



Synopsis of open-ended informal consultations

Convention on Cluster Munitions
24 February 2011, Palais des Nations, Geneva

The open-ended informal consultation took place on Thursday 24 February 2011 at the Palais des Nations under the Lao PDR chairmanship of the CCM in its capacity as President of the 1st Meeting of States Parties to the Convention on Cluster Munitions in collaboration with President-designate, Lebanon.

The following states participated in the meeting: Australia, Austria, Belgium, Bulgaria, Canada, Colombia, Croatia, Cyprus, France, Germany, Holy See, Hungary, Indonesia, Ireland, Italy, Japan, Lao PDR, Lebanon, Mexico, Netherlands, New Zealand, Norway, Philippines, Portugal, South Africa, Sweden, Switzerland, and the United Kingdom. In addition, the CMC, the ISU of the APMBT, the ICRC and UNMAS also attended the consultation.

Agenda:

1. June intersessionals, preparatory work, agenda
2. Vientiane Action Plan, progress reporting guidance
3. Draft architecture
4. Universalisation, status report
5. CCM Website
6. Article 7 reporting
7. 2MSP, update on planning and organization
8. AOB

1. June intersessionals, preparatory work, agenda

The Chair presented a draft agenda for the intersessional meeting and opened the floor for comments. No immediate interventions were done. All States were invited to send input on the agenda to the Lao PDR Mission in Geneva and/or the Executive Coordinator.

2. Vientiane Action Plan (VAP), progress reporting guidance

In their capacity as Friend of the President on General status and operation of the Convention, **Norway** briefly informed of the process to coordinate input for the Beirut progress report on the Vientiane Action Plan (VAP) which will be presented at the Second Meeting of States Parties (2MSP) in September. Notwithstanding Article 7 reports, which provide general input to the progress report, States Parties to the Convention will be requested to provide narrative input on progress in the implementation and universalization efforts of the Convention related to the action points captured in the VAP. Norway will circulate guidance to facilitate reporting on the VAP which also will be posted on the CCM website, the www.clusterconvention.org

3. Draft architecture

Under this agenda item, **Canada**, in their capacity as Friend of the President on the workplan and implementation architecture presented an updated Presidents discussion paper. Canada highlighted that the paper elaborates on suggestions for proposals as follow up to decisions made at the 1MSP. The paper will undergo continuous



consultations with the aim of advancing the document in time for the intersessionals in June. Canada suggests that the proposals outlined for discussion during the intersessionals will be presented on 27 June with a report back of the week's consultations aiming at refined versions of proposals for decision making on 29 June to be forwarded to the 2MSP in Beirut. Canada noted that Geneva International Centre for Humanitarian Demining (GICHD) has offered to host a future ISU. Canada also noted the option of an independent implementation support unit (ISU) to be established.

The chair then opened the floor for discussion.

The **Cluster Munition Coalition (CMC)** stated it believes universalization will be in need of its own working group given the importance and need to elevate universalization efforts at this time. They added that the CCM contains legal requirements for States Parties to promote universalization; this is a good reason to have a working group that reflects this in the implementation structure. CMC highlighted that universalization will benefit the most from a high level of cooperation from States Parties and that this will be best achieved by a working group.

The need for a working group on universalisation was reiterated by **South Africa, Lebanon, the UK, the ICRC and Belgium.**

On the structure of the working groups, **Ireland** commented that there should be no "permanent" seats on the Coordination Committee and that they believe that a rotation will help establish a broad ownership. **Switzerland** also suggested the establishment of Coordinating Committee.

With regards to the ISU, the **CMC** commented that it is crucial to the Convention that agreements on the ISU are made by the 2MSP. Failure to create an ISU could have a negative impact on universalisation and implementation efforts. CMC stated that agreement is achievable by 2MSP and it is worth making it happen this year. **Australia** said that they support the view that the location of the ISU should be decided on this year at the 2MSP. **Switzerland** agreed with this point and stated that the ground must be prepared for a decision on the ISU to be made at the 2MSP.

Norway stated that they support discussing principles and core tasks of the ISU as a matter of priority and think that it is possible to agree and decide on these elements by the 2MSP. They added that decisions on future structure and location of an ISU could be left for the 3MSP if this would ensure ownership by additional States Parties. Norway said that they have produced a paper on the practical implications of an independent ISU. **The United Kingdom** and **Portugal** commented that they would like more detailed and precise terms of reference on the ISU. The UK said that they want to look at potential convergence with existing ISUs and said that the ISU should be State Party driven and that the decisions for a future ISU should be made properly rather than quickly. **Germany** commented that use of resources should be taken into considering when deciding on the ISU. **Mexico** and **Japan** said they were also considering synergies when thinking about the ISU and that they want more discussions on the tasks and functions that the ISU will be in charge with. **Belgium** offered to contribute with their views on ISU functions to establish draft ToRs for an ISU.

