

Review Conference of States Parties to the Convention on Cluster Munitions

19 December 2014

Original: English

First Preparatory Meeting for the First Review Conference

Geneva, 5 February 2015

Item 9 of the provisional agenda

**Exchange of views on a post-First Review Conference
programme of meetings and machinery**

Exchange of views on a post-First Review Conference programme of meetings and machinery

Submitted by the President-designate of the First Review Conference

Introduction

1. One of the purposes of the Review Conference shall be to “review the operation and status of this Convention; to consider the need for and the interval between further Meetings of States Parties referred to in paragraph 2 of Article 11 of this Convention”¹
2. There are virtually no legal constraints to adapting a meeting programme and related machinery to the realities of the Convention at a particular point in time in the life of the Convention. States Parties have shown great flexibility to date, discussing the most adequate intersessional work programme and timing of formal meetings to adapt to lessons learned and the evolving nature of implementation.²
3. By the time of the First Review Conference in 2015, it will be over five years since the Convention entered into force. It is therefore timely to assess, discuss and take decisions on the work programme of the Convention and its related implementation machinery for the period 2014-2019.

Objectives

4. The overall objectives of such discussion should be:

¹ CCM/77.

² The only consideration to keep in mind is that only Review Conferences, (and not Meetings of the States Parties), are mandated “to consider the need for and interval between further Meetings of the States Parties” and that the interval between Review Conferences “shall in no case be less than five years.” This entails that a decision must be taken at the First Review Conference.



(a) to ensure that the Convention's implementation architecture corresponds to current and actual implementation challenges while maintaining the function as arena for States reporting on progress, challenges and compliance, and for implementation actors to monitor progress and interact with States on how they may meet their obligations. Furthermore, States need to ensure that the next work programme is adequately supported in terms of planning, coordination and financial resources. Efficiency and cost-effectiveness should therefore guide the States discussions on the work programme. (Section I).

(b) To constantly seek the most appropriate management of the work of the Convention in a highly cooperative manner. The mechanisms suggested below would not however, have decision making authority, as such powers rests with all States Parties at Meetings of States Parties and Review Conferences. (Section II) .

I Background - format and purpose of meetings

Meeting of States Parties

5. Article 11 of the Convention on Cluster Munitions states that "States Parties shall meet regularly in order to consider, and, where necessary, take decision in respect of any matter with regard to the application or implementation of this Convention". Article 11 further states that "The First Meeting of States Parties shall be convened by the Secretary-General of the United Nations within one year of entry into force of this Convention. The subsequent meetings shall be convened by the Secretary-General of the United Nations annually until the first Review Conference" and that "States not party to this Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organisations may be invited to attend these meetings as observers in accordance with the agreed rules of procedure".

6. Since 2010 and as agreed in subsequent Meetings of States Parties (MSP), States have met once a year for formal meetings of States parties. Convened by the United Nations Secretary General, they represent an opportunity at which States Parties report on progress in the implementation of obligations under the treaty. It is also an opportunity to raise challenges in the implementation of these and for other States not yet party to the treaty, for stakeholders and friends of the Convention, including the United Nations, the International Committee of the Red Cross and the Cluster Munitions Coalition, to share information in support of the objectives of the treaty and comment on, suggest options and opportunities for enhanced implementation measures.

7. The Treaty text does not specify further how often States Parties should meet in the period following the First Review Conference. Therefore, this First Review Conference will need to take decisions that can regulate this need. Since entry into force, these Meetings of States Parties have taken place in Vientiane, Lao People's Democratic Republic (First Meeting of States Parties, 8-12.12.2010), Beirut, Lebanon (Second Meeting of States Parties, 12-16.09.2011), Oslo, Norway (Third Meeting of States Parties, 11-14.09.2012), Lusaka, Zambia (Fourth Meeting of States Parties, 10-13.09.2013), and most recently, in San José, Costa Rica (Fifth Meeting of States Parties, 2-5.09.2014). The geographic spread of meetings which during the first five years have been held in affected States in all regions of the world was aimed at supporting the universalisation of the Convention and also visualise the global ownership and relevance of the Treaty.

Intersessional meetings

8. States have met informally during the annual intersessional work programme, which usually have taken place halfway between the Meetings of States Parties. At the First Meeting of States Parties, the Meeting decided that the informal meeting should include recommendations for consideration by States Parties at the Meeting of States Parties regarding implementation architecture and means to coordinate the work of the Convention on Cluster Munitions.³ The Meeting also decided that the informal intersessional meetings should be held in English, French and Spanish and supported through voluntary funding. During all subsequent Meetings of States Parties, this decision has been reaffirmed. The length as well as the format of the intersessional meeting has undergone changes; decreasing in the number of days, from four in 2011, 2012 and 2013 to three days in 2014 allowing the meeting to be held back-to-back, within one working week, with the Standing Committees of the Anti-Personnel Landmine Convention but also introducing alternative approaches to the work with an aim to better differentiate from the political nature of the Meetings of States Parties.

