



# Convention on Cluster Munitions

16 September 2011

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## Second Meeting of States Parties

Beirut, 12-16 September 2011

### Final document

#### I. Introduction

1. Article 11 of the Convention on Cluster Munitions provides that the States parties shall meet regularly in order to consider and, where necessary, take decisions in respect of any matter with regard to the application or implementation of the Convention, including:

- (a) The operation and status of the Convention;
- (b) Matters arising from the reports submitted under the provisions of the Convention;
- (c) International cooperation and assistance in accordance with article 6 of the Convention;
- (d) The development of technologies to clear cluster munition remnants;
- (e) Submissions of States parties under articles 8 and 10 of the Convention;
- (f) Submissions of States parties as provided for in articles 3 and 4 of the Convention.

2. In accordance with paragraph 2 of article 11 of the Convention, the First Meeting of States Parties was convened by the Secretary-General of the United Nations within one year of the entry into force of the Convention, with subsequent meetings to be convened annually until the holding of the first Review Conference.

3. Article 11 further provides that States not party to the Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organizations, may be invited to attend the Meetings of States Parties as observers in accordance with the agreed rules of procedure.

4. The First Meeting of States Parties to the Convention decided to designate the Minister for Foreign Affairs and Emigrants of Lebanon as the President of the Second Meeting of States Parties, assisted by the Permanent Representative of



Lebanon to the United Nations in Geneva (CCM/MSP/2010/5, para. 28). It also decided to hold the Second Meeting of States Parties in Beirut during the week of 12 to 16 September 2011. The First Meeting considered the financial arrangements for the Second Meeting of States Parties and recommended them for adoption by the Second Meeting (*ibid.*, para. 29).

5. The First Meeting of States Parties also decided that an interim informal intersessional meeting would take place in Geneva from 27 to 30 June 2011 (*ibid.*, para. 25). The First Meeting also decided that the informal intersessional meeting should include recommendations for consideration by States parties at the Second Meeting of States Parties regarding implementation architecture and means to coordinate the work of the Convention on Cluster Munitions, future intersessional work and whether to establish an Implementation Support Unit and, if so, the nature of such a Unit (*ibid.*, para. 24).

6. Accordingly, the Secretary-General convened the Second Meeting of States Parties to the Convention and invited all States parties, as well as States not parties to the Convention, to participate in the Meeting.

## **II. Organization of the Second Meeting**

7. The Second Meeting of States Parties was held at Beirut from 13 to 16 September 2011.

8. The following 46 parties to the Convention participated in the work of the Meeting: Albania, Austria, Belgium, Bosnia and Herzegovina, Burkina Faso, Burundi, Cape Verde, Chile, Comoros, Croatia, Denmark, Ecuador, El Salvador, Fiji, France, Germany, Ghana, Guatemala, Guinea-Bissau, Holy See, Ireland, Japan, Lao People's Democratic Republic, Lebanon, Lesotho, Lithuania, Luxembourg, Mali, Malta, Mexico, Montenegro, Mozambique, Netherlands, New Zealand, Niger, Norway, Portugal, Republic of Moldova, Sierra Leone, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Tunisia, United Kingdom of Great Britain and Northern Ireland, Uruguay and Zambia.

9. The following six States that had ratified or acceded to the Convention, but for which it was not yet in force, participated in the work of the Meeting: Afghanistan, Bulgaria, Costa Rica, Grenada, Senegal and Swaziland.

10. The following 38 States signatories to the Convention participated in the work of the Meeting as observers: Angola, Australia, Cameroon, Canada, Central African Republic, Chad, Colombia, Congo, Côte d'Ivoire, Cyprus, Czech Republic, Democratic Republic of the Congo, Djibouti, Gambia, Guinea, Honduras, Hungary, Indonesia, Iraq, Italy, Kenya, Liberia, Madagascar, Mauritania, Namibia, Nauru, Nigeria, Palau, Paraguay, Peru, Philippines, Somalia, South Africa, Sweden, Switzerland, Togo, Uganda and United Republic of Tanzania.

11. Argentina, Armenia, Brazil, Cambodia, China, Cuba, Egypt, Eritrea, Finland, Gabon, Iran (Islamic Republic of), Jordan, Kazakhstan, Kiribati, Kuwait, Malaysia, Morocco, Oman, Palestine, Poland, Qatar, Romania, Saudi Arabia, Serbia, Slovakia, Solomon Islands, South Sudan, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Turkey, Ukraine, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and Zimbabwe also participated in the work of the Meeting as observers.

12. The United Nations Children's Fund, the United Nations Development Programme (UNDP), the United Nations Mine Action Service, the United Nations Office for Disarmament Affairs, the United Nations Resident Coordinator's Office in Lebanon and the United Nations Special Coordinator for Lebanon participated in the work of the Meeting as observers, pursuant to rule 1 (2) of the rules of procedure (CCM/MSP/2011/3).

13. ICRC, the International Federation of Red Cross and Red Crescent Societies, the Geneva International Centre for Humanitarian Demining and the Cluster Munition Coalition also participated in the work of the Meeting as observers, pursuant to rule 1 (2) of the rules of procedure.

14. The representatives of the following relevant international organizations or institutions, regional organizations and non-governmental organizations took part in the work of the Meeting as observers, pursuant to rule 1 (3) of the rules of procedure: European Union, League of Arab States, International Trust Fund for Demining and Mine Victims Assistance, Mine Action Information Centre (James Madison University), Permanent Peace Movement and Soldiers of Peace.

### **III. Work of the Second Meeting**

15. On 13 September 2011, the Second Meeting of States Parties was opened by the Deputy Prime Minister and Minister for Foreign Affairs of the Lao People's Democratic Republic, President of the First Meeting of States Parties to the Convention, Thongloun Sisoulith.

16. The Meeting held eight plenary meetings. At its first plenary meeting, on 13 September 2011, the Meeting elected by acclamation Adnan Mansour, Minister for Foreign Affairs and Emigrants of the Republic of Lebanon, assisted by Najla Riachi Assaker, Permanent Representative of Lebanon to the United Nations in Geneva, as President of the Second Meeting of States Parties to the Convention. The representatives of the following States served as Friends of the President: Australia (on clearance), Austria (on victim assistance), Belgium (on transparency reporting), Canada (on workplan and implementation architecture), Germany (on stockpile destruction), Ireland (on applicable procedures), Japan (on universalization), Mexico (on the establishment of an Implementation Support Unit), New Zealand (on national implementation measures), Norway (on the implementation of the Vientiane Action Plan) and South Africa (on cooperation and assistance), as well as Chile, Croatia, Indonesia, Slovenia and Zambia.

17. At the same plenary meeting, France, Ghana, Guatemala and the Lao People's Democratic Republic were elected by acclamation as Vice-Presidents of the Meeting.

18. At the same plenary meeting, Peter Kolarov of the Office for Disarmament Affairs, Geneva Branch, was confirmed as Secretary-General of the Meeting.

19. At the same plenary meeting, the Meeting adopted its agenda, as contained in document CCM/MSP/2011/1, the programme of work, as contained in document CCM/MSP/2011/2, and the financial arrangements for the Meeting, as recommended by the First Meeting of States Parties and contained in document CCM/MSP/2011/4, and confirmed the rules of procedure, as contained in document CCM/MSP/2011/3.

