

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

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## First Preparatory Meeting for the First Review Conference

Geneva, 5 February 2015

Item 5 of the provisional agenda

Presentation on the review of the Vientiane Action Plan

### Review of the Vientiane Action Plan

#### I. Introduction and objective

##### Submitted by the President to the Fifth Meeting of States Parties

1. The Vientiane Action Plan Review is an initiative and contribution by Costa Rica in its capacity as President of the Fifth Meeting of States Parties in cooperation with coordinators and working group Chairs and with the support of the interim Implementation Support Unit at UNDP, with the objective to facilitate the preparatory process in advance of the First Review Conference of the Convention on Cluster Munitions scheduled for 7-11 September 2015 in Dubrovnik, Croatia. Costa Rica, in its capacity as President of the Fifth Meeting of States Parties, bares the overall responsibility for the content of this review. The completion of this Review however, would not have been possible without the support, contributions and dedication of all the Coordinators: the Netherlands and Lebanon on the general status and operation of the Convention, Ecuador and Norway on universalisation, Albania and France on stockpile destruction, Bosnia and Herzegovina and Switzerland on clearance, Australia and Mexico on victim assistance, Austria and Chile on cooperation and assistance, Belgium on transparency measures and New Zealand on national implementation measures<sup>1</sup>.

2. The Vientiane Action Plan<sup>2</sup> (or the Action Plan) and its subsequent Review has no legal standing in this process but can serve as a means of gauging the status of practical implementation of the Convention and thereby also as an opportunity to document to what extent it the Convention on Cluster Munitions (or the Convention) has made a difference on the ground. As such it should constitute a useful contribution to the formal review of the

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<sup>1</sup> They have undertaken consultations, gathered the views and reflections within their respective informal working groups of experts and provided the President with an expert opinion on the current state of play with regard to the implementation of the Vientiane Action Plan (2010). Costa Rica as the President of the Fifth Meeting of States Parties, also takes the opportunity to thank those individuals, organizations and other States that have contributed to this Review lending their time, knowledge and expertise to these working groups and to the interim Implementation Support Unit at UNDP for their invaluable support to this exercise.

<sup>2</sup> Final document, annex II, CCM/MSP/2010/5.



status and operation of the Convention 2010-2015 and in guiding the necessary content for a new five-years action plan.

3. In submitting this draft Review to the First Preparatory Meeting, the President would like to stress that this initiative is not intended to be a negotiated document for adoption acceptable to all. On behalf of the Coordinators and of the Presidency however, the President kindly invites your views, comments and factual corrections in advance of the First Preparatory Meeting scheduled for 5 February 2015, with the aim to ensure that this Review becomes as accurate as possible mirroring our collective efforts in the implementation of the Vientiane Action Plan and thereby contributes effectively to the review process.

4. Further discussions are also welcome at the First Preparatory meeting, with the aim to collect further views, to reflect and to finalize the Vientiane Action Plan Review by the end of February 2015, and thereafter enabling us to focus our attention to the elaboration of a new Dubrovnik action plan under the lead of the President—designate of the First Review Conference who can guide our collective efforts.

## **Background**

5. The Vientiane Action Plan was adopted by the States Parties to the Convention at the First Meeting of States Parties<sup>3</sup> in Vientiane, Lao People's Democratic Republic. Developed in consultation with partners with the objective to ensure effective and timely implementation of the provisions of the treaty following the First Meeting of States Parties, the Action Plan set out concrete and measurable steps, actions and targets aimed to be completed within specific time frames and with defined roles and responsibilities.

6. Drawing from the provisions of the Convention, the actions were not in themselves normative requirements, but designed to gather momentum and assist States Parties and other relevant actors in the practical implementation of the Convention. It was argued that with such guidance State Parties, together with partners, could ensure that the Convention would have immediate impact on the ground, address current implementation challenges, react to future developments, and reflect changes in the implementation work. As such, the overall aim of the Action Plan was to support States parties in meeting their obligations. With the adoption of the Vientiane Action Plan, States Parties sent a strong message on their commitment to the rapid implementation of the Convention.

7. Consisting of sixty-six actions, more specifically the Vientiane Action Plan aimed to guide activities and partnerships in support of universalisation efforts (actions #2-7), stockpile destruction (actions #8-9), clearance and risk reduction (actions #10-19) and victim assistance activities (actions #20- 32) and, when and where relevant, within a framework of cooperation and assistance (actions #33-50) to further enhance prompt implementation.

8. In organizing actions further in support of these operative implementation measures, informal structures, working programmes and processes were also suggested (actions #51-57), to ensure optimal utility of transparency measures provided under the Convention and an active exchange of information (actions #58-62), to share experience on the content and application of national implementation measures (actions #63-65) and finally, to collectively work actively and constructively to further strengthen the norm established by the Convention on Cluster Munitions with a new standard by which States would be judged (action #66).