Points for discussions

9. In all the options below which focus on the periodicity and venue of Meetings of States Parties, Meetings of the States Parties will continue to be the time at which “States Parties shall meet regularly in order to consider, and, where necessary, take decision in respect of any matter with regard to the application or implementation of this Convention”, where States Parties with obligations under the Convention report on their progress and challenges in their implementation of these and where States not party and other stakeholders will be invited as observers in accordance with the Convention and the agreed rules of procedure.

10. The intersessional meetings, or equivalent, should be informal meetings held, preferably after the 30 April deadline for submitting transparency reports in accordance with Article 7 covering the previous calendar year. As per previous practices, the costs of intersessional meetings should be covered on voluntary basis.

11. Mindful of thematic discussions under clearance, victim assistance and cooperation and assistance often relevant also to sister conventions, suggested approaches held well-coordinated with other instruments of similar nature and substantive focus have gained much support from States. The length of meetings should be considered against the backdrop of cost efficiency. Cost considerations should however also be carefully balanced with substantive needs and priorities.

12. Options below build on comments raised over the past five year with the aim of suggesting innovative approaches to reflect the realities and needs of States Parties while promoting cost-efficiency and an effective implementation of the Convention.

13. A key consideration should be to ensure a clear division of the nature of Meetings of States Parties versus that of informal meetings. One suggestion could be to design intersessional meetings as informal meetings of experts. Such meetings would not have any decision making power but could provide recommendations of technical nature to subsequent Meetings of States Parties. Further to this, to strengthen continuity, it should also be considered that the meeting format agreed is maintained throughout the next period leading up to the next Review Conference.

³ CCM/MSP/2010/5, final document, section IV, decisions and recommendations, paragraph. 24.

Option 1

Annual Meeting of States Parties and Intersessional meetings based in Geneva

14. Meeting of States Parties and intersessional meetings would take place every year, in Geneva, at the Palais des Nations or alternative location, for the duration of 4-5 and 1-3 working days respectively.

Comments

15. Cost-effective option

(a) Simplification of the logistical aspects of the organization of the meetings;

(b) Palais des Nations holds permanent conference equipment, as does several other venues in Geneva. Some venues may charge a fee ;

(c) States could be represented by their Permanent Missions to the United Nations in Geneva; and/or

(d) Dates could be coordinated to coincide with other events to facilitate cost-saving in travels;

(e) Ownership may be diluted if efforts become “business as usual” at a time when the Convention is still young.

Option 2

Annual Meeting of States Parties

16. Meetings of States Parties would take place annually for the duration of 4-5 working days, in Geneva at the Palais des Nations or other venue, or abroad. No intersessional meetings would take place.

Comments

17. Only one meeting annually would decrease meeting costs.

18. Presidents could choose whether to host and/or preside leaving it as an option to use Geneva or host country as venue for the meeting.

19. Hosts would be expected to cover all meeting cost additional to (1) the assessed contributions covering documentation, interpretation and translation and (2) sponsorship programme.

20. Lessening the number of meetings per year may risk impacting on the momentum of implementation. Merely five years into the life of the Convention, states may hold a preference for more frequent interaction to benefit from political support and peer pressure as well as the general exchange of information and implementation efforts.

21. A lack of technical/expert-based forum for discussions within the Convention could be a detriment to effective implementation measures.

Option 3

Biannual Meeting of States Parties

22. Meetings of States Parties would take place on a biannual basis within a six year review conference cycle in a host country or in Geneva, depending on the preferences of Presidents-designate. Intersessional meetings would take place in Geneva on annual basis for the duration of 1-3 days and would be at experts’ level to encourage in-depth discussions on specific issues.

Comments

23. Clear division between Meetings of States Parties and intersessional meetings with Meetings of States Parties dedicated to policy, decisions making and with intersessional meetings technically oriented.
24. Presidents could choose whether to host and/or preside leaving it as an option to use Geneva or host country as venue for the meeting.
25. Hosts would be expected to cover all meeting cost additional to (1) the assessed contributions covering documentation, interpretation and translation and (2) sponsorship programme.
26. Intersessionals could add to more substantive discussions and proactivity among States.
27. Lessening the number of meetings per review cycle may risk impacting on the momentum of implementation. Merely five years into the life of the Convention, States may hold a preference for more frequent interaction to benefit from political support and peer pressure as well as the general exchange of information and implementation efforts.

