



CMC Views on Implementation Structures for the Convention on Cluster Munitions 30 March 2010

The Cluster Munition Coalition believes the following elements and principles should be reflected in the work program and implementation support structure for the Convention on Cluster Munitions:

Intersessional Work Program

- Thematic committees, led by representatives of both affected and other states, should be established to ensure informal discussions on universalization and implementation regularly occur. Committees should include the following subjects:
 - Universalization and operation of the convention (including efforts to promote universal adherence, transparency reporting under Article 7, national implementation measures, compliance issues, interpretive issues, implementation structures and mechanisms, and other overarching issues of importance to the convention);
 - Stockpile destruction (including progress on destruction of stocks, reporting under Articles 3, retention under Article 3, and international cooperation and assistance)
 - Clearance (including progress on identifying and clearing contaminated areas, risk education, and international cooperation and assistance)
 - Victim assistance (including progress on implementing Article 5, the relationship between victim assistance in the CCM and the Mine Ban Treaty and the Convention on the Rights of Persons with Disabilities, and international cooperation and assistance).
- These committees should meet together once or twice a year¹ in meetings open to all states, CMC and other members of civil society, UN agencies, and other interested actors. Where practical the meetings should be scheduled to take advantage of the activities of other international instruments with similar objectives. The agenda should include reports by States Parties on concrete progress and challenges in meeting treaty obligations, opportunities for States Parties to voice views on interpretation of treaty, and thematic discussions on challenges facing States Parties in general.
- The committee leaders should hold other bilateral or multilateral meetings as needed during the course of the year to ensure regular follow-up on their thematic issues.
- The states leading the committees should be elected based on their experience with the subject matter, their capacity to take on the work, and a history of leadership on and respect for the convention. Leadership should seek to reflect the diversity of the States Parties and rotate on a regular basis.
- It is essential that there be a proactive coordination body to enable committee leaders to prepare for intersessional committee meetings and the MSPs. The coordination meetings should also provide an opportunity for the leaders to discuss matters of substance related to the implementation and universalization of the convention, including identifying significant problems and suggesting ways forward to other States Parties. The coordination body meetings should be chaired by the MSP president and should include the participation of close partners such as the CMC, ICRC and the UN.
- States should consider developing other informal bodies to work in a more intensive and flexible manner on specific subjects, such as the coordination of universalization work and the facilitation of transparency reporting under Article 7, which would complement and feed into the work of the committee on the universalization and operation of the convention.

¹ Twice yearly meetings proved to be useful in the context of the Mine Ban Treaty.

- To ensure any matters of compliance that might arise are dealt with in a timely manner, and in accordance with Article 8.1, States Parties should task the MSP/Review Conference President to take the lead in addressing such matters. The President should conduct this work in close collaboration with leaders of the committee on the universalization and operation of the convention, other relevant committee leaders, plus other interested states and parties. Together they should seek to clarify the situation, discuss the matter with the concerned state(s), and suggest appropriate responses to other States Parties.
- A sponsorship program should be established to ensure broad participation by affected states in convention meetings, both the formal Meetings of the States Parties/Review Conferences and the informal intersessional meetings.
- For greater efficiency and cross-fertilization of ideas, States Parties should explore how to coordinate meetings of the CCM with meetings of the Mine Ban Treaty. This could mean, at some point, holding joint meetings of certain thematic committees and/or scheduling intersessional meetings or MSPs sequentially so that participants could reduce time and costs associated with travel. Co-chairs, coordinators, and other leaders of thematic committees across related conventions, along with other interested parties, could also meet throughout the year to coordinate efforts.
- In order to avoid duplication of efforts, States Parties should be encouraged to harmonize national planning and reporting activities with those carried out in the context of related instruments like the Mine Ban Treaty, while ensuring respect for the specific requirements of the individual treaties.

Meetings of States Parties

- When possible Meetings of the States Parties should be held in a country affected by cluster munitions to remind States Parties why the work they are discussing is so urgent.
- The MSPs should allow sufficient time for the formal discussions needed for the successful implementation of the treaty. In addition to the time needed for decisions to be taken (such as on eventual Article 3 and Article 4 extension requests, the timing and venue of future meetings, and approving documents of the MSP), there also needs to be time allocated for official statements on policy matters and for discussion on key challenges, including addressing cases of known or alleged non-compliance.
- The rules of procedure should allow observer participation in all CCM meetings of members of the CMC and other members of civil society, technical experts, and others working in the field.

Implementation support structure

- An implementation support office (ISO for short in this text) should be created that:
 - is exclusively focused on the CCM;
 - is an impartial and independent entity with financial and political autonomy over its operations;
 - is responsible to all States Parties equally;
 - is free to put forward reliable, independent information that might differ from information provided by one or more States Parties;
 - places full implementation and universalisation of the CCM ahead of the interests of, or pressures from, any individual States Parties or organizations;
 - is free of heavy institutional bureaucracy and is run in a cost-efficient manner, with appropriate monitoring and evaluation of its effectiveness; and
 - works within a framework that values and encourages the active inclusion of civil society as partners in the universalization, implementation and monitoring of the CCM and therefore invites contributions by and cooperation with civil society.

General Principles

- An ethic of compliance with all convention provisions should be established from the onset, meaning:
 - An expectation that States Parties will implement their treaty obligations as soon as possible and that extensions for stockpile destruction and clearance will not be needed (except for extreme cases such as Lao PDR on clearance);
 - An expectation that all prohibitions will be respected without states seeking to use different interpretations as a way of creating loopholes;
 - A clear indication that States Parties will tackle any allegations of non-compliance in a proactive and consistent manner;
 - An expectation that the President will report to each MSP on compliance issues and related actions;
 - Regular, thorough reporting on implementation through annual reports and Convention meetings.
- States Parties should strive to ensure that a spirit of cooperation among and between States Parties becomes a hallmark of the Convention.
- States Parties should help create a culture that values and encourages the active inclusion of civil society as partners in the universalization, implementation and monitoring of the CCM.
- The work of the Convention should be carried out in the same vein in which the Convention was developed: using creative and innovative ways of conducting diplomacy, not relying on traditional institutions to conduct activities, focusing on positive change, and emphasizing partnership with committed stakeholders (e.g., the CMC, ICRC and UN). The Convention's work should also be conducted whenever possible in an informal manner and should avoid over-institutionalization where unnecessary focus on procedures and structures risks detracting from the swift achievement of the substantive aims of the Convention.