

9-2016

The Sixth Meeting of States Parties to the Convention on Cluster Munitions

Convention on Cluster Munitions
CCM

Follow this and additional works at: <http://commons.lib.jmu.edu/cisr-globalcwd>



Part of the [Defense and Security Studies Commons](#), [Peace and Conflict Studies Commons](#), [Public Policy Commons](#), and the [Social Policy Commons](#)

Recommended Citation

Cluster Munitions, Convention on, "The Sixth Meeting of States Parties to the Convention on Cluster Munitions" (2016). *Global CWD Repository*. 101.

<http://commons.lib.jmu.edu/cisr-globalcwd/101>

This Other is brought to you for free and open access by the Center for International Stabilization and Recovery at JMU Scholarly Commons. It has been accepted for inclusion in Global CWD Repository by an authorized administrator of JMU Scholarly Commons. For more information, please contact dc_admin@jmu.edu.

Convention on Cluster Munitions

30 September 2016

Original: English

Sixth Meeting of States Parties

Geneva, 5–7 September 2016

Item 11 of the revised provisional 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. Accordingly, the Secretary-General of the United Nations convened the Sixth 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.

7. The First Review Conference of the Convention decided that the venue of the Sixth Meeting of States Parties will be Geneva and the date and duration of the Meeting would be announced in early 2016.²

8. The First Review Conference of the Convention also decided to designate Ambassador Henk Cor van der Kwast, Permanent Representative of the Netherlands to the Conference on Disarmament in Geneva and Disarmament Ambassador at large as President of the Sixth Meeting of States Parties³ and decided that his mandate would start on 1 January 2016 and guide the work of the Convention up to, as well as planning for and presiding over the Sixth Meeting of States Parties.⁴

II. Organization of the Sixth Meeting of States parties

9. The Sixth Meeting of States Parties was held in Geneva, Switzerland, from 5 to 7 September 2016.

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

11. The Meeting confirmed Ms. Mary Soliman, Acting 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: Afghanistan; Australia; Austria, Belgium; Bosnia and Herzegovina; Botswana; Bulgaria; Burundi; Cameroon; Canada; Chile; Colombia; Costa Rica, Côte d'Ivoire; Croatia; Czech Republic; Dominican Republic; Ecuador; El Salvador; France; Germany; Ghana; Guatemala; Guinea; Holy See; Hungary; Iraq; Ireland; Italy; Japan; Lao People's Democratic Republic; Lebanon; Lesotho; Lithuania; Luxembourg; Malta; Mauritania; Mauritius; Mexico; Monaco; Mozambique; Netherlands; New Zealand; Nicaragua; Niger; Norway; Panama; Peru; Republic of Moldova; San Marino; Slovakia; Slovenia; South

² Ibidem paragraph 33.

³ Ibidem paragraph 34.

⁴ Ibidem paragraph 29.

Africa; Spain; State of Palestine; Sweden; Switzerland; 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: Cuba.

15. The following States signatories to the Convention participated in the work of the Meeting as observers: Angola; Cyprus; Indonesia; Kenya; Madagascar; Namibia; Nigeria; and Philippines.

16. Argentina; China; Finland; Greece; Kazakhstan; Libya; Oman; Pakistan; Qatar; Republic of Korea; Serbia; Singapore; Sri Lanka; Sudan; Thailand; Turkey; Viet Nam and Yemen also participated in the work of the Meeting as observers.

17. The United Nations Development Programme (UNDP); the United Nations Institute for Disarmament Research (UNIDIR), the United Nations Mine Action Service (UNMAS) and the United Nations Office for Disarmament Affairs (UNODA) participated in the work of the Meeting as observers, pursuant to rule 1(2) of the rules of procedure (CCM/MSP/2016/3).

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

19. The European Union, the Anti-Personnel Mine Ban Convention Implementation Support Unit, the Christian-Albrechts Universität zu Kiel, the Digger Foundation, the Mine Advisory Group (MAG) and the Halo Trust took part in the work of the Meeting as an observers, pursuant to rule 1 (3) of the rules of procedure.