Option 4
Hybrid model

28. Meetings of States Parties would be held biannually for the duration of 4-5 working days in a host country or in Geneva, depending on the preferences of the President-designate. Meetings of Experts would be held biannually for the duration of 4-5 working days in Geneva, back-to-back with other humanitarian disarmament events.

Comments

29. Clear division of content between Meetings of States Parties and Meetings of Experts.
30. Presidents could choose whether to host and/or preside leaving it as an option to use Geneva or host country as venue for the meeting.
31. Hosts would be expected to cover all meeting cost additional to (1) the assessed contributions covering documentation, interpretation and translation and (2) sponsorship programme.
32. The substantive and pro-activity of States in the implementation of the Convention can be preserved while still reducing costs and simplifying the organization of meetings.

Option 5
Status Quo – Annual Meeting of States Parties and intersessional meetings

33. Meetings of States Parties would take place annually hosted by a States Party to the Convention for the duration of 4-5 working days.
- (a) Hosts would be expected to cover or seek support for meeting cost additional to (1) the assessed contributions covering documentation, interpretation and translation and (2) costs associated with the sponsorship programme.
- (b) The intersessional meeting should take place in Geneva, as per previous practices, back-to-back with sister Conventions for a duration of 1-3 days.

Comments

34. The practice established throughout the first five-years cycle, familiar to all parties.

35. The format has strengthened the ownership of the Convention and has played a key role in universalisation efforts.

36. Affected States have benefitted of the opportunity to fundraise and raise support for implementation activities in their countries.

37. All stakeholders have been presented with the opportunity to better understand the challenges faces by affected States with frequent field missions and other opportunities to experience clearance and victim assistance implementation efforts and see stockpile destruction activities.

38. Some concerns have been raised with regards to host country costs.

39. Sponsorship programme costs tend to be high (depending on host-country price levels).

<i>Option</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>Comments</i>
1	First Review Conf.	Sixth MSP	Seventh MSP	Eighth MSP	Ninth MSP	Second Review Conference	Tenth MSP	MSP and inter-sessional in Geneva
	Inter-sessional	Intersessional	Intersessional	Intersessional	Intersessional	Intersessional	Intersessional	
2	First Review Conf.	Sixth MSP	Seventh MSP	Eighth MSP	Ninth MSP	Second RevCon	Tenth MSP	MSPs in Geneva or elsewhere
3	First Review Conf.	Sixth MSP		Seventh MSP		Eighth MSP	Second Review Conference	MSPs in optional location, inter-sessionals in Geneva
		Intersessional	Intersessional	Intersessional	Intersessional	Intersessional		
4	First Review Conf.	Sixth MSP	Meeting of Experts	Seventh MSP	Meeting of Experts	Eighth MSP	Second Review Conference	MSPs in optional location, MEX in Geneva
5	First Review Conf.	Sixth MSP	Seventh MSP	Eighth MSP	Ninth MSP	Second RevCon	Tenth MSP	MSPs in host countries, inter-sessionals in Geneva
	Inter-sessional	Inter-sessional	Inter-sessional	Inter-sessional	Inter-sessional	Inter-sessional	Inter-sessional	

II Implementation machinery

The role of the President of Meetings of the States Parties/Review Conferences and Coordination Committee

Background

40. Following a year of ad hoc arrangements with Friends of the President and building on positive lessons from other similar instruments, and with the aim to create thematic leadership on all key implementation areas of the Treaty to guide States Parties and help advance work in a systematic manner, six (6) Working Groups gathering two (2) Coordinators and dedicated to the following thematic areas; general status and operation, universalisation, victim assistance, clearance and risk reduction, stockpile destruction and cooperation and assistance were established at the Second Meeting of States Parties. In addition, one working group Chair was appointed to lead the thematic areas of national implementation measures and reporting respectively.

41. The Coordinators of working groups have been from State Parties, nominated and selected at Meetings of States Parties on the basis of broad-based consultations with an aim to maintain inclusiveness, first-hand knowledge of areas concerned and broad political ownership. Working under the guidance of the President they have conducted their work with a view to optimize results-oriented, practical, cost-effective and efficient working methods within the spirit of cooperation of the Convention.

42. The first Presidency was nominated and elected by State Parties in support of and response to Lao People's Democratic Republic offer, at the Signing Conference, to host and preside over the First Meeting of States Parties. Thereafter, consultations have been undertaken by sitting Presidents in cooperation with Coordinators with the aim to identify affected States willing and able to succeed current Presidents for the nomination as President-designate of the Convention on Cluster Munitions. A secondary consideration was also applied seeking regional spread of nominations to visualise the global relevance and support for the Convention.