Switzerland stated support for the GICHD to host the ISU stating it would provide benefits from experience, would have potential for synergies and would allow States Parties to keep costs down and use money for implementation. Switzerland commented that an independent ISU would be an alternative but that the use of synergies and management of resources is important. **Australia** and **France** intervened and said that they also support the GICHD to host the ISU. **Australia** said that this location would make the ISU driven by States Parties, would be cost effective, independent and the experience with hosting the Mine Ban Treaty (MBT) ISU shows that criteria have been met adequately.



Ireland said it would be happy to see synergies in the ISU and that all possible options should be taken into account for the location of the ISU. Ireland said that they understand that there is not an offer from the United Nations Office for Disarmament Affairs (UNODA) to host the ISU but that there should be a consultation process on if they could host it. **Belgium** stated they were undecided with regards to preferred location at this stage.

Lebanon stated that the ISU would need to focus exclusively on the CCM as to distinguish from other legal instruments with different groupings of States Parties. Lebanon said they are not in a position to think of common synergies at this time, but perhaps at a later stage. Lebanon said that time should be taken to make decisions on the ISU if needed, to ensure quality and broader ownership rather than a rushed decision.

Canada responded and said that they will consider all comments. Canada clarified that “back to back” in the paper meant that except when necessary, countries would not provide Coordinators back to back, de facto establishing “permanent” seats. Canada requested written comments on the terms of reference for an ISU and said they planned to do an initial draft through the friends.

4. Universalization, status report

Under the fourth agenda item, **Japan** gave an update on universalization work since the 1MSP. Japan commented that participation needed to be facilitated to keep up the momentum on universalization. Japan is trying to identify concrete challenges and is approaching non States Parties. Through outreach activities, some states responded that they will join if their neighbours join. Japan will issue a letter to States not party and will consult with the next presidency (Lebanon). Since universalization is a common and collaborative task, they are very open to collaborate with other states.

CMC stated that universalization is a key priority for its work this year. Whilst there has been steady progress on ratifications there have been no new countries joining the Convention through accession since it entered into force in August last year. CMC stated that 3 countries are understood to have processes actively underway to accede including in Andorra, Grenada and Trinidad and Tobago, and that other countries are actively considering accession. CMC stated that to see real progress in this area it is essential that States Parties, as legally obligated under the CCM, systematically promote it, with a particular emphasis on military-to-military dialogue.

Lao PDR stated that they are working hard with other states to persuade states not party to accede. Lao PDR explained that the ministerial meeting of the Non Aligned Movement will take place in Bali at the end of May and it is proposed that a call for states to join the CCM be included in the outcome documents of the meeting. Lao PDR mentioned that States Parties to the CCM are still in the minority in the Non Aligned Movement so hard work is needed in the coming months.

Bulgaria announced that they had finalized the domestic procedure for ratification on 10 February and that they should deposit their instrument within the next month

Portugal announced that they have submitted their instrument of ratification to the CCM.

The Netherlands announced that they had finalised the domestic procedure for ratification and that their next step would be to deposit their instrument within a month so that they can participate in the 2MSP as a state party.

Note: since end of February, Portugal, Netherlands, Lithuania and Mozambique has ratified the CCM. As of 30 March, the CCM has 55 States Parties.



5. Website

The Executive Coordinator said that all relevant documents will be available on the website www.clusterconvention.org

6. Article 7 reporting

Belgium explained that a friendly reminder was sent out early in the year with regards to the mandatory Article 7 reports and that the result was quite good, nearly 80% of states have submitted their article 7 reports in time. Belgium said that reminders will be sent out on a regular basis to relevant states. They said that they reviewed the reports and found inconsistencies and would like to discuss the template, give clarification on the template and will possibly issue a guidance note. Belgium said that they think it is important to make sure the reports are useful for affected countries, in particular as it provides an excellent opportunity to express requests for cooperation and assistance. A meeting on reporting took place immediately after the open-ended informal consultations finished.

7. 2MSP, update on planning and organization

Lebanon presented under the agenda item on the 2MSP. Lebanon said that they are very committed to the 2MSP and that the meeting is very important to them. Lebanon said that they would like to see high level representation at the meeting and that they want to move forward in a positive and constructive way after being contaminated by cluster munitions. They announced that the Phoenicia (Intercontinental) in Beirut has been chosen as the venue for the meeting and that a focal point and a task force would be established to undertake and oversee the preparations for the 2MSP. Lebanon expressed that they would need some financial support from friends. Lebanon stated the priority of finalising the host country agreement with UN ODA.

Ambassador Yong from Lao PDR thanked all delegates and closed the meeting.