III. Work of the Sixth Meeting of States Parties

20. On 5 September 2016, the Sixth Meeting of States Parties was opened by Ambassador Henk Cor van der Kwast, Permanent Representative of the Netherlands to the Conference on Disarmament in Geneva and Disarmament Ambassador at large.

21. The Sixth Meeting of States Parties held six plenary meetings. At its first plenary meeting, on 5 September 2016, upon invitation of the President of the Sixth 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, H.E. Mr. Pieter Jan Kleiweg de Zwaan, Deputy Director General for Political Affairs in the Dutch Ministry of Foreign Affairs addressed the plenary.

23. At the same meeting, messages were delivered by Ms. Mary Soliman Acting Director of the Conference on Disarmament and Conference Support Branch of the United Nations Office for Disarmament Affairs, on behalf of the Secretary-General of the United Nations, by Ms. Christine Beerli, Vice-President of the International Committee of the Red Cross, and by Sister Denise Coghlan, representative of the Cluster Munition Coalition.

24. At that meeting, Norway, Zambia, Costa Rica and Croatia were elected by acclamation Vice-Presidents of the Meeting.

25. At the same meeting, States Parties adopted the agenda of the Meeting, as contained in document CCM/MSP/2016/1/Rev.1, the Programme of Work, as contained in document CCM/MSP/2016/4, and Add.1 and confirmed the Rules of Procedure as contained in CCM/MSP/2016/3.

26. The Meeting considered documents CCM/MSP/2016/1/Rev.1 to CCM/MSP/2016/8 and CCM/MSP/2016/WP.1 to CCM/MSP/2016/WP.2.

IV. Decisions and Recommendations

27. Emphasizing the importance of the universalization of the Convention, the Meeting warmly welcomed the ratification by Palau and Somalia, and the accession of Cuba and Mauritius since the First Review Conference. The Meeting also took note of the admirable efforts undertaken by Croatia in its capacity as President of the First Review Conference. The Meeting also acknowledged Croatia's efforts that led to the adoption in 2015 of United Nations General Assembly resolution 70/54 titled "Implementation of the Convention on Cluster Munitions". This resolution was co-sponsored by 44 States and was adopted with a vote of 139 in favor. The Meeting also acknowledged the commendable work undertaken by Ecuador and Zambia, as the Coordinators on Universalization.

28. The Meeting was encouraged by the continued steady progress made in the implementation of Article 3 and noted that States with an obligation to destroy all stockpiles had so far achieved this requirement well ahead of the Convention deadlines. The Meeting also appreciated the work undertaken by France and Mexico, as the Coordinators on Stockpile Destruction and Retention.

29. Recognizing the importance of clearance and destruction of cluster munitions located in areas under the jurisdiction or control of a State Party, the Meeting acknowledged the efforts of Bosnia and Herzegovina and Norway, as the Coordinators on Clearance and Risk Reduction, and their work with affected countries in assessing their national needs and encouraged the use of effective and efficient technological developments at operational level in these countries.

30. Further acknowledging the good progress made with regard to the survey and clearance of cluster munitions, the Meeting welcomed the presentation made by the Geneva International Centre for Humanitarian Demining (GICHD), which highlighted the continuing need for high quality land release in response to cluster munition remnant contamination. The presentation focused on an evidence-based approach reflected in the land release process and underlined the importance of sound information management for maximum benefit of this methodology.

31. Reiterating that national transparency reporting is an obligation under Article 7 of the Convention, the Meeting underscored that reporting provided an important monitoring tool on the implementation of the Convention. The Meeting applauded the work of Costa Rica in its capacity as Coordinator on Transparency Measures to raise national transparency reporting rates. To further encourage reporting, the Netherlands in its capacity as President made available during the Meeting a room for States Parties for the completion of their national reports with the necessary assistance of the Implementation Support Unit of the Convention. The completed report would be then submitted during the meeting and the occasion marked through social media platforms. Luxembourg availed itself of this opportunity and submitted its annual report on 7 September 2016

32. Recalling the importance for all States Parties to comply with the provisions of Article 9 of the Convention, the Meeting commended the work undertaken by New Zealand, in its capacity as Coordinator on National Transparency Measures, through the exploration of creative ways by which States Parties could meet the targets relating to national implementation measures as set out in the Dubrovnik Action Plan.