20. At the same plenary meeting, messages were delivered by the United Nations High Representative for Disarmament Affairs, Sergio Duarte, on behalf of the Secretary-General of the United Nations, the Vice-President of ICRC, Christine Beerli, the Spokesperson of the Cluster Munition Coalition, Branislav Kapetanovic, and the Head of the Lebanese Welfare Association for the Handicapped, Randa Assi Berri.

21. The Second Meeting of States Parties considered documents CCM/MSP/2011/1 to CCM/MSP/2011/4 and CCM/MSP/2011/WP.1 to CCM/MSP/2011/WP.9, as listed in annex III.

#### **IV. Decisions and recommendations**

22. In recognizing the value of States parties making use of the full range of practical methods to rapidly release, with a high level of confidence, areas suspected of containing cluster munition remnants, the Meeting warmly welcomed the paper submitted by Australia on the application of all available methods for the efficient implementation of article 4, as contained in document CCM/MSP/2011/WP.4, and agreed to encourage States parties, as appropriate, to implement the recommendations contained therein.

23. Recalling the obligations contained in article 9 of the Convention, and therefore also the imperative of undertaking legal, administrative and other measures for the efficient implementation of the Convention on Cluster Munitions as appropriate, the Meeting warmly welcomed the papers submitted by New Zealand on “Model legislation: Cluster Munition Act 2011[]”, as contained in document CCM/MSP/2011/WP.6, and “National implementation: checklist of measures needed in place by States to implement the Cluster Munitions Convention”, as contained in document CCM/MSP/2011/WP.7, and agreed to encourage States parties, as appropriate, to make use of them.

24. The Meeting took note of the views expressed on the progress in the implementation of the Vientiane Action Plan and on the “Beirut progress report: monitoring progress in implementing the Vientiane Action Plan from the First up to the Second Meeting of States Parties”. The Meeting was encouraged by the progress made in the implementation of the Vientiane Action Plan, as reported in the Beirut progress report, and warmly welcomed the report, as contained in annex II.

25. At its last plenary meeting, on 16 September 2011, the Meeting adopted by acclamation the 2011 Beirut Declaration, as contained in annex I.

26. At the same plenary meeting, the Meeting welcomed the discussion paper submitted by the President on “Implementation architecture and intersessional work”, as contained in document CCM/MSP/2011/WP.2. The discussion paper outlined the background to and outcome of informal discussions held since the First Meeting of States Parties and a consolidation of recommendations and proposals suggested for consideration by the States parties at the Second Meeting.

27. On the basis of the proposals submitted for consideration, the States parties decided to:

(a) Convene annually, subject to review by the First Review Conference, informal intersessional meetings to be held in Geneva in the first half of the year, for a duration of up to five days;

(b) Convene an informal intersessional meeting for 2012 at the World Meteorological Organization in Geneva from 16 to 19 April 2012. The Meeting decided that the informal intersessional meeting should conduct its business in English, French and Spanish, supported through voluntary funding;

(c) Establish working groups on:

(i) General status and operation of the Convention;

(ii) Universalization;

(iii) Victim assistance;

(iv) Clearance and risk reduction;

(v) Stockpile destruction and retention;

(vi) Cooperation and assistance;

with each working group led by one or two Coordinators from the States parties to the Convention;

(d) Establish, in addition to the Working Group Coordinators, one Coordinator to lead each of the thematic areas of:

(i) Reporting;

(ii) National implementation measures;

(e) Establish a Coordination Committee as outlined in the discussion paper, under the chairmanship of the President of the Meeting of States Parties.

28. At the same plenary meeting, the Meeting welcomed the appointment of the Coordinators who will guide the intersessional work programme, as follows:

(a) Working Group on the General Status and Operation of the Convention — in 2012 (Holy See), and in 2012 and 2013 (Zambia);

(b) Working Group on Universalization — in 2012 (Japan), and in 2012 and 2013 (Portugal);

(c) Working Group on Victim Assistance — in 2012 (Austria), and in 2012 and 2013 (Bosnia and Herzegovina);

(d) Working Group on Clearance and Risk Reduction — in 2012 (Lao People's Democratic Republic), and in 2012 and 2013 (Ireland);

(e) Working Group on Stockpile Destruction and Retention — in 2012 (Germany), and in 2012 and 2013 (Croatia);

(f) Working Group on Cooperation and Assistance — in 2012 (Spain), and in 2012 and 2013 (Mexico);

(g) Reporting — in 2012 and 2013 (Belgium);

(h) National Implementation Measures — in 2012 and 2013 (New Zealand).

It was also decided that the Working Group Coordinators will conduct their business with the aim of exploring to the extent possible, practical collaboration in the context of the intersessional work programme of the Convention on Cluster Munitions with relevant bodies and actors with a view to optimizing results-oriented, practical, cost-effective and efficient working methods.

29. At the same plenary meeting, the Meeting decided to mandate the President to negotiate, in consultation with the States parties, an agreement with the Geneva International Centre for Humanitarian Demining on the hosting of an Implementation Support Unit as well as a funding model, and present these proposals to the States parties for their approval. In this regard, the Meeting further decided:

(a) That an Implementation Support Unit should be established as soon as possible and preferably no later than the Third Meeting of States Parties, hosted by the Geneva International Centre for Humanitarian Demining and led by a Director. The Implementation Support Unit, while hosted by the Geneva International Centre for Humanitarian Demining, shall be independent and shall not be formally linked to any other Implementation Support Unit. The President, in consultation with the Coordinators, and taking into account the views of all States parties, shall decide in a transparent way on the recruitment of the Director. The Implementation Support Unit shall seek to cooperate with relevant bodies and actors with a view to enhancing inclusiveness and practical cooperation as well as operational effectiveness and efficiency. The Director shall present to States parties an annual workplan and budget, and shall report to the States parties on the activities and finances of the Implementation Support Unit;

(b) That the Implementation Support Unit shall conduct its work on the basis of the principles of independence, inclusiveness, transparency, accountability to the States parties, efficiency and effectiveness;

(c) To adopt the directive to the Implementation Support Unit, as contained in document CCM/MSP/2011/WP.9, describing its tasks and responsibilities;

(d) To mandate the President to negotiate, in consultation with the States parties, an agreement between the States parties and the Geneva International Centre for Humanitarian Demining on the hosting of the Implementation Support Unit, reflecting the directive to the Unit, to be presented to the States parties for their approval;

(e) To mandate the President to develop, in consultation with the States parties and subject to their approval, a financial model to cover the costs of the activities of the Implementation Support Unit;

(f) To ensure efficient and effective interim support for the implementation of the Convention by strengthening the existing interim solution consisting of the Executive Coordinator based in the UNDP Bureau for Crisis Prevention and Recovery, guided by the directive and supported by the Geneva International Centre for Humanitarian Demining for certain tasks, to secure an effective and efficient transition to the Implementation Support Unit.

30. The Meeting welcomed the reappointment by the President of Ms. Sara Sekkenes, UNDP Bureau for Crisis Prevention and Recovery, as the President's Executive Coordinator.

31. At the same plenary meeting, the Meeting decided to designate Ambassador Steffen Kongstad, Permanent Representative of Norway to the United Nations Office and other international organizations in Geneva, as President of the Third Meeting of States Parties, and also decided to hold a Third Meeting of States Parties of a duration of up to four days during the week of 10 to 14 September 2012 in Norway.

32. The Meeting considered the financial arrangements for the Third Meeting of States Parties and recommended them for adoption by the Third Meeting, as contained in document CCM/MSP/2011/CRP.2.

33. At the same plenary meeting, on 16 September 2011, the Second Meeting of States Parties adopted its final document, as contained in document CCM/MSP/2011/CRP.1, as amended.

