

9-2017

Seventh Meeting of States Parties to the Convention on Cluster Munitions

Convention on Cluster Munitions
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Convention on Cluster Munitions

25 September 2017

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Seventh Meeting of States Parties

Geneva, 4–6 September 2017

Item 12 of the agenda

Consideration and adoption of the final document of the Meeting

Final report

I. Introduction

1. Article 11 of the Convention on Cluster Munitions provides 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, including:

- (a) The operation and status of the Convention;
- (b) Matters arising from the reports submitted under the provisions of the Convention;
- (c) International cooperation and assistance in accordance with article 6 of the Convention;
- (d) The development of technologies to clear cluster munition remnants;
- (e) Submissions of States parties under articles 8 and 10 of the Convention;
- (f) Submissions of States parties as provided for in articles 3 and 4 of the Convention."

2. Article 11 also provides that the Meetings of States Parties shall be convened by the Secretary-General of the United Nations annually until the First Review Conference.

3. The First Review Conference of the Convention (Dubrovnik, Croatia, 7 to 11 September 2015) decided that the Meetings of States Parties shall continue to be convened by the Secretary-General of the United Nations.¹

4. Article 11 further provides that "States not party to the Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organizations, may

¹ Paragraph 34 of the Final report of the First Review Conference (CCM/CONF/2015/7).



be invited to attend the Meetings of States Parties as observers in accordance with the agreed rules of procedure."

5. By operative paragraph 7 of resolution 70/54 entitled "Implementation of the Convention on Cluster Munitions", adopted by the General Assembly on 7 December 2015, the General Assembly requested the Secretary-General "to continue to convene the Meetings of States Parties to the Convention on Cluster Munitions and to continue to render the necessary assistance and to provide such services as may be necessary to fulfil the tasks entrusted to him by the Convention and the relevant decisions of the First Review Conference."

6. The Sixth Meeting of States Parties decided that the Seventh Meeting of States Parties would be three days and that its venue and dates would be determined at a later stage.²

7. Accordingly, and following consultations, the Secretary-General of the United Nations convened the Seventh Meeting of States Parties to the Convention and invited all States parties, as well as States not party to the Convention, to participate in the Meeting.

8. The Sixth Meeting of States Parties also decided to designate Ambassador Michael Biontino, Permanent Representative of Germany to the Conference on Disarmament in Geneva as President of the Seventh Meeting of States Parties.³ In accordance with the decision taken at the First Review Conference, his term commenced on the day following the conclusion of the Sixth Meeting of States Parties until the last day of the Seventh Meeting of States Parties.⁴

II. Organization of the Seventh Meeting of States parties

9. The Seventh Meeting of States Parties was held in Geneva, Switzerland, from 4 to 6 September 2017.

10. Ms. Sheila N. Mweemba, Director of the Implementation Support Unit (ISU) of the Convention on Cluster Munitions, participated in the work of the Meeting.

11. The Meeting confirmed Ms. Anja Kaspersen, Director of the Conference on Disarmament Secretariat and Conference Support Branch of the United Nations Office for Disarmament Affairs, as Secretary-General of the Conference.

12. Ms. Silvia Mercogliano, Political Affairs Officer, Conference on Disarmament Secretariat and Conference Support Branch of the United Nations Office for Disarmament Affairs served as Secretary of the Meeting.

13. The following States parties to the Convention participated in the work of the Meeting: Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Cameroon, Canada, Chad, Chile, Colombia, Costa Rica, Croatia, Cuba, Czech Republic, Dominican Republic, Ecuador, France, Ghana, Germany, Guatemala, Holy See, Hungary, Iraq, Ireland, Italy, Japan, Lao People's Democratic Republic, Lebanon, Lithuania, Malta, Mauritania, Mexico, Montenegro, Mozambique, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Peru, Portugal, Slovakia, Slovenia, South Africa, Spain, St. Kitts and Nevis, Swaziland, Sweden, Switzerland, The

² CCM/MSP/2016/9 paragraph 46.

³ Ibidem paragraph 45.

⁴ Ibidem.

Former Yugoslav Republic of Macedonia, Tunisia, United Kingdom of Great Britain and Northern Ireland, and Zambia.

14. The following States, which had ratified or acceded to the Convention, but for which it was not yet in force, participated in the work of the Meeting: Benin and Madagascar.

15. The following States signatories to the Convention participated in the work of the Meeting as observers: Angola, Cyprus, Gambia, Haiti, Liberia, Namibia, Philippines, and Sao Tome and Principe.