33. Recognizing that the rights of victims of cluster munitions, landmines, and other explosive remnants of war (ERW) and addressing their needs, requires a long-term commitment even after the completion of clearance efforts, the Meeting welcomed the

Draft Guidelines on an Integrated Approach to Victim Assistance, as contained in document CCM/CONF/2016/WP.2, submitted by Australia and Chile, as the Coordinators on Victim Assistance, as well as Austria and Iraq as the Coordinators on Cooperation and Assistance. The Draft Guidelines benefited from technical support provided by Handicap International. The Meeting noted that the Coordinators would take into account comments on the draft Guidelines made during the Meeting or submitted separately to the Coordinators, and release a final version of the Guidelines later in 2016. The Meeting appreciated the remarkable work undertaken by the Coordinators in furthering work on victim assistance in line with the Dubrovnik Action Plan.

34. Recalling the right of each State Party to seek and receive assistance and that each State Party in a position to do so shall provide such assistance to accelerate implementation of obligations under the Convention, the Meeting lauded the efforts of Austria and Iraq, as the Coordinators on Cooperation and Assistance, to advance partnerships that would facilitate increased implementation of the Convention's obligations.

35. The Meeting welcomed the Geneva Progress Report — monitoring progress in implementing the Dubrovnik Action Plan, submitted by the Netherlands in its capacity of President of the Sixth Meeting of States Parties.⁵ The Meeting commended the work undertaken by the Czech Republic and Switzerland, as Coordinators on the General Status and Operation of the Convention, in assisting the President with the compilation of the Report.

36. In reviewing the composition of the Coordination Committee to ensure its continued support to the Convention as well as smooth transition periods between Presidencies, the Meeting decided to include the previous, current and incoming Presidents of the Meetings of States Parties or Review Conferences in the Coordination Committee.

37. The Meeting adopted the Political Declaration contained in Annex I.

38. After the adoption of the Political Declaration, the President made the following statement: "We set an ambitious aim to implement all individual and collective outstanding obligations before 2030 in the political declaration. We realize that this presents a challenge in particular for a few of the affected States Parties, which have been heavily contaminated due to past wars. We recognize the enormous efforts these countries have undertaken so far and continue to undertake to create a safer environment for their citizens. We commend the organisations that undertake the work of clearing the affected sites of cluster munitions and its remnants. Donor countries have been crucial for these efforts to take place. We therefore urge donor countries to continue and even step up their involvement and their commitment for this important cause. Let's work together to make implementation of the obligations under the CCM happen before 2030. We therefore count on all your support to make the Convention on Cluster Munitions an even greater success."

39. Recognising the difference between national capacities and resources of States Parties in meeting their obligations under the Convention, and taking into account the different level of contamination with cluster munitions between States both in terms of areas and number of cluster munitions, Iraq welcomed assistance from States Parties, donors, international organizations, and civil society to provide technical support, expertise, and equipment that would allow Iraq to meet its obligations as set out in the Political Declaration by 2030.

⁵ Based on information provided by States, necessary revision of the document will be issued as CCM/MSP/2016/8/Rev.1.

40. Recalling the adoption by the First Review Conference of a funding model for the ISU based on the principles of sustainability, predictability and ownership, as well as the Financial Procedures for the ISU to be reviewed at the Seventh Meeting of States Parties, the President provided an interim report on the implementation of the financial procedures. In welcoming the report, the Meeting reiterated the need to provide the requisite funds for the ISU. The Meeting urged States that had not yet provided their financial contributions, to do so as soon as possible to ensure the continued smooth operations of the ISU and the Convention.