43. Since 2010, the President and Friends of the President/Coordinators have been represented as follows: **President of First Meeting of States Parties:** Lao People's Democratic Republic with preparatory "informal" working arrangements prior to, during and to some extent reconfirmed after the First Meeting of States Parties: Friends of the President: Australia on "Clearance", Austria on "Victim Assistance", Belgium on "Reporting Formats", Canada on "2011 Work plan and Architecture", Germany on "Stockpile destruction", Ireland on "Procedural matters and preparatory process", Japan on "Universalization", New Zealand on "National Implementation Measures", Norway on "the Vientiane Action Plan", and South Africa on "International Cooperation and Assistance"

	<i>President of the Second MSP</i>	<i>President of the Third MSP</i>	<i>President of the Fourth MSP</i>	<i>President of the Fifth MSP:</i>
	<i>Lebanon</i>	<i>Norway</i>	<i>Zambia</i>	<i>Costa Rica</i>
<i>Working group</i>				
General Status and Operation	Holy See and Zambia	Zambia and Costa Rica	Costa Rica and Netherlands	Netherlands and Lebanon
Universalisation	Japan and Portugal	Portugal and Ghana	Ghana and Norway	Norway and Ecuador
Victim Assistance	Austria and Bosnia and Herzegovina	Bosnia and Herzegovina and Afghanistan	Afghanistan and Mexico	Mexico and Australia
Clearance and Risk Reduction	Lao People's Democratic Republic and Ireland	Lao People's Democratic Republic and Ireland	Lao People's Democratic Republic and Switzerland	Switzerland and Bosnia and Herzegovina
Stockpile Destruction	Germany and Croatia	Croatia and Spain	Spain and Albania	Albania and France
Cooperation and Assistance	Spain and Mexico	Mexico and Sweden	Sweden and Chile	Chile and Austria
Reporting	Belgium	Belgium	Belgium	Belgium
National Implementation Measures	New Zealand	New Zealand	New Zealand	New Zealand

Points for discussions

The role of the Presidents

44. It is proposed that the President continue to be mandated to do the following:
- (a) Chairing the Coordination Committee;
 - (b) Chairing formal and informal meetings;
 - (c) Taking the lead, in consultation with the Coordination Committee, with respect to any issues related to the pursuit of the Convention's aims with activities including convening small and large group discussions as required and bringing pertinent matters to the attention of all delegations;
 - (d) Promoting the implementation and universalisation of the Convention and the norms it successfully has established, including in relevant multilateral and regional forums, as well as at the national level;
 - (e) Promoting coordination amongst all structures established by States Parties;
 - (f) Leading efforts to mobilise sufficient resources to fund the operations of the Implementation Support Unit;

(g) Presenting a preliminary report on activities at intersessional meetings as well as to use informal meetings, when relevant, as a forum addressing specific topics of interest;

(h) Presenting a final report on activities, as well as conclusions and recommendations if relevant, at annual formal meetings.

45. Similar to suggestions made and subsequently implemented with reference to the Anti-personnel Mine Ban Convention, it is suggested that the Presidential period be reconsidered and placed predominantly in advance of Meetings of States Parties to allow for a more constructive lead time up to a Presidents "own meeting". As such a presidential period would end at the last day of a Meeting of States Parties. Such an approach would necessitate a reconfiguration following the Review Conference with a transition year seeing the mandate of the President of the Sixth meeting of States Parties start 1 January 2016 guiding the work of the Convention up to, and allowing for the time necessary to plan for the Sixth meeting of States Parties and a subsequent handover to the President of the Seventh meeting of States Parties at the meetings last day.

Points for discussions

The role and composition of the Coordination Committee

46. It is proposed that the Coordination Committee remain a coordinating body, and that it essentially retain its mandate, with that being to coordinate the work flowing from and related to upcoming formal meetings of States parties as well as any intersessional work which may be deemed relevant in any particular year.

47. If the Coordination Committee deems it relevant, particular issues or topics could be placed on the agenda for discussion by all delegations during informal meetings.

48. The Coordination Committee would be composed of the President, President-designate, two co-Coordiators on General status and operation of the Convention, two co-Coordiators on Universalisation, two co-Coordiators on Stockpile destruction, two co-Coordiators on Clearance and risk reduction education, two co-Coordiators on Victim assistance, two co-Coordiators on Cooperation and assistance, mandated for a duration of two years and one Working Group Chair on matters pertaining to National Implementation Measures as well as one Working Group Chair on Transparency Measures mandated for a duration of one year (renewable). In keeping with past practice, the Coordination Committee may call upon others to assist with its work as appropriate, and maintain the invitation to the International Committee of the Red Cross, the United Nations and the Cluster Munitions Coalition to join the Coordination Committee in observer capacity.

49. Supported by the Presidencies of the Meeting of States Parties over the past five years, the promotion of cooperation and joint activities between the Coordinators on cooperation and assistance and the Coordinators on clearance, stockpile destruction and victim assistance would be encouraged.