16. Argentina, Azerbaijan, China, Finland, Morocco, Myanmar, Qatar, Serbia, South Sudan, Sri Lanka, Sudan, Thailand, Turkey, United Arab Emirates, and Viet Nam also participated in the work of the Meeting as observers.

17. The United Nations Development Programme (UNDP), the United Nations Mine Action Service and the United Nations Office for Disarmament Affairs participated in the work of the Meeting as observers, pursuant to rule 1 (2) of the rules of procedure (CCM/MSP/2017/4).

18. The International Committee of the Red Cross (ICRC), the Geneva International Centre for Humanitarian Demining (GICHD) and the Cluster Munition Coalition also participated in the work of the Meeting as observers, pursuant to rule 1 (2) of the rules of procedure (CCM/MSP/2017/4).

19. The European Union, the League of Arab States, the World Food Programme, the Center for International Stabilization and Recovery (CISR), the Mines Advisory Group (MAG), and The Halo Trust took part in the work of the Meeting as observers, pursuant to rule 1 (3) of the rules of procedure (CCM/MSP/2017/4).

III. Work of the Seventh Meeting of States Parties

20. On 4 September 2016, the Seventh Meeting of States Parties was opened by Ambassador Michael Biontino, Permanent Representative of Germany to the Conference on Disarmament in Geneva.

21. The Seventh Meeting of States Parties held 5 plenary meetings. At its first plenary meeting, on 4 September 2016, upon invitation of the President of the Seventh Meeting of States Parties to the Convention on Cluster Munitions, Ambassador Sabrina Dallafior-Matter, Permanent Representative of Switzerland to the Conference on Disarmament in Geneva, made a statement.

22. At the same meeting, messages were delivered by Ms. Anja Kaspersen, Director of the Conference on Disarmament and Conference Support Branch of the United Nations Office for Disarmament Affairs, on behalf of the High representative for Disarmament Affairs, by Dr. Helen Durham, Director of International Law and Policy of the International Committee of the Red Cross (ICRC), and by Mr. Branislav Kapetanović, representative of the Cluster Munition Coalition.

23. At the same meeting, Zambia, Costa Rica, Croatia and the Netherlands were elected by acclamation as Vice-Presidents of the Meeting.

24. At the same meeting, States Parties adopted the agenda of the Meeting, as contained in document CCM/MSP/2017/1, the Annotated Programme of Work, as contained in document CCM/MSP/2017/3, and confirmed the Rules of Procedure (CCM/MSP/2010/3 and CCM/MSP/2017/4).

25. The Meeting considered documents CCM/MSP/2017/1 to CCM/MSP/2017/11/Rev.1.

IV. Decisions and recommendations

26. Reiterating the importance of universalization, the Meeting warmly welcomed the recent ratification of the Convention by Benin and Madagascar. The Meeting also took note of the efforts undertaken by Netherlands in its capacity as President of the Sixth Meeting of States Parties that led to the adoption in 2016 of resolution 71/45 on the Convention titled "Implementation of the Convention on Cluster Munitions". The resolution was adopted with a vote of 141 in favour. The Meeting also acknowledged with appreciation the efforts made by France and Zambia as Coordinators on Universalization.

27. At the Seventh Meeting, States Parties expressed their strong concern regarding recent incidents and evidence of use of cluster munitions in different parts of the world and condemned any use by any actor, in conformity with article 21.⁵

28. The meeting welcomed the Presidency's initiative to establish a structured dialogue with relevant non-States Parties in order to increase the humanitarian purview of the convention and pave the way for its universalization.

29. The Meeting noted that States with an obligation to destroy all stockpiles had so far continued to implement this requirement within the stipulated Convention deadlines and expressed appreciation for the efforts undertaken by Croatia and Mexico, as the Coordinators on Stockpile Destruction and Retention.

30. The Meeting acknowledged with appreciation the work of the Netherlands and Norway, as the Coordinators on Clearance and Risk Reduction and in particular commended their work with affected countries in assessing their national needs while promoting the use of effective and efficient methodologies in the effective implementation of the Convention. The Meeting also congratulated Mozambique for meeting its clearance obligation, ahead of the deadline.

31. Recognizing the importance of an integrated approach to victim assistance and the progress made by several States in this regard, the Meeting expressed appreciation for the efforts undertaken by Chile and Italy, as the Coordinators on Victim Assistance, in taking forward this work.

