

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

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## Second Review Conference

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

## Review Document of the Dubrovnik Action Plan

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

### I. Introduction and objective

1. The Convention on Cluster Munitions (CCM) was born of a collective awareness of the humanitarian consequences of cluster munitions and a determination to put an end for all time to the suffering and casualties caused by these weapons. To meet this objective, the Convention relies on a set of core provisions both of a disarmament and a humanitarian nature: the prohibition of the use, production, transfer and stockpiling of cluster munitions, the clearance of contaminated land, the provision of risk reduction education and of assistance to victims, their families and communities. Since entry into force, on 1 August 2010, the Convention has made substantial progress in meeting its objective and as such represents one of the most important developments in international humanitarian law in recent times. States parties have, from the outset, shown determination to implement the Convention rapidly and thoroughly. They have worked together in a spirit of cooperation, consultation and collaboration to take forward the implementation of the Convention.

2. Since the First Review Conference of the Convention held in Dubrovnik in 2015, progress has been made in meeting the purpose and objective of the Convention and in implementing its provisions. While regular progress continues to be made, several challenges remain in the full implementation of the Convention. This review is intended to record the progress made by the States Parties in fulfilling their obligations since the First Review Conference. Progress is measured in general terms as well as against the actions and objectives set forth in the Dubrovnik Action Plan (DAP) and decisions or recommendations adopted by the States Parties since then. It is intended to provide an analysis of the current state of affairs, highlight challenges that remain to fulfil the objectives of and obligations under the Convention as well as serve as a basis to the elaboration of the action plan to be adopted at the Second Review Conference (2RC) in Lausanne.



## II. Universalization

### A. Status of the situation and progress since Dubrovnik

3. To date, 123 States have committed themselves to the goals of the Convention. 110 of them have become full States Parties through ratification or accession, while 13 are Signatory States that are still to ratify the Convention.

4. During the review period, a total of 14 States have joined the CCM. From 2015 to 2017, the Convention saw at least two ratifications or accessions each year. This number increased to three in 2018 but went back to two in 2019 and returned to three in 2020 with one ratification and two accessions so far. Mauritius ratified and Somalia acceded to the Convention in 2015. Palau ratified while Cuba acceded in 2016. In 2017, Madagascar and Benin ratified the Convention, followed by Namibia and Gambia in 2018. Sri Lanka also acceded in 2018. In 2019, the Philippines ratified, and the Maldives acceded to the Convention. In 2020, Sao Tome and Principe ratified the Convention while Niue and St. Lucia acceded to the CCM bringing the number of State Parties to its current level of 110.

5. Regarding the thirteen States that have signed but not yet ratified the CCM, nine are in Africa (Angola, the Central African Republic, the Democratic Republic of Congo, Djibouti, Kenya, Liberia, Nigeria, Uganda, and the United Republic of Tanzania), two in the Americas (Haiti and Jamaica), one in Asia (Indonesia) and one in Europe (Cyprus).

6. A number of States that are reportedly affected by cluster munition contamination are not parties to the CCM. The *Cluster Munition Monitor* indicates that this concerns two States that have signed, but not yet ratified the CCM, Angola and the Democratic Republic of the Congo. It further indicates that it also concerns a number of States neither parties nor signatories, notably, Azerbaijan, Cambodia, Iran, Libya, Serbia, South Sudan, Sudan, Syria, Tajikistan, Ukraine, Vietnam, Yemen and potentially Georgia.

### B. Evaluation against the actions and objectives set forth in the Dubrovnik Action Plan

7. Action 1.1 titled “*Increase adherence with the convention*” sets the objective of 130 States parties to the CCM by the Second Review Conference. Although the number of States parties has increased from 96 at the end of the First Review Conference to 108 to date, there is still a large deficit regarding the objective set forth by the DAP.

8. CCM universalisation has been promoted in a number of forums. CCM Presidencies have in particular leveraged the United Nations General Assembly where a resolution titled “*Implementation of the Convention on Cluster Munitions*” has been introduced annually since 2014. Support for the resolution has progressed, even if modestly, during the cycle under review (from 139 yes, 2 no and 40 abstentions in 2015 to 144 yes, 1 no and 38 abstentions in 2019). It is also noticeable that some 30 States that are neither party nor signatory to the CCM vote in favour of the resolution. In 2019, the following States not parties to the CCM voted in favour of the resolution: Algeria, Azerbaijan, Bahamas, Bangladesh, Barbados, Bhutan, Brunei Darussalam, , Eritrea, Ethiopia, Gabon, Jordan, Kazakhstan, Kiribati, Kyrgyzstan, Libya, Malaysia, Marshall Islands, Micronesia, Mongolia, Papua New Guinea, Saint Lucia Singapore, Solomon Islands, South Sudan, Sudan, Surinam, Thailand, Timor Leste, Tuvalu, Vanuatu, and Yemen.