## Annex I

### 2011 Beirut Declaration

(As adopted at the final plenary meeting, on 16 September 2011)

1. We, the representatives of the States parties to the Convention on Cluster Munitions, together with representatives of other States present as signatories, the United Nations, the International Committee of the Red Cross, the Cluster Munition Coalition and other international and national organizations and institutions, gathered for the Second Meeting of States Parties to the Convention on Cluster Munitions in Beirut, reaffirm our commitment to end the harm caused by cluster munitions, working “together for a safer life”. We welcome the 40 non-signatory States that attended the Meeting as observers as a demonstration of their commitment to the humanitarian goals of the Convention.
2. We note with satisfaction the results of the First Meeting of States Parties, held in Vientiane, and the commitments in the 2010 Vientiane Declaration (CCM/MSP/2010/5, annex I) and the Vientiane Action Plan (*ibid.*, annex II). We endeavour to build upon and advance those commitments through our work at the Second Meeting of States Parties and beyond.
3. We are encouraged that States are making progress in implementing the Convention. As reflected in the Beirut progress report, stockpiles are being destroyed, contaminated land is being cleared, more efforts are being made to assist cluster munition victims, and cooperation and assistance are being provided.
4. At the same time, we acknowledge the challenges set out in the Beirut progress report, and we resolve to overcome these challenges, recalling commitments made by States parties under the five-year Vientiane Action Plan to progress clearance and stockpile destruction, expand coverage of services for victims and survivors, and increase the level of resources provided for these tasks.
5. Meeting in Lebanon, another country severely affected by cluster munitions, we witness the devastating effects of this weapon on individuals, their families and communities. We are reminded of the importance of advancing our work to address the problems of cluster munitions faced by the Lebanese people and many others around the world. Thus, bound by the provisions enshrined in the Convention, we, the States parties, reaffirm our commitment to fulfil the obligations under the Convention without delay.
6. The leadership shown by the Lao People’s Democratic Republic, Lebanon, the many survivors of cluster munitions and all those affected by this weapon continues to be a key driver of our success. The extent to which affected communities receive the assistance they need will be a key measure of our success.
7. We deplore the use of cluster munitions in recent conflicts and, indeed, we condemn the use of cluster munitions, which causes unacceptable harm to civilian populations and objects, by any actor. Such acts run counter to the spirit and aim of the Convention and exacerbate the humanitarian problems already caused by prior use of these weapons. We call upon all those who continue to use cluster munitions, as well as those who develop, produce, otherwise acquire, assist, encourage and induce the production, stockpiling, retention and transfer of these weapons, to cease now and to join us in the task of eradicating them.



8. We welcome the 63 States that have ratified or acceded to the Convention, especially those States that have joined the Convention since the First Meeting of States Parties. States parties also recognize the States that have joined the efforts by signing the Convention and call on them to ratify it as soon as possible, and urge all non-signatory States to accede to the Convention so as to ensure that it reaches its full potential in the shortest possible time frame. Meeting in Lebanon, we note that few countries in the Middle East and North Africa have joined the Convention and urge all countries in the region, and beyond, to join as soon as possible. Our aim is universal adherence to the Convention.

9. We welcome the 2012 intersessional work programme and the plans to establish, by the Third Meeting of States Parties, an Implementation Support Unit as an important mechanism that will facilitate the work of States parties to implement the Convention and fulfil the commitments in the Vientiane Action Plan, including time-bound elements in the areas of clearance, stockpile destruction and the continuing need to provide assistance to victims.

10. We acknowledge that the progress made since the First Meeting of States Parties and throughout the Oslo Process is the result of the successful partnership between States, international organizations and civil society. Preserving this partnership is a prerequisite for maintaining and furthering implementation, universalization and the progress achieved. Together, we are compelled to do more, for as long as people remain at risk, to accomplish our collective goal: a world free of cluster munitions.

## **Annex II**

### **Beirut progress report: monitoring progress in implementing the Vientiane Action Plan from the First up to the Second Meeting of States Parties**

(As warmly welcomed at the final plenary meeting, on 16 September 2011)

#### **I. Introduction**

1. The present report presents an aggregate analysis of trends and figures in the implementation of the Vientiane Action Plan from its adoption in November 2010 up to the Second Meeting of States Parties, held in Beirut in September 2011. This document is intended to facilitate discussions at the Second Meeting of States Parties by monitoring progress and identifying key questions to be addressed, and does not replace any formal reporting. The content of the report is based on publicly available information, including States parties' initial and annual transparency reports; statements made during the intersessional meeting held in June 2011; and other open sources, such as information provided by civil society. Only concrete information reported on specifically has been included. The Beirut progress report is submitted by the Lao People's Democratic Republic, as President of the First Meeting of States Parties, assisted by the thematic Friend on General Status and Operation of the Convention. All the thematic Friends of the President have been invited to provide additional information based on their own consultations and analysis.

2. When referring to States parties, signatories or States not party, the present report uses those terms explicitly; the term "States" is used to refer to States parties, signatories and States not party in general. Although the Convention on Cluster Munitions has not yet entered into force for some of the States mentioned that have ratified the Convention, they are still referred to as States parties in this document. In general, the report does not distinguish between the information provided in statements given during the intersessional meeting in June 2011 and that provided in the initial transparency reports.

3. The present report was finalized on 20 August 2011. Changes that have occurred since that date are not reflected in the report.

#### **II. General trends**

##### **Universalization**

4. Since the First Meeting of States Parties, the significance of the Convention on Cluster Munitions as an international humanitarian instrument has been strengthened. Membership has increased by 30 per cent, to 60 States parties. Taken into account the 49 signatory States, this means that more than half of the United Nations Member States support the Convention and its prohibition against any use of cluster munitions. Universalization and outreach actions in line with the Vientiane Action Plan by States, the United Nations, the International Committee of the Red Cross (ICRC), the Cluster Munition Coalition and others have resulted in continued interest in formally joining the Convention through ratification or accession. Indications are that at least nine signatories will ratify the instrument before the end of 2011.

5. The provisions regarding the use, production and stockpiling of cluster munitions have been strengthened through consistent formal and public statements responding to two instances of the use of cluster munitions in 2011.

6. The Convention community has been diligent in implementing the Action Plan on universalization. Questions to discuss at the Second Meeting of States Parties may centre on how to continue the strong momentum in increasing the number of States parties and how to further strengthen the norms.

### **Stockpile destruction**

7. Since the First Meeting of States Parties, 7 of the 11 States parties with reported stockpiles of cluster munitions have started the process of either planning for or actual physically destroying their stockpiled cluster munitions. According to their own reporting, it seems likely that all will complete destruction within the initial eight-year deadline. Fifteen signatories are reported to have stockpiles that will have to be destroyed in accordance with article 3 when they become States parties. Thus, one issue that may be addressed at the Second Meeting of States Parties is the identification of actions that may ensure that new States parties with stockpiles follow the encouraging precedent set by current States parties with stockpiles in starting the destruction process as soon as possible.

### **Clearance**

8. Almost all of the 14 States (7 States parties and 7 signatories) with reported contamination from cluster munitions have taken steps to address the contamination, in line with relevant actions set out in the Vientiane Action Plan. This positive trend is reinforced by the strong support given to the draft discussion paper on the application of effective land release and clearance presented at the intersessional meeting. Thus, a question that may be addressed at the Second Meeting of States Parties is: what can the implementation community do to maintain the political will to address contamination in affected States and to continue the strong field-based approach to the issue?