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<sup>3</sup> Final document, section IV, paragraph 21, CCM/MSP/2010/5.

9. The Action Plan was elaborated as a priority list and a tool with which to help monitor implementation. Building on experience from the implementation of the Anti-personnel Mine Ban Convention of 1997, some actions were furthermore intentionally designed as milestones to ensure early implementation of comprehensive and resource intensive tasks whilst others were designed to assist States parties in structuring their response to their commitments under the Convention more generally. Therefore, the Vientiane Action Plan included actions to be taken in the year leading up to the Second Meeting of States Parties as well as actions to be undertaken between the First Meeting of States Parties and the upcoming First Review Conference.

10. Further to this, specific reference was made to the possibility, if necessary, of revising or substituting actions at future Meetings of States Parties, such as when States Parties succeeded in meeting their obligations and new circumstances that could arise due to additional States joining the Convention. This has however not been done. Rather, upon election, Presidents took to presenting to subsequent Meetings of States Parties a progress report: monitoring progress in implementing the Vientiane Action Plan.

11. Named after the venue of each Meeting of States Parties, the progress reports initially covered the progress of implementation under the Presidents' mandated period leading up to the next Meeting of States Parties, whereas from the Fourth Meeting of States Parties, the progress reports have aimed at presenting an aggregate analysis of trends and figures in the implementation of the Convention on Cluster Munitions, as operationalized in the Vientiane Action Plan, from entry into force on 1 August 2010 up to the Meeting of States Parties concerned.<sup>4</sup> Based on publically available information, including States Parties initial and annual transparency reports, statements made during intersessional meetings and Meetings of States Parties and other open sources such as information provided by civil society, these progress reports in turn, aimed at facilitating discussions at Meetings of States Parties by monitoring progress and identifying key questions suggested to be addressed.

12. The Vientiane Action Plan Review is not meant to replace these more detailed annual progress reports, but rather to provide a synthesis in a short and succinct fashion providing stakeholders with a sense of the state of implementation at this time outlining the overall trends and directions our collective efforts have taken as guidance and input for the formulation of a new Dubrovnik Action Plan for the period 2015-2020.

## Methodology

13. The draft Vientiane Action Plan Review draws on the four annual progress reports<sup>5</sup>, on States Parties' formal submissions of initial and annual transparency reports<sup>6</sup>, on the

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<sup>4</sup> Beirut Progress Report: monitoring progress in implementing the Vientiane Action Plan from the First up to the Second Meeting of States Parties, President of the 1MSP – Lao PDR, 2011. Oslo Progress Report: monitoring progress in implementing the Vientiane Action Plan between the Second and Third Meeting of States Parties, President of the 2MSP - Lebanon, 2012; Lusaka Progress Report: monitoring progress in implementing the Vientiane Action Plan between the Third and the Fourth Meeting of States Parties, President of the 3MSP - Norway, 2013; San José Progress Report: monitoring progress in implementing the Vientiane Action Plan up to the Fifth Meeting of States Parties, President of the 4MSP - Zambia, 2014; Croatia Progress Report: monitoring progress in implementing the Vientiane Action Plan up to the First Review Conference, President of the 5MSP – Costa Rica, forthcoming 2015.

<sup>5</sup> Ibid.

statements made at informal and formal global, regional and sub-regional gatherings of the CCM<sup>7</sup>, on media reports and other information available in the public domain including the Cluster Munitions Monitor<sup>8</sup> published by the Cluster Munition Coalition.

14. With the review of each thematic area led by respective coordinators and working group Chairs, the process was initiated in September 2014 during the first Coordination Committee meeting under the President of the Fifth Meeting of States Parties. With further assistance from the interim ISU, informal working groups of experts, with representation of individuals as well as from organisations and other States were established under each set of working group Chairs for their further work and consultations. Files containing relevant references from the Vientiane Action Plan subject for review, and progress documentation collated to date, were shared by the interim ISU with each working group together with guidance to preserve overall consistency among the eight working groups allowing for a coordinated process and the consolidated report that follows.

15. In the overall consolidation of the various sections submitted by coordinators, editing has been done for consistency and flow of the narrative and to avoid repetitions. The consolidated draft Vientiane Action Plan Review was thereafter circulated to all Coordinators for them to ensure that substantive contributions remained intact, prior to further circulation.

16. If not otherwise stated, percentages, trends and/or specific figures provided are based on the information obtained on the state of implementation as of November

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<sup>6</sup> Article 7 database

[http://www.unog.ch/80256EE600585943/\(httpPages\)/84610CE6A9FDDACDC1257823003BBC39?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/84610CE6A9FDDACDC1257823003BBC39?OpenDocument)

<sup>7</sup> [http://www.clusterconvention.org/meetings/.](http://www.clusterconvention.org/meetings/)

<sup>8</sup> <http://www.the-monitor.org>.