9. All the States that did not support the resolution in 2019 were non-signatories, with the exception of Cyprus. Diverse explanations were provided by these States for not supporting the resolution. They included the fact that the CCM was not negotiated within a United Nations framework, the fact that the CCM definition of cluster munitions is too restrictive, that cluster munitions are a legitimate weapon when used

in accordance with International Humanitarian Law or are required for defence needs and because of enduring security challenges. The absence of support for the resolution does not imply that a State does not share the overall humanitarian objectives of the Convention as its position can be motivated by other considerations. Several States have expressly indicated that while they cannot vote for the resolution, they support its humanitarian objectives. For its part, Cyprus explains its vote of abstention by the fact that security situation it faces holds up the ratification process.

10. In order to increase adherence to the CCM, a number of other steps were taken by the successive Presidencies and Coordinators on universalisation. This included formal letters addressed to, or bilateral meetings with, these States to encourage them to consider joining the CCM and/or better understand the challenges that they may be facing in taking this step. A number of events in the form of seminars have also been held to promote adherence to the CCM in particular regions by the Presidency, the coordinators for universalisation or other States Parties. This includes in particular events in Africa, Europe, South East Asia, the Pacific, the Americas and the Caribbean. The CCM Implementation Support Unit (ISU) played a central and invaluable role in the majority of these activities. The United Nations Secretary-General, in his capacity as depositary of the CCM, has also played an active role in universalization efforts in the period under review, notably writing to the Heads of State and Government of the States not party to the Convention to encourage them to become parties to it.

11. Likewise, participation in the annual Meeting of States Parties of the Convention by States not parties or signatories to the Convention has been encouraged, with a view to promoting dialogue with those States as well as adherence both to the CCM and its norm. On average, around 18 States not parties have taken part in the annual Meeting of States Parties. The following States have participated in at least one Meeting of States Parties: Argentina, Azerbaijan, Bahrain, Bangladesh, Bhutan, China, Finland, Greece, Kazakhstan, Libya, Maldives, Mongolia, Morocco, Myanmar, Oman, Pakistan, Qatar, Republic of Korea, Saudi Arabia, Serbia, Singapore, Sri Lanka, South Sudan, Sudan, Thailand, Turkey, Vanuatu, Vietnam, Yemen, Zimbabwe.

12. Many of the steps reported under Action 1.1 also contributed to implementing Action 1.2 titled "*promote the universalization of the Convention*". Several of the activities undertaken were carried out in close cooperation with relevant partners, including in particular the International Committee of the Red Cross (ICRC) and civil society organisations. Their resources and expertise were leveraged in the organisation of the regional outreach events referenced above. These organisations also organised regional events to promote CCM universalisation. They also offered and provided assistance to States interested in joining the Convention, for instance in the field of national legislation.

13. Particular attention has been paid to States still producing and/or stockpiling cluster munitions, as they represent a challenge both in terms of the CCM universalisation and the promotion of its norm. A dialogue has been sought with a number of these States. In particular, the Presidency of the Seventh Meeting of States Parties initiated a structured discussion with a group of such States, which included a military-to-military dialogue. 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.

14. Action 1.3 of the DAP, titled *Reinforce the norms being established by the Convention*, addresses two different dimensions: compliance with the CCM by its States Parties and promotion of its norms with States that have not yet committed to it.

15. No case of non-compliance by a State Party has arisen under the Convention during the period under review. Also, no case of use of cluster munitions on the territory of a CCM State Party has been reported.

16. Several new uses of cluster munitions have been reported or alleged during the period under review on the territory of States not parties to the Convention, including the possible use of cluster munitions by non-State actors. These developments have

given rise to expressions of concern and/or condemnation by many States Parties to the Convention, in particular the risks posed to civilians during and after attacks. This applies in particular to the enduring use of cluster munitions in Syria.

17. In the framework of the final report of the annual Meeting of the States Parties (MSP), States Parties to the CCM have also collectively and repeatedly expressed their strong concern and their condemnation about the use of cluster munitions. Several CCM presidencies issued communications in reaction to reports of cluster munitions uses, including via the CCM website.

18. States not party to the CCM that have reportedly produced cluster munitions in the past include Brazil, China, DPRK, Egypt, Greece, India, Iran, Israel, Pakistan, Poland, Republic of Korea, Romania, Russia, Singapore, Turkey and United States. If several of those States do not actively produce cluster munitions today, none of them has officially renounced such an activity in the past 5 years. The number of States not parties to the CCM stockpiling cluster munitions has reportedly remained largely unchanged over the past five years, standing at around 50. Regarding transfers of cluster munitions, it is difficult to assess whether they have diminished over the period under review owing to the lack of available information in this domain.