### **Victim assistance**

9. The majority of the eight States parties and some of the five signatories reported to have victim assistance obligations have implemented some or all relevant actions set out in the Vientiane Action Plan. In general, it seems that limited resources remain the main obstacle to developing or maintaining capacities for effective lifesaving first-response aid and for the full range of adequate services needed to ensure that victims of cluster munitions enjoy all their rights.

10. Resources, availability, sustainability and integration into the broader welfare and health-care systems are some of the key issues to address at the Second Meeting of States Parties.

### **International cooperation and assistance**

11. Of the 19 States parties with operative obligations under articles 3, 4 and/or 5, only 6 have explicitly reported that they are in need of some sort of international cooperation and assistance. This number is probably too low when compared with the significance given to international support in the implementation of the

Convention, and thus does not provide a representative picture of the needs. Those States parties reporting a need for support have implemented in a variable manner the relevant actions set out in the Vientiane Action Plan.

12. Fifteen States parties and a number of signatories report that they have provided funding for the implementation of the Convention on Cluster Munitions, in line with actions Nos. 37-42.

13. One issue that may be discussed at the Second Meeting of States Parties is how the relevant actions set out in the Vientiane Action Plan could be better implemented.

#### **Transparency**

14. While 26 States parties had submitted initial transparency reports by the deadline, 9 have not yet submitted their transparency reports. Those reports that have been submitted have been of varying quality and sometimes difficult to extract relevant information from. A key question to raise at the Second Meeting of States Parties therefore concerns how the reporting rate could be improved and how the reports could become better tools for providing relevant information.

### **III. Partnerships**

15. States, civil society, United Nations agencies, ICRC, the Geneva International Centre for Humanitarian Demining, cluster munition survivors and their representative organizations have collaborated closely, which has led to progress on the universalization and implementation of the Convention, and advanced the discussions on a number of thematic issues during the intersessional meeting. The partnerships are reported to have been especially important in reacting strongly to the two cases of the use of cluster munitions in the first half of 2011.

#### **Challenges and questions for discussion at the Second Meeting of States Parties**

16. A question for discussion is: how can States parties further promote the inclusion of partners in the work of the Convention?

### **IV. Universalization**

#### **Scope**

17. Forty-six States were parties to the Convention on Cluster Munitions at the time of the holding of the First Meeting of States Parties. Since then, 13 signatories have ratified and 1 State has acceded to the Convention.<sup>1</sup> Thus, 60 States had ratified or acceded to the Convention by 20 August 2011.

#### **Actions Nos. 2-7**

18. Seven signatory States<sup>2</sup> have declared that the date of their ratification of the Convention on Cluster Munitions is close — probably before the end of 2011. The

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<sup>1</sup> Botswana, Bulgaria, Chile, Costa Rica, El Salvador, Ghana, Grenada, Guinea-Bissau, Lithuania, Mozambique, Netherlands, Panama and Portugal.

<sup>2</sup> Afghanistan, Australia, Cameroon, Czech Republic, Italy, Peru and South Africa.

Friend on Universalization has reported that three additional signatories have indicated in outreach activities that their ratification of the Convention is imminent.<sup>3</sup>

19. Nine States parties<sup>4</sup> and one signatory State<sup>5</sup> have reported on actions taken to promote adherence to the Convention and to encourage States to join the Convention in several forums, including the Commonwealth, the Organization for Security and Cooperation in Europe, the North Atlantic Treaty Organization, the European Union, the Association of Southeast Asian Nations, the Non-Aligned Movement, the League of Arab States and relevant United Nations forums.

20. Eleven States<sup>6</sup> have also reported on how they have encouraged States not party to accede to the Convention on Cluster Munitions through political démarches, at bilateral and multilateral meetings and workshops, and through the issuance of a political declaration and a co-signed letter, and have also encouraged them to participate as observers in the formal and informal meetings of the Convention. The Friend on Universalization has reported that nearly 90 States have responded to the outreach activities undertaken by the Friend.

21. Several States have reported actions taken in response to the instance of the use of cluster munitions by Thailand in 2011. These have included individual and joint démarches, support for fact-finding missions and condemnation of the use in public statements. In addition, the President of the Convention has issued a statement expressing his concern at the use of cluster munitions. States and civil society have reported on how they have followed up, in terms of actions to increase understanding and knowledge of the Convention. States and civil society engaged in a good dialogue with Thailand, which was followed up by a workshop on the Convention held in Bangkok in August. During the intersessional meeting, Thailand stated that it hoped the workshop would enable it to better prepare for accession to the Convention in the near future.

22. Many States (including States parties, signatories and States not party), the United Nations and civil society have also reported actions taken in response to the instance of the use of cluster munitions in Libya in 2011. Human Rights Watch issued a statement on the use of cluster munitions in Libya, and the Cluster Munition Coalition condemned the use. In addition, the European Union issued a joint statement condemning the use of cluster munitions in Libya.

23. Several States have reported that they have cooperated with other States parties, and with partners such as the Cluster Munition Coalition, ICRC and operators, to promote the universalization and norms of the Convention on Cluster Munitions. Four States<sup>7</sup> have reported that they provide funding for civil society in order to enable them to better advocate the Convention.

24. The United Nations Mine Action Team, ICRC and the Cluster Munition Coalition have reported several and diverse actions to promote the universalization of the Convention on Cluster Munitions. Relevant information materials such as

<sup>3</sup> Democratic Republic of the Congo, Dominican Republic and Gambia.

<sup>4</sup> Belgium, Croatia, France, Japan, Lao People's Democratic Republic, Lebanon, Mexico, Norway and United Kingdom of Great Britain and Northern Ireland.

<sup>5</sup> Australia.

<sup>6</sup> Australia, Belgium, Croatia, France, Japan, Lao People's Democratic Republic, Lebanon, Mexico, Norway, United Kingdom and Uganda.

<sup>7</sup> Australia, Ireland, New Zealand and Norway.

brochures, fact sheets and a ratification kit have been produced, and information, legal advice and support have been offered to States considering adherence to the Convention. In approximately 100 countries, civil society has urged Governments to ratify and accede to the Convention and has arranged briefings and meetings for States on the Convention.

### **Challenges and questions for discussion at the Second Meeting of States Parties**

25. A key challenge for the States parties is ending the use of cluster munitions by States not party and reinforcing the prohibition against all use, by reacting consistently and robustly to any reported use. A second challenge is ensuring that signatory States ratify the Convention as soon as possible. A third challenge is ensuring accession to the Convention by other States, in particular States affected by cluster munitions and States with significant stockpiles.

26. Obstacles that seem to prevent countries from ratifying or acceding to the Convention on Cluster Munitions have been identified by the Friend on Universalization and by the Cluster Munition Coalition as:

- (a) Main issues preventing States from acceding to the Convention:
  - (i) National security concerns or reluctance within Ministries of Defence or the military;
  - (ii) Concerns over the implementation of the Convention, primarily the cost of carrying out clearance and/or stockpile destruction;
  - (iii) Lack of priority within the Government to undertake the accession process;
- (b) Main issues preventing States from ratifying the Convention:
  - (i) Lack of political will, lengthy ratification procedures and, in general, low prioritization in domestic and/or foreign policy;
  - (ii) Lack of knowledge or recognition of the significance of the Convention.

