *ad hoc* Analysis Groups have been formed – one for Article 3 and another for Article 4 extension requests - to analyse the extension requests.

16. Since the First Review Conference, the Sponsorship Programme has continued to permit broad representation at meetings of the Convention with a view to promoting both the universalisation and the implementation of the CCM. During this period, the Sponsorship Programme was managed by the ISU with the administrative support of the GICHD. The States Parties have continued to recognise the importance of the Sponsorship Programme to ensure broad participation from representatives of States Parties that may not be in a position to participate without sponsorship support.

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

17. The workload of the Coordinators on general status & operation has been very uneven as they have no permanently assigned tasks. It must be noted that this enabled them to provide essential support to the Presidency in fulfilling specific and discrete mandates. On another note, for the effectiveness of its work, the Coordination Committee had to invite stakeholders to take part in its activities on a number of occasions, raising the question of its composition.

18. During each year from 2016-2019, contributions to the Sponsorship Programme amounted on average to annually to only CHF 52,800. These contributions enabled the participation of an average of 17 delegates representing an average of 16 States to each MSP.

19. Funding has been provided by four donors during the period under review. If their support to the programme has been steady, the number of States Parties contributing to it remains very limited. Moreover, the Sponsorship Programme is managed by the ISU, amongst many other tasks. Contrary to what is done under other Conventions, no Coordinator oversees the programme. The absence of such a Coordinator raises a number of questions regarding visibility/outreach, guidance and workload for the ISU.

## **V. Participation of other actors**

### **A. Status of the situation**

20. During the period under review, the CCM continued to benefit from sustained participation and contribution by the CMC, ICRC, national Red Cross and Red Crescent Societies and their International Federation, the UN, the GICHD, international and regional organisations, cluster munition survivors and other civil society organisations, including operators. States Parties benefited greatly from the sense of partnership that exists among a wide range of actors that have committed to working together to ensure

the full and effective implementation of the Convention and encouraged a broad participation in the context of its activities.

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

21. During the period under review, new types of partnerships have been developed under the Convention. The concept of Country Coalition has sought to provide more focused and tailored-made support to States Parties implementing obligations under the Convention, notably with respect to Article 4. In the context of Country Coalitions, an affected State Party undertakes a structured and sustained exchange with (potential) donors and operators, with a view of better defining the possible way forward in terms of CCM implementation. Additionally, a military-to-military dialogue was organised between representatives of CCM States Parties and States not party to this instrument. 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.

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