19. Several States not parties to the CCM place some forms of restriction on the use of cluster munitions. For instance, the *Cluster Munitions Monitor* indicates that Estonia, Finland, Poland and Romania have committed not to use cluster munitions outside of their own territory, and that Thailand indicated that it has removed cluster munitions from its operational stocks. However, a policy adopted by the US that called for completely phasing out the possible use of cluster munitions that failed to operate as intended more than 1 percent of the time by the end of 2018 was revised before that deadline. The revised policy indicates that such weapons will be retained in active stocks until these capabilities are replaced with enhanced and more reliable munitions. Assessing trends regarding moratoria adopted by States not parties on production, stockpile, transfer or use of cluster munitions is challenging as information thereon is not systematically collected by the Convention (via its ISU) or civil society.

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

20. Although progress has been made in universalising the Convention since the First Review Conference, it must be noted that the CCM underperforms when compared to other instruments in the field of conventional disarmament. Efforts in this area will need to be sustained and strengthened where possible taking into account that universalization is a collective obligation under the Convention.

21. Efforts should notably be sustained towards the 13 States listed above that have signed but are yet to ratify the CCM. Particular attention should also be paid to those States not parties that have expressed a clear positive inclination towards by voting in favour of the annual resolution introduced at the United Nations General Assembly. In view of the objectives of the Convention, efforts should also be furthered in particular towards those States identified above that are affected by cluster munitions contamination or that retain cluster munitions in their military stockpiles.

22. A number of challenges or obstacles have regularly been highlighted in taking forward universalisation efforts, including the aspects below.

23. Lack of awareness of the Convention by key decision-makers has been underlined on a regular basis. This seems to concern in particular national parliamentarians, key stakeholders in any ratification process. They seem to have little information about the Convention, its humanitarian dimension or what it contains in terms of obligation.

24. Competing national priorities seem to also affect progress on universalisation. States that have been approached regularly underline that they support the CCM in principle and even adhere to its norms, but that they have more pressing matters to attend to and/or instruments to adhere to (such as health, climate change, Sustainable Development Goals). This concerns in particular States with limited capacities or affected by political instability.

In a number of cases, universalisation efforts have been hampered by the challenge in identifying a ministry or department at a national level to take the lead on CCM matters. This concerns States that have expressed interest in principle in joining the Convention, but the absence of an office tasked with the issue means that it is passed along instead of taken forward. It has also been noted that identifying a national champion in the upper echelon of a national government increases the likelihood of the ratifying process going forward.

25. Security issues and considerations remain a key challenge in universalising the CCM, and this at different levels. Regional security considerations may lead a State to refrain from joining the Convention unless neighbouring countries take the same steps. In such a case, universalisation efforts probably have to be undertaken at regional rather than national level only. Also, a number of States apparently continue to consider that cluster munitions have a significant military utility and/or are in a security situation that means that they are not in a position to relinquish such weapons. Promoting a dialogue with these States is nonetheless important, in particular to promote the norms of the Convention. A military-to-military dialogue with these States, as organised by a presidency during the cycle under review, has also been underlined as particularly useful, including to discuss how the armed forces of States that have become party to the CCM have been able to relinquish such weapons.

26. Regarding the promotion of the norms established by the Convention, a challenge was evidenced by the difficulty for States Parties to agree on consensus language in the Final Document of MSP regarding the expression of concern and/or of condemnation of cluster munitions uses. Evaluating the promotion of the norms is also affected by a lack of clarity concerning policies adopted by States not party regarding cluster munitions, such as limitations/moratoria on use, development, production, acquisition, stockpiling, retention and transfer. A more systematic collection of information in this area could be useful.

27. Although not a challenge or obstacle to universalisation, the structure established by the CCM plays an important function in taking forward efforts in this domain. CCM Presidencies have played a leading role in promoting the universalisation of the Convention as have the two coordinators for universalisation. Due to changes in office holders, priorities and/or differences in terms of capacities, consistency and continuity in efforts may sometimes have been impacted. Also, other instruments have relied on a more structured machinery to promote universalization, including a universalization contact group or a (or a set of) flag bearer(s) in the form of a special envoy with a positive impact. The CCM has not explored or leveraged this option at this stage. Finally, some of these instruments have been able to rely on informal regular meetings to take universalization efforts forward.

