

Review Conference of States Parties to the Convention on Cluster Munitions

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**Review of the operation and status of the Convention and other matters
important for achieving the aims of the Convention: Implementation support**

Reflections and options regarding the Convention's machinery

Submitted by the President of the Second Review Conference

I. Introduction

1. The implementation of the Convention is supported by a machinery made up of distinct areas. The draft review of the Dubrovnik Action Plan submitted by the Presidency details the different components of this machinery, including the challenges that have been highlighted in this area (Review of the Dubrovnik Action Plan Part III, CCM/CONF/2020/PM.2/WP.3).
2. The Review Conference provides the opportunity to not only review but also adjust, where necessary, the diverse aspects of the Convention's machinery. In doing so, considerations should focus on how the machinery could best support efforts by States Parties to implement the Convention and the action plan to be adopted at the Second Review Conference.
3. This document focuses on specific aspects of the machinery that are still to be addressed in detail, namely the programme of meeting as well as the role and composition of the Coordination Committee. It identifies possible options going forward in these areas.

II. Programme of meetings

4. The First Review Conference took a number of decisions regarding the Convention's programme of meetings. Paragraph 30 (d) of its Final Document stipulates that *one Meeting of States Parties would take place annually, with no additional intersessional meetings foreseen, and that the date, duration and location of these will remain within the purview of the President to decide with a default location in Geneva. When hosted elsewhere, any costs exceeding budgets otherwise expected would be covered by the host.*

The Meetings of States Parties (MSP)

5. The Conference on Cluster Munitions (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 shortening significantly the duration of the Meeting compared to



those held prior to the First Review Conference), an approach retained by ensuing MSPs. The annual MSP has been affected by financial difficulties since the First Review Conference. In particular, the Ninth MSP held only informal consultations without interpretation on its second day instead of formal sessions. Some items could not be addressed in detail and official documents were only gradually translated as funds were made available.

6. The annual MSP since the First Review Conference has been able to address the different items that it is mandated to cover as per Article 11 of the Convention, notwithstanding the shortened duration. In some cases, it was however felt that more time for discussions could have been useful, in particular to explore in greater depth some substantive aspects of the Convention's implementation. Also, it has been highlighted that additional space for informal interaction between States Parties as well as with other stakeholders could be useful.

7. The five MSPs held prior to the First Review Conference were all held outside of Geneva. They were held in very diverse parts of the world, notably by affected and/or developing countries, with a positive impact in terms of ownership and visibility. In contrast, all MSPs since the First Review Conference have been organised in Geneva. 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 had an impact on this development. If there is a logic that a Convention holds most of its formal meetings where it is anchored, there could be added value in holding them on occasion in alternative locations, notably with a view to promoting universalization.

Intersessional meetings

8. Until the First Review Conference, the Convention held an annual informal intersessional session, which usually took place at the end of spring. The session had a mandate to conduct informal discussions on substantive issues related to the different aspects of the Convention, and to develop recommendations to the MSP. The duration of the intersessional meeting varied from four days (2011 to 2013) to three days (2014). The decision was taken that the meeting would be held in English, French and Spanish, financed by voluntary contributions – and was in practice organized and financed by the Geneva international Centre for Humanitarian Demining (GICHD).

9. With the decision by the First Review Conference to discontinue the intersessional meeting, exchanges within the Convention have been limited to one annual event of a formal nature (MSP). The CCM no longer has a platform that it can leverage to discuss or explore informally universalization or implementation challenges or other issues. The submission of extension requests under Article 3 and Article 4 (which started in 2019 and is likely to continue in the years to come) are no longer the object of an informal and interactive dialogue between the submitting State Party and other CCM stakeholders.

10. In view of the above, the following options could be considered for the programme of meetings following the Second Review Conference.

Option 1: Annual Meeting of States Parties only

11. Meetings of States Parties would take place annually for a duration of 4-5 working days in Geneva or abroad. No intersessional meetings would take place.

Comments

- The current calendar of meetings would remain largely unchanged and retain the current pattern. The duration of the MSP would however be slightly lengthened to provide the opportunity to explore substantive issues in greater depth.
- It is not clear whether a formal setting provides the best format to explore such issues, or whether the MSP should contain informal segments.
- States Parties in a position to do so could be encouraged to provide support to any State Party interested in holding a MSP outside Geneva but having capacity issue in doing so.

Option 2: Annual Meeting of States Parties and Intersessional meetings

12. Meeting of States Parties and intersessional meetings would take place every year for a duration of 3–4 days in Geneva or abroad. An intersessional meeting for a duration of two days would take place in Geneva.

Comments

- The resumption of a (short) annual intersessional session would provide the opportunity to explore informally issues related to the CCM universalization and implementation, and to prepare for the MSP.
- The duration of the MSP could remain relatively short.
- The GICHD has indicated that it would in a position to organize and finance a two-day annual intersessional meeting, which could be held at no cost to States Parties.
- As far as feasible, intersessional meetings would be held consecutively with informal meetings in Geneva under other relevant treaties, to notably minimize travel costs.
- States Parties in a position to do so could be encouraged to provide support to any State Party interested in holding a MSP outside Geneva but having capacity issue in doing so.