### **Questions for discussion**

27. With regard to increasing the membership of the Convention:

- (a) What steps can be taken to encourage more signatories to ratify the Convention as soon as possible, in the light of the obstacles mentioned above?
- (b) What steps can be taken to encourage States not party to accede to the Convention, in the light of the obstacles mentioned above?
- (c) What are the actual and specific resource needs of States that are interested in joining the Convention, but concerned about the financial and other implications of doing so, and how can international assistance and cooperation help to address such needs?
- (d) Is it feasible to develop a fast-track approach to facilitate accession by small States with no operative obligations under articles 3, 4 and 5 of the Convention?

28. With respect to reinforcing the relevant norms:

(a) How should States parties to the Convention, individually and as a community and represented by the President, best respond to allegations of use by a State not party to the Convention?

(b) How can States parties best cooperate with civil society and the United Nations in situations of reported use?

(c) What are the most effective ways to discourage, in every way possible, all use, development, production, stockpiling and transfer of cluster munitions?

## V. Stockpile destruction

### Scope

29. In their initial article 7 transparency reports, seven States parties<sup>8</sup> declared obligations to destroy stockpiles of cluster munitions in accordance with article 3 of the Convention. Three of those States parties<sup>9</sup> have begun to destroy their stockpiles, three others<sup>10</sup> reported that they had a destruction plan in place or were in the process of developing concrete implementation plans through the analysis of options and destruction methods, and one State party<sup>11</sup> has initiated a tendering process. Eight States parties<sup>12</sup> declared that they had completed the destruction of their stocks of cluster munitions, with seven stating that they had done so before the Convention entered into force for them.

30. Four States parties<sup>13</sup> whose initial reports are not yet due have indicated that they possess stockpiles of cluster munitions which will have to be destroyed. In addition, one signatory State,<sup>14</sup> which has provided a voluntary report, has declared stockpiles of cluster munitions and provided information on the number of stocks. Five signatory States<sup>15</sup> are reported to have had previous stockpiles of cluster munitions, and 15 signatory States<sup>16</sup> are reported to have existing stockpiles of cluster munitions.

### Actions Nos. 8 and 9

31. All 15 States parties that have declared either previous or existing stockpiles of cluster munitions have taken concrete steps in line with action No. 8. All seven States parties<sup>17</sup> that have declared obligations to destroy existing stockpiles of cluster munitions have submitted article 7 reports that provide information on the number of cluster munitions stockpiled.

<sup>8</sup> Croatia, Denmark, France, Germany, Japan, Slovenia and United Kingdom.

<sup>9</sup> France, Germany and United Kingdom.

<sup>10</sup> Croatia, Denmark and Slovenia.

<sup>11</sup> Japan.

<sup>12</sup> Austria, Belgium, Ecuador, Montenegro, Norway, Portugal, Republic of Moldova and Spain.

<sup>13</sup> Bosnia and Herzegovina, Chile, Guinea-Bissau and Netherlands (which has begun to destroy its stockpiles).

<sup>14</sup> Canada.

<sup>15</sup> Australia, Colombia, Honduras, Hungary and Iraq.

<sup>16</sup> Angola, Canada, Côte d'Ivoire, Czech Republic, Guinea, Indonesia, Italy, Nigeria, Peru, Congo, Rwanda, South Africa, Sweden, Switzerland and Uganda.

<sup>17</sup> Croatia, Denmark, France, Germany, Japan, Slovenia and United Kingdom.

32. According to the initial article 7 report, a total of 64,448,458 submunitions have been destroyed as a direct result of the implementation of the Convention on Cluster Munitions. One State party<sup>18</sup> reported that it had benefited from a low-cost on-site destruction process.

33. Between the First and Second Meetings of State Parties, one signatory State<sup>19</sup> reported the completion of the destruction process. Three States parties<sup>20</sup> indicated that assistance would be required in order to meet its stockpile destruction obligation, in accordance with action No. 9.

34. Five States parties<sup>21</sup> indicated that they would finish the destruction of all stockpiles well in advance of their deadline. Two States parties<sup>22</sup> reported that they were ready to provide assistance on stockpile destruction to other States, and one State party and one signatory State<sup>23</sup> reported that they were ready to share their knowledge and experience on stockpile destruction. Three States parties<sup>24</sup> reported that they had received technical assistance in destroying cluster munitions. Several States parties and civil society emphasized the importance of an early start to the destruction process.

35. In their initial transparency reports, six States parties<sup>25</sup> declared that they retained cluster munitions and explosive submunitions for the development of and training in cluster munition and explosive submunition detection, clearance or destruction techniques, or for the development of cluster munition countermeasures. Two signatories<sup>26</sup> reported that they retained cluster munitions for permitted purposes under the Convention. Five States parties<sup>27</sup> provided information about types of retained cluster munitions, with four of them<sup>28</sup> also providing information on quantities.

36. Two States parties<sup>29</sup> are in the process of determining the quantities of cluster munitions retained for permitted purposes. Three States parties<sup>30</sup> reported on the consumption of retained munitions for training purposes. None of the States parties that did not possess stockpiles of cluster munitions at the time of the submission of their initial reports declared any retained cluster munitions, or any intention to acquire cluster munitions for permitted purposes. Two States parties<sup>31</sup> declared that they retained only items free from explosives which were not defined as cluster munitions. At the intersessional meeting, States parties and partners continued to discuss whether or not the retention of live cluster munitions was necessary, as well as the importance of reporting on their numbers and use in accordance with article 3.8 of the Convention.

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<sup>18</sup> Republic of Moldova.

<sup>19</sup> Hungary.

<sup>20</sup> Bosnia and Herzegovina, Croatia and Guinea-Bissau.

<sup>21</sup> Bosnia and Herzegovina, Canada, Croatia, Germany and United Kingdom.

<sup>22</sup> Norway and Switzerland.

<sup>23</sup> Colombia and United Kingdom.

<sup>24</sup> Bosnia and Herzegovina, Croatia and Republic of Moldova.

<sup>25</sup> Belgium, Denmark, France, Germany, Spain and United Kingdom.

<sup>26</sup> Australia and Czech Republic.

<sup>27</sup> Belgium, France, Spain, Germany and United Kingdom.

<sup>28</sup> Belgium, France, Spain and United Kingdom.

<sup>29</sup> Denmark and Germany.

<sup>30</sup> Belgium, Germany and United Kingdom.

<sup>31</sup> Croatia and Republic of Moldova.



### **Challenges and questions for discussion at the Second Meeting of States Parties**

37. A key challenge is starting the physical destruction of cluster munitions as soon as possible and in accordance with action No. 8. Questions include:

- (a) What are the main obstacles to starting the destruction of cluster munitions?
- (b) How can the encouraging momentum on destruction reported by States parties with large stockpiles be maintained?
- (c) How can States parties and other actors best cooperate with relevant organizations to ensure adequate assistance for the completion of stockpile destruction obligations?
- (d) How can States parties most efficiently support the destruction of small/limited stockpiles of cluster munitions?
- (e) How can States parties ensure that the amount of their retained submunitions does not exceed the minimum amount absolutely necessary?
- (f) How can States parties best make use of the reporting requirement under article 3.8 to ensure that the possibility of retaining cluster munitions does not result in de facto stockpiling?

## **VI. Clearance**

### **Scope**

38. Seven States parties<sup>32</sup> and seven signatories<sup>33</sup> are reported to have obligations under article 4, and thus are expected to implement actions Nos. 10-17. Of these, one State party and one signatory<sup>34</sup> are among the four countries<sup>35</sup> most heavily affected in the world. However, the Cluster Munition Coalition states that, according to its own estimates, as many as 28 States and 3 territories may have cluster munition remnants on their territory.