### **III. Stockpile Destruction**

#### **A. Status of the situation and progress since Dubrovnik**

28. The implementation of Article 3 is a resounding success story. Thirty-six (36) of 41 States Parties that reported to have stockpiles of cluster munitions when the Convention entered into force for them have completed their destruction obligations. Over 95 per cent of the weapons detained by States Parties have already been destroyed, which represents a total of nearly 1.5 million cluster munitions containing 178 million submunitions. Today, there are 100 States Parties which do not hold stockpiles of cluster munitions because they have completed their destruction programmes or because they never held stockpiles of cluster munitions. At the close of the First Review Conference, 13 States Parties still had an obligation to destroy their existing cluster munitions stockpile. Since the First Review Conference, the following was observed:

(a) Nine States Parties (Botswana, Croatia, Cuba, France, Germany, Italy, Slovenia, Spain and Switzerland) have declared compliance with their Article 3 obligations, with all of them having done so within the Convention stipulated

timeframe. Five of these States completed their obligations at least three years ahead of deadline;

(b) One State Party (Cuba) that joined the Convention since 2015 reported having cluster munitions, and the destruction of its stockpiles is already completed;

(c) Three States Parties (Sao Tome and Principe, Niue and St. Lucia) recently joined the Convention and have not yet shared their initial report; however, none of them is believed to hold stockpiles of cluster munitions;

(d) There are now four States Parties (Bulgaria, Peru, Slovakia and South Africa) that reported still having cluster munition stockpiles and that therefore have an outstanding obligation to destroy stockpiled cluster munitions. Guinea-Bissau is still verifying the existence of cluster munitions in its stock and is yet to confirm whether it indeed has any cluster munitions stockpiled in its arsenals.

29. Although strides have been made in the destruction of stockpiles, a number of uncertainties remain owing to the fact that 10 States Parties including three new States Parties (Sao Tome and Principe whose report is not yet due and Niue and St. Lucia for whom the Convention has not yet entered into force) have not submitted their initial report as stipulated in CCM Article 7. It is unclear whether any of these States may have cluster munitions stockpiles. One State Party (Guinea Bissau) reported that it has ammunition that is not identified and requested assistance in identifying whether this includes any cluster munitions.

30. Developments have also taken place with regard to extension requests. The Eighth Meeting of States Parties in 2018 adopted Guidelines for CCM Article 3 extension requests. An annex contains guidance on how to submit an extension request i.e. content, structure and timelines of the requests. At the Ninth MSP in 2019, one State Party (Bulgaria) submitted a one-year interim extension request for its 2019 deadline under Article 3, which was approved by States Parties. A new request for 24 months including a work plan has now been submitted and will be analyzed at the Second Review Conference. A second State Party (Peru) has submitted an extension request of 37 months of its 2021 deadline that will be considered at the Second Review Conference. Regarding the other three States with outstanding obligations under CCM Article 3, two (Slovakia and South Africa) have reported to be on track to comply by the Convention's stipulated deadlines of 2024 and 2023 respectively. Another State Party (Guinea-Bissau) might ask for an extension if cluster munitions are identified in its storage. No State Party declared to have discovered previously unknown stockpiles of cluster munitions, after the initial deadline had expired.

31. Based on information available, 13 States Parties retain cluster munitions for training and research purposes (as permitted under the Convention), which represents an increase since 2015, when eleven States Parties retained cluster munitions under this provision of the Convention. This slight increase is due to retention by a new State Party and one State Party opting to retain some cluster munitions for training after initially declaring it would not do so. However, most States Parties retaining cluster munitions for training have reduced the number of their holdings since making their initial declarations.

## **B. Evaluation against the actions and objectives set forth in the Dubrovnik Action Plan**

32. In order to ensure that stockpiles are destroyed as soon as possible and within the original deadline, States Parties with outstanding obligations are encouraged to develop without delay a detailed work plan for the destruction of stocks (DAP Action 2.1). It can be noted that the majority of States Parties having stockpiles to destroy have acted upon this provision. However, some of these States Parties have not been diligent in providing updates through Article 7 reports on the status of their destruction programs. The necessity to develop a detailed work plan is also included in the

Guidelines on an Article 3 extension request that was adopted at the Eighth Meeting of States Parties.

33. The DAP also encourages States Parties to increase promising practices exchanges of good and cost-effective stockpile destruction practices (Action 2.2). This was done by some but not all States Parties, and exchanges in this area can certainly be improved upon. States Parties should systematically highlight any milestones in annual transparency reports and at meetings of the Convention. An improvement in the exchange of information including on the impact of destruction on public safety, health and the environment is also paramount.

34. In Action 2.3, the DAP recalls that States Parties that retain or acquire cluster munitions or explosive submunitions under Article 3.6 should ensure that the amount does not exceed the number absolutely necessary for said purposes and shall report regularly on any changes thereon. During the review period, the number of States Parties reporting on the retention of cluster munitions have gradually increased while the ISU, together with the thematic coordinators, have regularly checked that reports were provided on the past and planned use of retained munitions.

35. Regarding Action 2.4, States Parties that completed their stockpile destruction have as a rule reported on their achievement at the following Meeting of States Parties. The provision of this information was also facilitated by the adoption of the template titled “Article Declaration of Compliance in 2018” at the Eighth Meeting of States Parties.