32. Stressing the importance of initial and annual national reporting under article 7 of the Convention as a key instrument of measuring its implementation, the Meeting recognised the endeavours of Costa Rica in its capacity as Coordinator on Transparency Measures. The Meeting further applauded the work done which had resulted in a slight increase in report submissions during the previous year.

33. The Meeting commended the effective work of New Zealand over several years, in its capacity as Coordinator on National Implementation Measures that has translated into a substantial increase in the number of States Parties reporting extensively on legal, administrative and other measures taken to implement the Convention. The Meeting further acknowledged that the work of the Coordinator had also increased understanding among States Parties on the wide ranging obligations stipulated in Article 9 of the Convention.

⁵ Cuba and Nicaragua did not support the inclusion of the phrase "in conformity with article 21" and requested to place on record that in their view this reference to Article 21 is ambiguous, contravenes the spirit and purpose of the Convention on Cluster Munitions, and is incoherent with the principled position agreed in the Dubrovnik Declaration of condemning any use of cluster munitions by any actor.

34. The Meeting also commended the efforts of Australia and Iraq, as the Coordinators on Cooperation and Assistance in enhancing partnerships between States Parties in need of assistance and those States and other partners in a position to provide the required assistance. In particular, the Meeting welcomed the tangible results of this work that had resulted in two States Parties accessing the required assistance through initiatives undertaken during the year.

35. Recognizing that International Cooperation and Assistance is critical to the full implementation of the Convention, the Meeting welcomed the initiative on Country Coalitions developed by Germany in its capacity as the President of the Seventh Meeting of States Parties. The Meeting further noted the importance attached to this initiative aimed at fostering strong alliances at national level between affected and donor States that contribute to increased national ownership and better coordination of external cooperation.

36. Recalling that the First Review Conference provided that the financial procedures for the Implementation Support Unit be reviewed at the Seventh Meeting of States Parties, the Meeting considered a report on this matter prepared by Bosnia Herzegovina and Switzerland, as the Coordinators for the general status and operation of the convention as contained in document CCM/MSP/2017/5. The Meeting commended the efforts undertaken by the Coordinators on the General Status and Operation of the Convention, in assisting the President with the compilation of the elements of the Report.

37. The Meeting welcomed that the 2016 ISU budget was fully covered and noted that thirty-nine States Parties had provided contributions in response to the communications to this effect issued by the Presidency. It also noted that even though not all States Parties interpreted or read the financial procedures in the same manner, most of the States Parties that provided contributions did so on the basis of categories 7(a) and 7(b) of the Financial procedures for the Implementation Support Unit (CCM/MSP/CONF/2015/7, Annex V) and the scale of contributions linked thereto.

38. The Meeting however noted that less than half of States Parties had made a contribution and that the 2016 ISU budget was fully covered only because a few States Parties made significant contributions in excess of their contributions under categories 7 (a) and 7 (b). The Meeting underlined that contributions corresponding to the amount requested under categories 7 (a) and 7 (b) are necessary for the ISU to carry out its core functions as laid out in CCM/MSP/2011/WP.9 (adopted at the Second Meeting of States Parties in Beirut, Lebanon) to implement the five year work plan adopted at the First Review Conference in Dubrovnik. It further noted that the financial procedures would likely prove sustainable and the principle of ownership would be met only if all States Parties contribute yearly to the ISU budget in line with the Financial Procedures for the Implementation Support Unit adopted in Dubrovnik. Contributions from a few States far in excess of their contributions under categories 7 (a) and 7 (b) of the Financial Procedures for the Implementation Support Unit (CCM/MSP/CONF/2015/7, Annex V) could not represent a reliable substitute to yearly contributions by all States Parties.

39. The Meeting identified a number of specific measures completing or amending the financial procedures adopted at the First Review Conference with a view to improving their effectiveness. These measures are listed in Annex I to the Final Report of the Seventh Meeting of States Parties and they shall be implemented forthwith following its adoption.

40. The Meeting noted that the review of the financial procedures conducted at the Seventh Meeting of States Parties covered a single budget cycle and could therefore constitute only an initial and partial assessment. The Meeting noted that the sustainability and predictability of the financial procedures could only be thoroughly assessed after having been in operation over several budget cycles. 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, unless unforeseen developments require an earlier assessment.

41. The First Review Conference of the Convention approved the ISU budget and workplan for the period 2016–2020. As decided by the First Review Conference, Ms. Sheila N. Mweemba, Director of the ISU, presented the 2018 budget and workplan of the ISU, which the Meeting approved on 6 September 2017 (CCM/MSP/2017/2). The Meeting also agreed that the 2019 ISU budget and work plan would be submitted sixty days prior to the Eighth Meeting of States Parties and that the Director of the ISU would continue to submit annually reports on the work undertaken by the ISU.