39. All States parties are expected to implement actions Nos. 18 and 19.

40. Two States parties<sup>36</sup> have fulfilled their obligation to clear all contaminated areas prior to the entry into force of the Convention.

### **Actions Nos. 10-13**

41. Six States parties<sup>37</sup> have reported on their priorities and progress with respect to clearance and identifying the size and locations of contaminated areas, ranging from gathering accurate information and planning survey and clearance efforts to

<sup>32</sup> Bosnia and Herzegovina, Croatia, Germany, Guinea-Bissau, Lao People's Democratic Republic, Lebanon and Norway.

<sup>33</sup> Afghanistan, Angola, Chad, Congo, Democratic Republic of the Congo, Iraq and Mauritania.

<sup>34</sup> Lao People's Democratic Republic and Iraq.

<sup>35</sup> Cambodia and Viet Nam, in addition to Iraq and Lao People's Democratic Republic.

<sup>36</sup> Albania and Zambia.

<sup>37</sup> Bosnia and Herzegovina, Croatia, Germany, Lao People's Democratic Republic, Lebanon and Norway.

the ongoing clearance and survey of contaminated areas. Five signatories<sup>38</sup> have reported on steps taken to address contamination, including surveys and warnings to the population concerned.

#### **Actions Nos. 14-16**

42. Three States parties<sup>39</sup> have reported on methods applied in survey and clearance in contaminated areas. Six States parties<sup>40</sup> have provided information on the size and the locations of contaminated areas.

43. No State party reported on how it had included and informed affected communities in its development of national clearance plans and planning of clearance activities and land release.

#### **Action No. 17**

44. Six of eight affected States parties<sup>41</sup> have reported on their efforts to develop and provide their populations with risk reduction programmes. Two signatories<sup>42</sup> have reported on steps taken to warn their populations of the risks posed by cluster munitions.

#### **Action No. 18**

45. The thematic Friend on Clearance submitted a paper on methods for expeditious land release, containing recommendations for the implementation of article 4 for discussion at the intersessional meeting and for consideration by the Second Meeting of States Parties. The paper received substantial support from other States, the United Nations and civil society. The Convention on Cluster Munitions issued a paper reaffirming the need for efficient land release.

#### **Challenges and questions for discussion at the Second Meeting of States Parties**

46. A key challenge for States parties with article 4 obligations is the development of comprehensive national strategic plans that set out effective, context-specific and appropriate land release methods. The discussion paper on clearance and land release submitted by the thematic Friend includes a set of recommendations that States may take to this effect. Another challenge is the identification and mobilization of resources for article 4 implementation, which some States parties have reported to be an obstacle. Questions include:

(a) What steps should States parties take to develop cost-efficient and tailored plans addressing the specific problems in each affected country and area?

(b) What are the obstacles to implementing the recommendations contained in the land release paper, and what can be done to overcome them?

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<sup>38</sup> Afghanistan, Democratic Republic of the Congo, Iraq, Mauritania and Sudan.

<sup>39</sup> Bosnia and Herzegovina, Lao People's Democratic Republic and Lebanon.

<sup>40</sup> Croatia, Bosnia and Herzegovina, Germany, Lao People's Democratic Republic, Lebanon and Norway.

<sup>41</sup> Albania, Belgium, Croatia, Germany, Lao People's Democratic Republic and Norway.

<sup>42</sup> Democratic Republic of the Congo and Iraq.

(c) How can States parties best address the problem in countries with limited contamination, where there might be no need to build a national capacity or to develop and adopt separate standards?

(d) How can States parties, demining operators and civil society ensure that actions and recommendations for the implementation of article 4 are coherent and coordinated?

(e) What can be done to gain a realistic overview of the global magnitude of cluster munition contamination?

(f) What actions can be taken to ensure the clearance of cluster munition remnants in areas where jurisdiction and control are disputed?

## VII. Victim assistance

### Scope

47. Eight States parties<sup>43</sup> and five signatories<sup>44</sup> are reported to have obligations under article 5 (1), and thus are expected to implement actions Nos. 20-29. Of these, two States parties<sup>45</sup> and two signatories,<sup>46</sup> together with two States not party,<sup>47</sup> are considered to be the worst affected, with responsibility for the care of several thousand victims.

### Actions Nos. 20-23 and 26

48. Five States parties<sup>48</sup> have reported that they have established some sort of coordinating mechanism for victim assistance, ranging from the designation of single individual focal points to the coordination of inter-ministerial committees in line with action No. 21, and that they have undertaken data collection in line with action No. 22. Four<sup>49</sup> of these reported that their victim assistance efforts were integrated with existing coordination mechanisms in line with action No. 23, and that they had reviewed their national plans and policies in line with action No. 26.

49. Of the eight States parties with reported article 5 (1) obligations, three have not reported the implementation of any of the time-bound actions. In addition, one has not reported the implementation of action No. 23 or action No. 26.

50. Two signatories<sup>50</sup> have reported that they have started data collection on victims.

<sup>43</sup> Albania, Bosnia and Herzegovina, Croatia, Lao People's Democratic Republic, Lebanon, Montenegro, Mozambique and Sierra Leone.

<sup>44</sup> Afghanistan, Angola, Chad, Democratic Republic of the Congo and Iraq.

<sup>45</sup> Lao People's Democratic Republic and Lebanon.

<sup>46</sup> Afghanistan and Iraq.

<sup>47</sup> Cambodia and Viet Nam.

<sup>48</sup> Albania, Bosnia and Herzegovina, Croatia, Lao People's Democratic Republic and Lebanon.

<sup>49</sup> Albania, Bosnia and Herzegovina, Croatia and Lao People's Democratic Republic.

<sup>50</sup> Angola and Iraq.

**Actions Nos. 24, 25, 27, 28 and 29**

51. Five States parties<sup>51</sup> have reported that they have developed and/or adapted plans and/or budgets in line with action No. 24, with three of them building strongly on plans already in place under the Mine Ban Convention.

52. As a general trend, a key critical factor in increasing capacity in terms of developing and delivering the full range of victim assistance services and elements, from first life-saving response to full social inclusion, is the availability of resources. All affected States, and in particular those with the highest numbers of victims, report a lack of sufficient resources for victim assistance.

53. No States reported the inclusion of survivors in their delegations at the intersessional in line with actions Nos. 30 and 31. Five States parties<sup>52</sup> reported strong and close cooperation with cluster munition survivors and their respective organizations in their national implementation efforts.

**Challenges and questions for discussion at the Second Meeting of States Parties**

54. The key challenge for States parties is ensuring the full realization of the rights of all cluster munition victims, as well as their economic and social inclusion.

55. A second challenge is ensuring not only a needs-based approach that takes into account priorities on the ground, but also the most efficient use of resources.

56. A third challenge is sustainability, as victim assistance often means lifelong services. National ownership and capacity-building are needed, as non-governmental organizations cannot guarantee services in the long run and barriers affect all persons with disabilities, regardless of the causes of their disabilities. The wider society benefits from victim assistance efforts and advocacy.

57. A fourth challenge is integrating victim assistance efforts into the wider development and disability spheres and maximizing the opportunities of a holistic approach to various instruments of international humanitarian law that deal with victims of conventional weapons, while ensuring that the specific obligations under the Convention on Cluster Munitions are met. Questions include:

(a) What progress has been made on specific actions with explicit timelines as set out in the Vientiane Action Plan?

(b) What barriers prevent access to services for cluster munition victims, and what plans are being developed to remove them?