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

36. Important progress has been made in the destruction of cluster munition stockpiles since 2015. However, some challenges remain. During the period under review, a State was for the first time not in a position to complete its obligation to destroy its stockpile within the initial deadline set forth in Article 3 and had to submit an extension request at the Ninth Meeting of States Parties. This country has now submitted a new extension request to be analyzed at the Second Review Conference, with all the requested documents. Another State has also submitted an extension request to be reviewed at the Second Review Conference. As this is still a recent process, it is important to make sure that the requests are comprehensive and of good quality when submitted, in order to preserve the integrity of the treaty. Monitoring the implementation of such requests will be important to ensure that the completion of destruction will be as rapid as possible. More generally, one of the consequences of the reporting fatigue observed under the Convention has been that collecting information on the implementation of obligations under Article 3 has become a challenge.

37. In carrying out Article 3 obligations, the two following challenges were notably identified:

(a) A lack of necessary expertise to carry out destructions that minimize the environmental impact in accordance with CCM Article 3.2;

(b) Necessity to develop complex national processes to take forward Article 3 implementation, including technological challenge.

## **IV. Clearance and Risk Reduction Education**

### **A. Status of the situation and progress since Dubrovnik**

38. At the end of the First Review Conference, eleven States Parties still had clearance obligations under Article 4. During the period under review, three States Parties declared completion (Croatia, Montenegro and Mozambique). One new State Party (Somalia) reported to have obligations under Article 4 while another (Mauritania) that had declared completion in 2013 reported in 2020 to have discovered previously

unknown contaminated areas under its jurisdiction or control. Consequently, 10 States Parties (Afghanistan, Bosnia and Herzegovina, Chad, Chile, Germany, Iraq, Lao People's Democratic Republic, Lebanon, Mauritania and Somalia) currently have outstanding clearance obligations under Article 4.

39. Since the First Review Conference, a number of States Parties have asked for extensions of their deadline. At the Ninth MSP held in September 2019, two States Parties (Germany and Lao People's Democratic Republic) with clearance deadlines in 2020 were granted five-year extensions until 1 August 2025, the first extensions under the Convention. Three other States Parties (Bosnia and Herzegovina, Chile and Lebanon) indicated that they would not meet their initial 2021 deadlines and submitted extension requests in 2020, requesting an additional 18 months, 12 months and five years respectively. These requests will be considered at the Second Review Conference in November.

40. In all, by the end of the Second Review Conference, it is expected that ten States Parties will continue to have outstanding clearance obligations.

41. Since the First Review Conference, five States Parties (Afghanistan, Croatia, Iraq, Lao People's Democratic Republic and Lebanon) with outstanding Article 4 obligations have provided particularly detailed information on risk reduction education efforts, including disaggregated data. Others have provided limited information. Risk education continues to play a vital role in protecting civilians, particularly when delivered in areas with very high casualty rates or where clearance operations may not be possible because of ongoing hostilities.

## **B. Evaluation against the actions and objectives set forth in the Dubrovnik Action Plan**

42. The DAP includes eight actions related to clearance and risk reduction.

43. Action 3.1 of the DAP requires that affected States Parties assess the extent of the problem. In evaluating implementation as outlined in the DAP, it is recognized that land should be released through cancellation where no evidence of contamination is found, taking into account existing standards, best practices and principles for land release. The DAP promotes an evidence-based approach and underlines that an affected State Party should "make every effort to promote clarity on the location, scope and extent of cluster munitions remnants in areas under its jurisdiction or control drawing on survey approaches as appropriate and needed".

44. Since the First Review Conference, a majority of affected State Parties have carried out surveys to a varying extent thus providing clearer information on the scope and extent of the reported contaminated areas. States that have reported carrying out evidence-based surveys include: Afghanistan, Chile, Croatia, Germany, Iraq, Lebanon Lao People's Democratic Republic, and Montenegro. More work is certainly needed to ensure that states are afforded an accurate understanding of the true extent of contamination globally. Obtaining greater clarity on the extent of remaining cluster munition remnants contamination enables national authorities to more accurately estimate the time required to meet their obligations under Article 4; to make informed decisions based on evidence, including on prioritization of survey and clearance operations; and to improve risk analysis. It is imperative that States Parties with obligations under this key treaty provision make every effort to comply with it as soon as possible and, in cases where they are unable to meet the mandated deadline, they must request the shortest extension period possible. Extension requests should be based on a clear plan to achieve completion and must include clear milestones and timelines.