42. Recalling that the Agreement between the States Parties to the Convention on Cluster Munitions and the Geneva International Centre for Humanitarian Demining on the Hosting of the Implementation Support Unit provides that it shall be reviewed every three years, 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. The Meeting further commended the efforts undertaken by Bosnia Herzegovina and Switzerland, as Coordinators on the General Status and Operation of the Convention, in assisting the President with the compilation of the Report and decided that the agreement would be assessed again in three years, including the periodicity of this exercise.

43. In recalling that the First Review Conference had mandated the Seventh Meeting of States Parties to explore and develop possible synergies between the ISU of the Convention and other Implementation Support Units, in particular that of the Anti-personnel Mine Ban Convention, with a view to enhancing efficiency and further reducing costs, the Meeting considered a Report on this matter prepared by Bosnia Herzegovina and Switzerland, the Coordinators for the general status and operation of the convention (CCM/MSP/2017/6). The Meeting recognized with appreciation the efforts undertaken by the Coordinators on the General Status and Operation of the Convention, in assisting the President with the compilation of the Report.

44. 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.

45. The Meeting underlined that the Meetings of the Convention held in Geneva should insofar as possible be organised directly after or before reunions of conventions addressing similar or related issues, as this would reduce travel costs for delegates and open the possibility of coordination with the sponsorship programmes of other conventions. The meeting noted the positive experiences made in collaborating informally with other conventions on thematic issues of common concern. The Meeting encouraged the ISU to pursue and further develop such informal cooperation on issues of substance with other implementation support units where such cooperation contributes to reinforcing its capacity to effectively support States Parties in implementing the convention and enhances efficiency. The ISU shall regularly report to the MSP on steps taken in this area and potentialities identified for further cooperation.

46. The Meeting also noted that a formal merger of the CCM ISU with other support units with a view to enhancing efficiency or reducing costs is a complex and multifaceted issue. A careful analysis of its practical, political and legal aspects may allow for a better understanding of its inherent limits and potential.

47. The Meeting decided to review the implementation of synergies between the ISU and other implementation support units at any point when it seems that this might enhance efficiencies and reduce costs, and no later than at the Second Review Conference.

48. The Meeting welcomed the Convention on Cluster Munitions 7MSP Progress Report — monitoring progress in implementing the Dubrovnik Action Plan, submitted by Germany in its capacity of President of the Seventh Meeting of States Parties and was encouraged by the progress made in the implementation of the Dubrovnik Action Plan.

49. The Meeting heard a presentation by the Chief of UNOG Financial Services, Mr. Hans Baritt, on the financial status of the Convention. Mr. Baritt stressed the importance of receiving assessed contributions to support meetings organized under the Convention in advance of the dates of these meetings. He stressed that lack of funds would incur the risk of meetings not taking place. Mr. Baritt raised the issue of arrears, encouraged those States that are in arrears to promptly pay their dues and recalled that tables on the financial status of the Convention have been published on the website of the Convention and updated on a monthly basis.

50. At its fifth plenary meeting, on 6 September 2017, the Seventh Meeting welcomed new Coordinators to guide the intersessional work programme, as follows:

(a) **Working group on the general status and operation of the Convention:** Bosnia and Herzegovina (until the end of the Eighth Meeting of States Parties) working with Germany (until the end of the Ninth Meeting of States Parties);

(b) **Working group on universalization:** France (until the end of the Eighth Meeting of States Parties) working with Panama (until the end of the Ninth Meeting of States Parties);

(c) **Working group on victim assistance:** Italy (until the end of the Eighth Meeting of States Parties) working with Ireland (until the end of the Ninth Meeting of States Parties);

(d) **Working group on clearance and risk reduction:** Netherlands (until the end of the Eighth Meeting of States Parties) working with Lao People's Democratic Republic (until the end of the Ninth Meeting of States Parties);

(e) **Working group on stockpile destruction and retention:** Croatia (until the end of the Eighth Meeting of States Parties) working with Mozambique (until the end of the Ninth Meeting of States Parties);

(f) **Working group on cooperation and assistance:** Australia (until the end of the Eighth Meeting of States Parties) working with Peru (until the end of the Ninth Meeting of States Parties);

51. At the same meeting, the Meeting welcomed the Coordinators to lead the following thematic areas:

(a) Reporting: Zambia.