(c) What are national endeavours to develop or adapt national plans and budgets, linking activities to other applicable victim-assistance-related instruments of international humanitarian law, to enhance practicality and effectiveness?

(d) How could States parties better include survivors in the planning, priorities and implementation of victim assistance?

(e) How could States parties report on their implementation of the time-bound action No. 26, including the review of national laws and policies, and the steps taken to ensure that, by the time of the holding of the Review Conference, all

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<sup>51</sup> Albania, Bosnia and Herzegovina, Croatia, Lao People's Democratic Republic and Lebanon.

<sup>52</sup> Albania, Bosnia and Herzegovina, Croatia, Lao People's Democratic Republic and Lebanon.

national laws and policies meet the needs and protect the human rights of victims, without discriminating on the basis of their disabilities or the causes thereof?

(f) What steps have States parties taken to begin reviewing the availability, accessibility and quality of various services offered to cluster munition victims, in order to identify and address any barriers preventing access to those services for victims?

(g) What are reasonable and practical areas for victim assistance synergies?

## VIII. International cooperation and assistance

### Scope

58. A total of 19 States parties<sup>53</sup> are reported to have obligations under articles 3, 4 and/or 5. In statements made at the intersessional meeting in Geneva in June 2011 and in the submitted initial article 7 reports, six States parties<sup>54</sup> reported that they were in need of some sort of international assistance in fulfilling those obligations.

59. Three States parties<sup>55</sup> and one signatory<sup>56</sup> have reported a need for assistance in stockpile destruction, three States parties<sup>57</sup> and two signatories<sup>58</sup> have reported a need for assistance in clearance and/or risk reduction, and three States parties<sup>59</sup> and one signatory<sup>60</sup> have reported a need for assistance in the provision of victim assistance.

60. In their initial article 7 reports, 15 States parties<sup>61</sup> reported that they had provided funding for international cooperation and assistance, while 3 States parties<sup>62</sup> have reported that they have received dedicated funding for the implementation of the Convention. A number of signatories<sup>63</sup> have also reported that they have provided dedicated funding to support the implementation of the Convention.

### Actions Nos. 33-36

#### Stockpile destruction

61. Of the three States parties with a need for assistance in stockpile destruction, one<sup>64</sup> has implemented actions Nos. 33-36 by having in place a national plan for

<sup>53</sup> Albania, Bosnia and Herzegovina, Bulgaria, Chile, Croatia, Denmark, France, Germany, Guinea-Bissau, Japan, Lao People's Democratic Republic, Lebanon, Mozambique, Montenegro, Netherlands, Norway, Sierra Leone, Slovenia and United Kingdom.

<sup>54</sup> Albania, Bosnia and Herzegovina, Croatia, Guinea-Bissau, Lao People's Democratic Republic and Lebanon.

<sup>55</sup> Bosnia and Herzegovina, Croatia and Guinea-Bissau.

<sup>56</sup> Côte d'Ivoire.

<sup>57</sup> Croatia, Lao People's Democratic Republic and Lebanon.

<sup>58</sup> Afghanistan and Iraq.

<sup>59</sup> Albania, Lao People's Democratic Republic and Lebanon.

<sup>60</sup> Afghanistan.

<sup>61</sup> Austria, Belgium, Denmark, France, Germany, Holy See, Ireland, Japan, Lithuania, Luxembourg, New Zealand, Norway, Slovenia, Spain and United Kingdom.

<sup>62</sup> Albania, Lao People's Democratic Republic and Republic of Moldova.

<sup>63</sup> Including Australia and Switzerland.

<sup>64</sup> Croatia.

stockpile destruction, identifying a civil society partner for such destruction and communicating its need for resources with which to implement the plan. Another<sup>65</sup> has reported that it has identified a partner for the destruction of stockpiles.

62. One State party<sup>66</sup> reported that it needed assistance in the destruction of what is probably a limited stockpile of cluster munitions, but that it had not yet been able to develop a national plan. The State party had identified partners for implementation and, in line with action No. 35, had identified another State party with relevant practical experience.

63. Civil society offered assistance in the destruction of stockpiles in a cost-efficient matter. The United Nations Mine Action Team also offered its assistance in stockpile destruction.

### **Clearance and risk reduction**

64. Of the three States parties that reported a need for assistance in the implementation of article 4, one<sup>67</sup> reported that it had taken steps that were all in line with actions Nos. 33-36 of the Vientiane Action Plan.

### **Victim assistance**

65. Of the three States parties with a reported need for assistance in the implementation of article 5, two<sup>68</sup> reported that they had taken steps that were all in line with actions Nos. 33-36 of the Vientiane Action Plan, by having in place a national plan for victim assistance and engaging with civil society groups and other States parties.

### **Challenges and questions for discussion at the Second Meeting of States Parties**

66. One challenge is that States parties with obligations under articles 3, 4 and/or 5 and a need for international cooperation and assistance should develop comprehensive plans that accurately identify needs and the extent of the problem and set out priorities and timelines, and should communicate these to the Convention community. States and other actors providing support for the implementation of the Convention should engage with those States that have such needs and structure their support in accordance with such plans. Questions include:

(a) How could the partnerships between donor countries, affected countries and the mine action community be improved, in order to increase efficiency and ensure an integrated and results-focused approach to stockpile destruction, clearance and victim assistance?

(b) What steps can States parties take to ensure broad and long-lasting engagement on international assistance and cooperation that is not limited to funding, but may also include the exchange of equipment technology, skills and experience (e.g., South-South Cooperation)?

(c) How can States parties ensure that gender and diversity issues are mainstreamed in order to secure efficiency and effectiveness?

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<sup>65</sup> Bosnia and Herzegovina.

<sup>66</sup> Guinea-Bissau.

<sup>67</sup> Lao People's Democratic Republic.

<sup>68</sup> Albania and Lao People's Democratic Republic.

(d) What can be done to take greater advantage of lessons learned and best practices, among both donor and affected countries?

(e) As all States parties could potentially be in a position to provide support in accordance with article 6 of the Convention, how could a larger number of States parties be mobilized to implement actions Nos. 37-42?

## **IX. Implementation support**

67. The President, the Friends and the States parties consulted broadly with relevant organizations, and included them in consultations, regarding all aspects of the Convention in accordance with actions Nos. 51 and 52. Civil society and international organizations participated actively in the intersessional meeting of the Convention and provided expert input on key thematic areas.

68. The President of the First Meeting of States Parties, assisted by the Friend on Workplan and Implementation Architecture 2011, prepared a President's discussion paper on implementation architecture and intersessional work, containing proposals relevant to actions Nos. 53-56. Based on the discussion paper and discussions among all States parties, the President-designate presented draft decisions on the convening of annual intersessional meetings, the establishment of thematic working groups, the appointment of coordinators and the establishment of a coordination committee. Two States parties<sup>69</sup> presented a separate joint proposal and draft decision on the establishment of an Implementation Support Unit, which was thoroughly discussed among the States parties. The draft decisions were to be presented to the Second Meeting of States Parties for adoption. Several States parties argued in favour of promoting practical cooperation with representatives of other relevant international instruments.

69. Several States parties and signatories contributed to sponsorship programmes that encouraged broader participation at the intersessional meeting in June and at the Second Meeting of States Parties, in accordance with action No. 57.

### **Challenges and questions for discussion at the Second Meeting of States Parties**

70. Questions for discussion include:

(a) How could States parties better allow for new partnerships, for example, with the private sector?