45. Action 3.2 of the DAP sets the protection of people from harm from cluster munition remnants at the core of the Convention. In their Article 7 reports, of the 12 States Parties affected by cluster munition remnants, five (Bosnia and Herzegovina, Chad, Mauritania, Montenegro and Somalia) provided only very limited information regarding risk reduction education efforts. Chile and Germany provided limited

information due to the fact that their contamination is limited to a fenced off military shooting range. Only five States Parties (Afghanistan, Croatia, Iraq, Lao People's Democratic Republic and Lebanon) provided detailed disaggregated data on this aspect.

46. Action 3.3 of the DAP highlights the importance of developing a resourced work plan to address the contamination by cluster munition remnants. This is recognized as essential for effectively planning survey and clearance operations in order to meet deadlines, and for attracting international/donor support. During the review period a number of affected States parties have developed comprehensive national strategies to address contamination at the national level, and most have developed operational work plans (of varying levels of detail and quality). Several affected states report providing national resources towards their implementation (ranging from limited national contributions to entirely nationally funded programmes). In most cases, international financial support for the expedient implementation of the work plans is requested. This could however be strengthened through inclusion in Article 7 reports of progress against the work plan, milestones, deadlines and allocated requested resources.

47. Action 3.4 of the DAP encourages affected States Parties to be inclusive when developing their response. Unfortunately, States Parties contaminated with cluster munition remnants have not systematically provided information regarding the inclusion of affected communities or other stakeholders in the development of a national response to address cluster munition remnant contamination and in risk reduction education programmes. At Meetings of States Parties during the review period, mine action operators have shared details on their programmes' efforts towards including affected communities and diverse populations. Research conducted by Mine Action Review in 2019 also suggests that national authorities and their implementing partners in nearly two-thirds of affected States Parties, reported consulting all groups, including women, girls, men, and boys, during survey and community liaison activities.

48. Action 3.5 relates to the management of information for analysis, decision-making and reporting. It recognizes the importance of information management as a key aspect of land release planning and prioritization, including in determining where it is possible for land previously recorded as contaminated to be released through cancellation. The quality of the reporting varies, but it is positive to note that reasonably detailed information regarding the contaminated areas is provided. However, not all affected States Parties have provided sufficiently detailed information on cluster munition remnant contamination, and further progress from them in this area would be welcome and beneficial.

49. Action 3.6 requires States Parties that have used or abandoned cluster munitions prior to entry into force of the CCM to endeavor to provide support (including technical, financial, material and human resources) to, assist and cooperate with affected States Parties to ensure the clearance of cluster munitions used or abandoned on the territory of another State Party. This aspect was not comprehensively assessed in the context of the work of the Convention during the period under review. Whilst the inability to track progress directly might be addressed in future through Article 7 reporting, it is noted that there has been anecdotal evidence of cooperation between States Parties and States not Parties. This is positive and indicates broad support for the norm that this action seeks to establish.

50. Action 3.7 encourages States Parties to apply practice development to their efforts to address cluster munition remnant contamination. The Convention has continued to encourage the use of efficient technologies in the survey and clearance of cluster munition remnants in the context of Article 4. Specifically, it continues to promote the implementation of efficient evidence-based survey and clearance activities in line with internationally recognized best practice, which are captured in International Mine Action Standards (IMAS). This promotion is based on the global understanding that efficient implementation of Article 4 relies primarily on high quality survey to identify and define confirmed cluster munition remnant contamination, based on direct evidence, and on subsequent targeted and prioritized clearance of contamination. For example, Cluster Munition Remnants Survey (CMRS), is one such example of an

evidence-based technique that is highly reliant on both non-technical and technical survey, and that has been particularly adopted to a cluster munition remnant context by national authorities and their implementing partners in Southeast Asia. In all cases survey and clearance operations should be underpinned by effective information management and supported through efficient funding cycles.

51. Action 3.8 demands the promotion and expansion of cooperation. Since it is difficult to differentiate between financial contributions allocated specifically to the clearance of cluster munition remnants and those allocated to clearance of mines and other explosive remnants of war, no detailed figures can be provided. However, since 2015 international financial contributions for clearance activities increased significantly. The Landmine Monitor recorded that international support for clearance and risk education amounted to US\$ 218.6 million in 2015, US\$ 343.2 million in 2016, US\$ 395.9 million in 2017 and US\$ 396.9 million in 2018. The distribution of this increased funding has not been shared equally among affected states. Significant focus has been placed on a relatively small number of states, including some States not party.

52. Additionally, innovative approaches, such as the Country Coalitions were developed which contribute to a more focused and better coordinated engagement between affected States, donor States and operators (see section on International Cooperation & Assistance).