III. The Coordination Committee and Working Groups/Coordinators

13. The Second MSP established a) a number of working groups and coordinators with a view to creating thematic leadership on all key areas under the Convention, as well as a b) a Coordination Committee to coordinate work under the Convention and the activities of the working groups/coordinators.

(a) Working groups and coordinators

14. The following working groups/coordinators were established:

- Working Group on the General Status and Operation of the Convention (2 coordinators)
- Working Group on Universalization (2 coordinators)
- Working Group on Victim Assistance (2 coordinators)
- Working Group on Clearance and Risk Reduction (2 coordinators)
- Working Group on Stockpile Destruction and Retention (2 coordinators)
- Working Group on Cooperation and Assistance (2 coordinators)
- Coordinator on National Implementation Measures (1 coordinator)
- Coordinator on Reporting (1 coordinator)

15. Coordinators are from States Parties and are nominated by the MSP or Review Conference. Working group coordinators are elected for a two-year period (only one coordinator being renewed each year to ensure continuity).

16. The set-up of coordinators has served the Convention well, contributing to the overall implementation of the Convention. It ensures that work in key areas is taken forward between MSPs and provides for a solid preparation of the yearly MSP. The Working Groups and Coordinators have developed flexible working methods and regularly cooperate across the existing structures to take forward issues of common interest. For instance, an ad hoc Analysis group made up of both the Coordinators on Clearance and Risk and on Stockpile Destruction and Retention has been established to consider extension requests submitted under Articles 3 and 4.

17. The workload of the Working Groups and Coordinators is generally significant but manageable. The Working Group on General Status and Operation of the Convention has had a lighter workload compared to the other working group, as they have no permanently assigned tasks. In regular instances, this Working Group has taken forward discrete issues at the behest of the presidency.

18. There is a priori no rationale for changing significantly the current structure of working groups and coordinators, as significant work remains to be accomplished in the different areas that they cover. A number of limited adaptations may nonetheless be potentially useful:

- The Lausanne Action Plan (LAP) may require, depending on the actions adopted, that some working groups (and/or of the Presidency) take up additional functions.
- The need to better mainstream gender and diversity considerations in the work of the Convention has been underlined on repeated occasions. Integrating this aspect in the mandate of the working groups/coordinators would be a useful step in this direction.
- The rate of Article 7 reporting remains far from optimal. Additionally, the actions included in the LAP will require that States Parties provide a number of information, whether through their Article 7 reports or other means. Efforts with regard to reporting is likely to gain in importance and require additional resources. This task could be entrusted to the Working Group on the General Status and Operation of the Convention, rather than a stand-alone coordinator. This would mean that reporting would be covered by two coordinators (and not only one) and provide for greater continuity.
- Actions in the LAP includes indicators, with a view to being able to monitor progress in their implementation. There would be value in tasking working groups and coordinators (as per the area that they cover) to develop a baseline (in the year following the adoption of the LAP) for assessing progress, and report annually on the status of implementation.

(b) *Coordination Committee*

19. The Coordination Committee meets on an ad hoc but regular basis, under the chairmanship of the Presidency. It comprises the President of the Convention, the President-designate, all the coordinators, the Implementation Support Unit (ISU) as well as representatives of the United Nations, the International Committee of the Red Cross (ICRC) and the Cluster Munition Coalition (CMC). It may also call upon any relevant party to assist in its work and has done so on regular occasions, and some institutions have been repeatedly invited to take part in meetings of the Coordination Committee.

20. The Coordination Committee has proven to be an essential mechanism for the functioning of the Convention. It has served not only as a means to exchange information among the various office holders with a view to enhancing coordination of their respective activities. It has also proven to be an important sounding board and support for the presidency, as well as a vehicle to explore possible new avenues of work or to address issues linked to the functioning of the CCM, such as financial challenges

21. There is no apparent reason to alter significantly the mandate of the Coordination Committee at this stage. Regarding its composition, it is essential that all office holders are included in the Coordination Committee. Consideration could also be given to extend a standing invitation to take part in Coordination Committee to additional institutions (beyond the United Nations, the ICRC and the CMC) where there is clarity of the added value that it would bring to perform its duties.

22. In view of the above, the following options could be considered to adjust and consolidate the machinery.

- Adjust the mandate of the Working groups/coordinators (and/or the Presidency), where necessary, to include new tasks arising from the LAP or other documents adopted by the Review Conference.

- Amend the mandate of the Working Groups to consider matters related to gender and the diverse needs and experiences of people in affected communities in every aspect of their area of responsibility.
- Amend the mandate of the Working Groups and Coordinators to include reviewing of information provided by the States Parties on the implementation of the actions contained in the Oslo Action Plan and reporting thereon at meetings of the Convention.
- Amend the mandate of the Working Group on the General Status and Operation of the Convention to include the issue of reporting, with a task of ensuring that States Parties submit their Article 7 report and take forward other aspects linked to reporting under the Convention. Discontinue the stand-alone function of Coordinator on reporting.
- Enlarge the composition of the Coordination Committee where useful for its functioning and its overall impact.