(b) National implementation measures: New Zealand.

52. The Seventh Meeting of States Parties also decided to designate Ambassador Hernan Estrada Roman, Permanent Representative of Nicaragua to the United Nations in Geneva as President of the Eighth Meeting of States Parties. In accordance with the decision taken at the First Review Conference, his term commenced on the day following the conclusion of the Seventh Meeting of States Parties until the last day of the Eighth Meeting of States Parties.

53. At the same meeting States Parties decided that the Eighth Meeting of States Parties shall be from 3 to 5 September 2018 in Geneva, unless its President decides at a later stage to host the meeting in Managua, Nicaragua, in accordance with paragraph 30 (d) of the Final Report of the Review Conference (CCM/CONF/2015/7).

54. In accordance with paragraph 30 (d) of the Final Report of the Review Conference (CCM/CONF/2015/7) the financial arrangements for the Eight Meeting of States Parties were calculated based on Geneva as default location. The Meeting considered and adopted such financial arrangements for the Eighth Meeting of States Parties, as contained in CCM/MSP/2017/11, as orally amended to be issued as document CCM/MSP/2017/11/Rev.1.

55. At its fifth plenary meeting, on 6 September 2017, the Seventh Meeting of States Parties adopted its final report, as contained in CCM/MSP/2017/CRP.1/Rev.1, as orally amended, to be issued as document CCM/MSP/2017/12.

Annex I

Specific Measures completing or amending the financial procedures adopted at the first Review Conference (CCM/CONF/2015/7, Annex V)

1. In noting that significant progress was required for the principle of ownership to be met, the Meeting recommended that the Presidency and the ISU conduct regular outreach activities to ensure that all States Parties are aware of and understand the financial procedures.
2. The Meeting underlined the importance that the ISU sends individualized notes and invoices to States Parties similar to those sent out by the UNOG for the organization of disarmament treaties MSPs in calling for contributions. The Meeting also recommended that invoices be sent out as rapidly as possible after the adoption of the ISU budget by the Meeting of States Parties for the following budget cycle so that payments can be made as soon as possible, with a clear cut-off date for contributions to be paid.
3. The Meeting noted that the Financial Procedures adopted at the First Review Conference provided that a working capital reserve should be maintained and its level determined at regular level by the Meeting of States Parties, and noted that such a determination had not yet been made. The Meeting determined that the capital reserve should only serve to cover cash flow shortfalls. Such a reserve should be maintained at CHF 400'000 through voluntary contributions. The Meeting further determined that any drawdown from the reserve shall be restored as soon as possible. The Meeting noted that dedicated contributions to the capital reserve since the First Review Conference amounted to CHF 15,714 and that unspent contributions for the period 2013–2015 amounting to more than CHF 350'000 would be directed towards the reserve.

Annex II

List of documents

<i>Symbol</i>	<i>Title</i>
CCM/MSP/2017/1	Provisional Agenda
CCM/MSP/2017/2	Implementation Support Unit 2018 Work Plan and Budget
CCM/MSP/2017/3	Provisional Annotated Programme of Work
CCM/MSP/2017/4	Rules of Procedure
CCM/MSP/2017/5	Report on Elements for the Review of the Financial Procedures on the Financing of the Implementation Support Unit of the CCM
CCM/MSP/2017/6	Report on Elements for the exploration and development of proposals for possible synergies between the Implementation Support Unit of the Convention on Cluster Munitions and other Implementation Support Units
CCM/MSP/2017/7	Report on Elements of the Review of the Agreement between the States Parties to the Convention on Cluster Munitions and the Geneva Centre for Humanitarian Demining on the hosting of the Implementation Support Unit (ISU)
CCM/MSP/2017/8	Country Coalitions to Promote the Implementation of the Convention on Cluster Munitions
CCM/MSP/2017/9	Convention on Cluster Munitions 7MSP Progress Report — monitoring progress in implementing the Dubrovnik Action Plan
CCM/MSP/2017/10	Convention on Cluster Munitions Implementation Support Unit - 2016 Annual Report
CCM/MSP/2017/11 and Rev.1	Estimated costs of the Eighth Meeting of States Parties of the Convention on Cluster Munitions
CCM/MSP/2017/12	Final report
CCM/MSP/2017/INF.1	Information for delegations
CCM/MSP/2017/CRP.1 and Rev.1	Draft final report
CCM/MSP/2017/MISC.1	Provisional list of participants
CCM/MSP/2017/INF.2	List of participants