41. The First Review Conference of the Convention had 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 2017 budget and workplan of the ISU, which the Meeting approved on 7 September 2016 (CCM/MSP/2016/2). The Meeting also agreed that the 2018 ISU budget and work plan would be submitted sixty days prior to the Seventh 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. The Meeting heard a presentation by the Chief of UNOG Financial Services, Mr. Hans Baritt, on the impact of the implementation of the International Public Sector Accounting Standards (IPSAS) and the Enterprise Planning Resource system (ERP, internally named UMOJA). Mr. Baritt stressed the importance of receiving assessed contributions to support meetings organized under the Convention in advance of the dates of these meetings. Lack of funds would incur the risk of meetings not taking place. Mr. Baritt also raised the issue of arrears and encouraged those States that are in arrear to promptly pay their dues. Mr. Baritt also shared with the Meeting a table on the financial status of the Convention.

43. At its last plenary meeting, on 7 September 2016, the Sixth 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 Switzerland;

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

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

(d) Working group on clearance and risk reduction: the Netherlands (until the end of the Eighth Meeting of States Parties) working with Norway;

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

(f) Working group on cooperation and assistance: Australia (until the end of the Eighth Meeting of States Parties) working with Iraq.

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

(a) Reporting: Costa Rica.

(b) National implementation measures: New Zealand.

45. The Meeting agreed to elect Ambassador Michael Biontino, Permanent Representative of Germany to the Conference on Disarmament in Geneva as President of the Seventh Meeting of States Parties. In accordance with the decision taken at the First

Review Conference, his term will commence from the day following the conclusion of the Sixth Meeting of States Parties to the last day of the Seventh Meeting of States Parties.

46. At the same meeting States Parties decided that the Seventh Meeting of States Parties shall be three days. The venue and dates of the Seventh Meeting of States Parties were yet to be determined. Therefore, the cost estimate for the Seventh Meeting of States Parties as indicated in document CCM/MSP/2016/7 was approved, as orally amended to be issued as document CCM/MSP/2016/7/Rev.1, with the understanding that once the venue is determined, this cost estimate shall be revised accordingly. The President of the Seventh Meeting of States Parties shall circulate the revised cost estimate through the United Nations Secretariat. The revised cost estimate will also be posted on the Convention's website.

47. At its last meeting, the Sixth Meeting of States Parties adopted its final report, as contained in CCM/MSP/2016/CRP.1, as orally amended, to be issued as document CCM/CONF/2016/9.

Annex I

Political declaration

1. The Convention on Cluster Munitions (CCM) is a young, vibrant and successful treaty. We now have 119 States that have committed to the Treaty, of which 100 have also ratified/acceded to it. In partnership with international organizations, expert organizations and civil society, implementation has been swift since its entry into force in 2010. Many goals have been reached in a period of just six year. The destruction of stockpiles of cluster munitions has been completed in many States or is well underway. We have also made good progress with regard to the survey and clearance of cluster munitions as well as with the assistance to victims of these weapons.

2. But there is more work to do.

3. Last year the first Review Conference took place in Dubrovnik, Croatia, where we agreed on an ambitious Action Plan to further implement and universalize the Convention and to strengthen the norm against the use of cluster munitions.

4. Last year the United Nations General Assembly adopted Resolution 70/54 on the Implementation of the Convention on Cluster Munitions with 139 States voting in favor. We welcome Somalia, Mauritius, Cuba and Palau, as the most recent States to have joined the Convention. We call upon all Signatory States to ratify the Convention as soon as possible. We also call upon all States that are not yet party to join the Convention without delay, in particular affected States, States with stockpiles of cluster munitions and States that have voted in favor of Resolution 70/54. As set out in the Dubrovnik Action Plan, our aim remains to reach 130 States Parties by the next Review Conference.

5. As CCM States Parties we will continue to promote adherence, and to reinforce the norms established by the Convention. We will uphold our commitment to foster the humanitarian standards set by the Convention, to comply with its obligations and to work for a world without cluster munitions. We are deeply concerned by any and all allegations, reports or documented evidence of the use of cluster munitions, most notably in Syria and Yemen in the past year. We condemn any use of cluster munitions by any actor, in conformity with Article 21.⁶ We will continue to call upon those who continue to use cluster munitions, as well as those who develop, produce, otherwise acquire, assist, encourage and induce the production, stockpiling, retention and transfer of these weapons, to cease immediately and to join as States Parties to the Convention.