53. Regarding the results that were expected from these measures, the following can be highlighted:

- Increased amounts of suspected land were released for subsistence, cultural, social and commercial purposes. This has been achieved thanks to the more widespread application of evidence-based survey (both non-technical and technical survey), in line with IMAS. This has enabled several affected States Parties to safely release areas found not to be contaminated. The exact degree to which released land has been used for subsistence, cultural, social and commercial purposes, cannot be readily assessed at this time as impact assessments in mine action are still too rare.
- The better targeting of scarce clearance resources is difficult to assess due to the different contextual factors that influence clearance planning and tasking at a national level. It is clear that progress in this regard varies between affected States Parties and has largely depended on the degree to which evidence-based survey is used to confirm cluster munition remnant contamination, before clearance is conducted. Research by Mine Action Review indicates a steady increase in the amount of cluster munition remnant contaminated area cleared globally each year since the First Review Conference, although clearance by States Parties has remained broadly constant. In 2015, 70km<sup>2</sup> was cleared globally (of which more than 52.2km<sup>2</sup> was in States Parties); reaching 88km<sup>2</sup> (more than 39.5km<sup>2</sup> in States Parties) in 2016; 95.4 km<sup>2</sup> (more than 43.9km<sup>2</sup> in States Parties) in 2017; and 128.3km<sup>2</sup> (more than 50.5km<sup>2</sup> in States Parties) in 2018. In this same period, the number of submunitions cleared globally rose from more than 120,899 in 2015 (of which more than 106,863 in States Parties); to 137,544 (more than 113,085 in States Parties) in 2016; and 153,007 (more than 125,550 in States Parties) in 2017; before falling slightly to 135,779 (more than 100,455 in States Parties) in 2018.
- The impact of clearance progress on larger freedom and safer movement cannot be readily assessed at this time. This is an observation that may inform future planning at the convention level.
- Finally, the expected increased exchange of information of good and cost-effective clearance practices including on safety, environmental impact and efficiency can be observed through the establishment of Country Coalitions as well as other steps such as regional workshops. An example would be the 'Balkans workshop on cluster munition survey and clearance and implementation of Article 4 of the CCM' was convened by Norway and

Netherlands in November 2017 and is a good example of how CCM State Party coordinators can leverage their mandate to help drive progress.

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

54. During the period under review, as more States made progress in implementing CCM Article 4, several challenges have been encountered. A number of affected States Parties have indicated that efforts are hampered by a lack of resources or funding to fully implement their Article 4 obligations, including the collection of disaggregated data on sex and age. This in return often impeded funding commitments from interested donors.

55. Increasingly, donors have been more responsive to clearance in humanitarian emergencies, leaving mine action programmes in non-emergency settings with decreased international support. This negatively impacts the development and implementation of cost- efficient survey and clearance processes for these affected areas as well as risk reduction education efforts. The establishment of a Country Coalition in such circumstances has proven to be a useful tool to address this development. Such a collective of forums afford affected states the opportunity to present and discuss country-specific needs and challenges in Article 4 implementation and to better engage donors to help secure the required funds.

56. Another challenge faced by some States Parties (including Afghanistan, Bosnia and Herzegovina, Chad, Croatia, Iraq, Lebanon, and Mauritania) with obligations under Article 4 is the discovery of previously unknown contaminated areas. In certain circumstances operators have needed to conduct clearance in urban areas, incurring additional technical challenges in already complex operating environments.

57. A potential challenge for those States reaching completion is that clearance becomes increasingly difficult when contamination becomes increasingly difficult when is located on difficult terrain. Additionally, in some instances, cluster munition remnants are located in remote and insecure areas which impacts on planning and tasking.

58. Another challenge to Article 4 implementation has been that of competing national priorities of affected States Parties. With multiple competing requests for scarce resources, it is increasingly important that Conventions' narrative is strengthened at all levels, the socio-economic benefits of survey and clearance efforts are clear and should be effectively communicated to ensure that mine action receives appropriate attention and funding at the national and international levels.

59. Timely planning to ensure that survey and clearance activities are initiated early within the allocated initial ten-year Article 4 timeframe is also a key element. Article 4 requires each affected State Party to complete clearance, 'as soon as possible, but not later than ten years from the treaty's entry into force for it. Several affected States Parties have met difficulties to initiate survey and clearance, leaving little margin for encountering unforeseen obstacles and potentially jeopardising their ability to fulfil their Article 4 obligations within the ten-year deadline. There is a clear risk that an undesirable precedent will be established if States Parties do not apply all reasonable efforts during their initial Article 4 clearance deadline, but then request the maximum five-year extension period allowed by the Convention when the original deadline has been missed. This observation will likely inform planning at the Convention level and it is important that this risk is managed and mitigated through the Convention's established machinery.

60. In a small number of affected States Parties, ongoing difficult security situations impeded implementation of Article 4 obligations, this was notably the case where operational advancement was largely dependent on improving the national and the regional security situation.

61. Evaluating the implementation of the DAP has been challenging due to the fact that not all States Parties have provided annual transparency reports in accordance with Article 7 and that the quality of information contained in the reports that were submitted differed widely.