(b) How could States parties implement the decisions made on implementation architecture and intersessional work in the most effective manner?

## **X. Transparency**

71. Forty-seven States parties have article 7 reporting deadlines up to before the Second Meeting of States Parties. Since the First Meeting of States Parties, 32 States parties have submitted their initial article 7 reports (as at 20 August). Two States parties<sup>70</sup> have submitted their initial reports on a voluntary basis. Nine States parties

<sup>69</sup> Norway and Switzerland.

<sup>70</sup> Canada and Democratic Republic of the Congo.

had not submitted their initial transparency reports by their deadlines, and the reports have yet to be submitted.

72. The Friend on Transparency has reported that letters have been sent on a regular basis to remind States parties of their obligation to report. In addition, measures have been taken to improve the reports and ensure that they are of high quality. A reporting guide has been proposed to assist States parties in preparing their transparency reports. Input from all stakeholders is welcome.

### **Challenges and questions for discussion at the Second Meeting of States Parties**

73. A key challenge is improving the varying quality of the reports, which have ranged from documents that are highly detailed and comprehensive to documents that are lacking in required information or difficult to extract information from. Questions include:

(a) What steps should be taken for States parties to ensure that high-quality information is provided? How can a coherent understanding of the reporting measures be ensured?

(b) How can reporting be used as a tool for assisting and cooperating in implementation, particularly where States parties have obligations under articles 3, 4 and 5?

(c) What should be done to ensure that reporting effectively communicates the extent of the remaining challenges in the areas of clearance and stockpile destruction?

## **XI. National implementation measures**

### **Action No. 63**

74. Nineteen States parties<sup>71</sup> have reported that they have adopted legislation or have stated that they consider their existing legislation to be sufficient. Eleven States parties have reported that they have specific cluster munitions laws.<sup>72</sup> Eight States parties<sup>73</sup> have reported that their existing legislation is adequate. Six States parties<sup>74</sup> and three signatory States<sup>75</sup> have reported that they are in the process of adopting legislation.

75. The Friend on National Implementation Measures has submitted two guides: very brief legislation for the implementation of the Convention in small States unaffected by cluster munitions, and a checklist of measures that may be necessary to ensure full compliance with the Convention.

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<sup>71</sup> Austria, Belgium, France, Ireland, Japan, Germany, Holy See, Lithuania, Luxembourg, Malta, Mexico, Montenegro, New Zealand, Norway, Republic of Moldova, San Marino, Slovenia, Spain and United Kingdom.

<sup>72</sup> Austria, Belgium, France, Germany, Ireland, Japan, Luxembourg, New Zealand, Norway, Spain and United Kingdom.

<sup>73</sup> Holy See, Lithuania, Malta, Mexico, Montenegro, Republic of Moldova, San Marino and Slovenia.

<sup>74</sup> Albania, Burkina Faso, Croatia, Lao People's Democratic Republic, Malawi and Zambia.

<sup>75</sup> Australia, Canada and Democratic Republic of the Congo.



**Action No. 65**

76. Two States parties<sup>76</sup> have reported on how they have informed other relevant State agencies about the prohibitions and requirements set out in the Convention.

**Challenges and questions for discussion at the Second Meeting of States Parties**

77. The main challenge with respect to national implementation measures is ensuring that all States swiftly develop and adopt whatever legislation is required for the effective implementation of the Convention. Questions include:

(a) What are the factors preventing greater progress in national implementation, and what assistance might States parties need to facilitate their adoption of implementing legislation?

(b) What steps can a State party take to inform all relevant national actors, including its armed forces, and also in the context of joint military operations with States not party, about its obligations under the Convention on Cluster Munitions?

**XII. Compliance**

78. No serious issues relating to non-compliance have yet been raised, but it should be noted that nine States parties are late in submitting their article 7 transparency reports. The general impression is that States parties and signatories are showing great determination to implement the Convention rapidly and thoroughly.

79. In the spirit of the Convention, any serious compliance concerns arising in the future should be addressed in a cooperative manner, with States parties helping other States parties to resolve any potential compliance issue.

**Challenges and questions for discussion at the Second Meeting of States Parties**

80. A key challenge in the area of compliance is determining how States parties and the President should address future compliance concerns. Questions include:

(a) How should States parties address the issue of non-compliance in the future?

(b) What steps could States parties take to better promote compliance with the norms established by the Convention on Cluster Munitions?

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<sup>76</sup> Ireland and Norway.

## Annex III

### List of documents

<i>Symbol</i>	<i>Title</i>
CCM/MSP/2011/1	Provisional agenda
CCM/MSP/2011/2	Provisional programme of work
CCM/MSP/2011/2/Add.1	Provisional annotated programme of work
CCM/MSP/2011/2/Add.1/Rev.1	Provisional annotated programme of work
CCM/MSP/2011/3	Rules of procedure
CCM/MSP/2011/4	Note by the Secretariat on estimated costs of the Second Meeting of States Parties to the Convention on Cluster Munitions
CCM/MSP/2011/WP.1	Draft 2011 Beirut Declaration (submitted by the President)
CCM/MSP/2011/WP.1/Rev.1	Revised draft 2011 Beirut Declaration (submitted by the President)
CCM/MSP/2011/WP.1/Rev.2	Revised draft 2011 Beirut Declaration (submitted by the President)
CCM/MSP/2011/WP.1/Rev.3	Revised draft 2011 Beirut Declaration (submitted by the President)
CCM/MSP/2011/WP.2	Discussion paper on implementation architecture and intersessional work (submitted by the President)
CCM/MSP/2011/WP.3	Draft decisions and recommendations for consultations (submitted by the President)
CCM/MSP/2011/WP.3/Rev.1	Revised draft decisions and recommendations for consultations (submitted by the President)
CCM/MSP/2011/WP.3/Rev.1/Amend.1	Draft decision on the establishment of an Implementation Support Unit (submitted by Norway and Switzerland)
CCM/MSP/2011/WP.4	Application of all available methods for the efficient implementation of article 4 (submitted by Australia)
CCM/MSP/2011/WP.5	Draft Beirut progress report: monitoring progress in implementing the Vientiane Action Plan from the First up to the Second Meeting of States Parties (submitted by the President of the First Meeting of States Parties)
CCM/MSP/2011/WP.6	Model legislation: Cluster Munitions Act 2011 (submitted by New Zealand)

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<i>Symbol</i>	<i>Title</i>
CCM/MSP/2011/WP.7	National implementation: checklist of measures needed by States to implement the Cluster Munitions Convention (submitted by New Zealand)
CCM/MSP/2011/WP.8	Explanatory note on draft decisions on an Implementation Support Unit for the Convention on Cluster Munitions hosted by the Geneva International Centre for Humanitarian Demining (submitted by Norway and Switzerland)
CCM/MSP/2011/WP.9	Draft Directive from the States parties to the Convention on Cluster Munitions to the Implementation Support Unit (submitted by Norway and Switzerland)
CCM/MSP/2011/MISC.1	Provisional list of participants
CCM/MSP/2011/MISC.2	Survivors' declaration
CCM/MSP/2011/CRP.1	Draft final document
CCM/MSP/2011/CRP.2	Note by the Secretariat on estimated costs of the Third Meeting of States Parties to the Convention on Cluster Munitions
CCM/MSP/2011/INF.1	List of participants

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The above documents are available from the Official Document System of the United Nations at <http://documents.un.org>, and the official website of the Convention on Cluster Munitions, which is part of the website of the United Nations Office at Geneva, at <http://www.unog.ch/ccm>.