6. We remain committed to assisting the victims and survivors of cluster munitions, including all persons directly impacted by cluster munitions as well as their families and communities, where appropriate, through integrated victim assistance efforts and comprehensive assistance adapted to their specific needs, whether through funding or otherwise, including through strengthening international cooperation and assistance under the provisions of the Convention. Bearing in mind the Convention on the Rights of Persons with Disabilities, we are committed to providing victim assistance without discrimination of any kind on the basis of disability. We are committed to ensuring that assistance to

⁶ Nicaragua does not support the inclusion of the phrase "in conformity with article 21" because in its view it is ambiguous and contravenes the spirit and purpose of the sentence. On the other hand, and in its capacity as Observer State, Cuba placed on record, before the adoption of the draft Political Declaration, that the reference to Article 21 in the context of paragraph 5 of the Political Declaration introduces an element of ambiguity that weakens instead of strengthening the principle position as agreed in the Dubrovnik Declaration, to condemn any use of cluster munitions by any actor

victims is integrated into national laws, where appropriate, policies and plans, including development, human rights and humanitarian initiatives.

7. In accordance with the Dubrovnik Action Plan, we undertake to employ the most appropriate innovative methodologies and techniques especially in mapping, non-technical and technical survey and clearance efforts in order to prioritize and optimize the use of limited global resources. We also remain committed to ensuring that the best principles for land release are applied, drawing fully on sector standards and good practice to more accurately determine the location, scope and extent of contamination and to address it where it is confirmed. State Parties which are in a position to do so will continue to provide international cooperation and assistance to affected States in line with the relevant actions set out in the Dubrovnik Action Plan.

8. An important challenge remains that of improving the rate of and compliance with transparency reporting as this provides the fundamental tool to monitor implementation progress. We, therefore, recommit to complying with this important obligation so that various aims of this provision are met including being a platform for the exchange of good practices and the promotion of cooperation and assistance in the implementation of the Convention.

9. Guided by the strategic roadmap outlined in the Dubrovnik Action Plan, we are determined that cluster munitions should become a thing of the past as soon as possible and in line with all time-bound commitments of States Parties, due to the unacceptable harm caused to civilians. Therefore we as CCM States Parties commit to fully implement all of our individual and collective outstanding obligations as quickly as possible and as conditions in affected states would allow in partnership with the United Nations, the International Committee of the Red Cross, the Cluster Munition Coalition and other non-governmental organizations, with an aim to implement all before 2030.

Annex II

List of documents

<i>Symbol</i>	<i>Title</i>
CCM/MSP/2016/1/Rev.1	Revised provisional agenda
CCM/MSP/2016/2	Implementation Support Unit Workplan and Budget
CCM/MSP/2016/3	Rules of Procedures
CCM/MSP/2016/4	Provisional Programme of Work
CCM/MSP/2016/4/Add.1	Annotated Provisional Programme of Work
CCM/MSP/2016/5	2015/2016 Annual report of the Implementation Support Unit
CCM/MSP/2016/6	Report on the Implementation of the Financial Procedures on the financing of the Implementation Support Unit
CCM/MSP/2016/7, Rev.1	Estimated costs of the Seventh Meeting of States Parties of the Convention on Cluster Munitions
CCM/MSP/2016/8, Rev. 1	Geneva Progress Report- Monitoring Progress in implementing the Dubrovnik Action Plan
CCM/MSP/2016/9	Final report
CCM/MSP/2016/WP.1	Proposal on a draft decision on the re-composition of the Coordination Committee
CCM/MSP/2016/WP.2	Guidance on an integrated approach to victim assistance
CCM/MSP/2016/INF.1 [English only]	Information for States Parties, observer States, intergovernmental organizations and nongovernmental organizations
CCM/MSP/2016/INF.2 [English/French/Spanish only]	List of participants
CCM/MSP/2016/CRP.1	Draft final report
CCM/MSP/2016/MISC.1 [English/French/Spanish only]	Provisional list of participants