62. Finally, some of the elements contained in the DAP were not allocated appropriate indicators and as such are not readily measurable, which is a lesson to be drawn from that will inform the development of the Lausanne Action Plan.

## **V. Victim Assistance**

### **A. Status of the situation and progress since Dubrovnik**

63. 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 International Humanitarian Law 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.

64. 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.

65. 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.

66. 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, Montenegro and Somalia. In its 2019 Article 7 report, Mozambique clarified that after verification it did not have any victims of cluster munitions

67. 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.

68. 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 11 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 Dubrovnik Action Plan**

69. 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. Eight of the States Parties (Afghanistan, Albania, Bosnia and Herzegovina, Chad, Croatia, Iraq, Lao People's Democratic Republic and Lebanon) 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 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).

70. During the review period, eight States Parties (Afghanistan, Albania, Bosnia and Herzegovina, Croatia, Iraq, Lao People's Democratic Republic, Lebanon and Montenegro) 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)). 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.

71. 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 ten States Parties between 2016 and 2020 (Afghanistan, Albania, Bosnia and Herzegovina, Chad, Guinea-Bissau, Iraq, Lao People's Democratic Republic, Lebanon, Montenegro, 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**

72. 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.

73. 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.

74. 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.

75. 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.

## **VI. International Cooperation and Assistance**

### **A. Status of the situation and progress since Dubrovnik**

76. 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.

77. 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.

78. 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 28 September 2020, 15 State Parties and one State not Party (South Sudan) had requested assistance; 21 State Parties had provided assistance and ten State Parties had received assistance.

79. 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.

80. International partnerships have taken various forms and involved various actors: south-south and triangular cooperation, cooperation among and between States, the United Nations, 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.

81. 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 Dubrovnik Action Plan**

82. 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.

83. 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.

84. 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.

85. 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.

86. 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.

87. 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**

88. 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.

89. 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.

90. 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.

91. 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.

92. 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.

## **VII. Transparency and exchange of information measures**

### **A. Status of the situation and progress since Dubrovnik**

93. 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.

94. At present, 100 of 107 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 28 September 2020, seven (7) States Parties (Cabo Verde, Comoros, Congo, Guinea, Madagascar, Rwanda and Togo) have yet to comply with this important obligation. Only three new States Parties have initial reports not yet due.

95. 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.

96. 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 Dubrovnik Action Plan**

97. 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 as of 28 September 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 68 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.

98. 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.

99. 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**

100. 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.

101. 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.

102. 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.

103. 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.

104. 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.

## **VIII. National Implementation Measures**

### **A. Status of the situation and progress since Dubrovnik**

105. 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.

106. 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).

107. 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 (Albania; Andorra; Bolivia; Bosnia and Herzegovina; Chile; Colombia; Côte d'Ivoire; Croatia; Cuba; Denmark; Dominican Republic; Guyana, Holy See; Iraq; Lithuania; Malta; Montenegro; Moldova; Mozambique; Nicaragua; Palau; State of Palestine; Panama; Paraguay; San Marino; Slovakia; Slovenia; South Africa; Trinidad and Tobago; and Uruguay) and 23 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).

108. 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 Dubrovnik Action Plan**

109. 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.

110. 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.

111. 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.

112. 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 United Nations languages. Tailored assistance is also available from a number of States Parties, the ISU and other actors.

113. 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**

114. 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.

115. 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.

116. 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.

## **IX. Implementation Support**

117. 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.

### **A. Implementation Support Unit**

#### **1. Status of the situation**

118. At the First Review Conference, the States Parties adopted a multi-year work plan and budget for the Implementation Support Unit. 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.

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

119. 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.

120. 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.

121. 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.

## **B. Meetings of the States Parties**

### **1. Status of the situation**

122. 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.

123. 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.

124. 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.

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

125. 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.

126. Also, since the First Review Conference, the MSPs received several presentations from the United Nations Office at Geneva (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.

127. 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 had an impact on this development.

## **C. Intersessional Meetings**

### **1. Status of the situation**

128. The First Review Conference decided that "until the following Review Conference in 2020, one Meeting of States Parties 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 Geneva International Centre for Humanitarian Demining (GICHD) with financial support from Switzerland, ensuring that they were held at no cost to States Parties.

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

129. 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.

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

### **1. Status of the situation**

130. 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, the Past-President and the various thematic coordinators, and an invitation extended to the CMC, the ICRC and the United Nations 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.

131. 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.

132. Since the First Review Conference, the Sponsorship Programme has continued to permit broad representation at meetings of the Convention with a view to promote 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.

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

133. 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.

134. 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.

135. Funding has been provided by an annual average of 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.

## **E. Participation of other actors**

### **1. Status of the situation**

136. 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 United Nations, 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.

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

137. 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 Articles 3 and 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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