



## **CMC Comments on the discussion paper on possible outcomes and decisions of the First Meeting of States Parties to the Convention on Cluster Munitions**

16 March 2010

The Cluster Munition Coalition (CMC) supports the draft non-paper issued by Lao PDR on possible outcomes and decisions of the First Meeting of States Parties to the Convention on Cluster Munitions. The paper sets out a comprehensive list of outcomes that will be necessary to propel the convention forward in its critical early phases and lay a solid groundwork for action in the coming years. The CMC believes that it is feasible and very much desirable that all of the listed components be accomplished. At the same time, there are a number of elements that would benefit from more precision to ensure all actors share the same vision when pursuing these goals.

Vientiane Declaration: The CMC agrees on the need for an ambitious political document that makes clear states' long-term commitment to the implementation and universalization of the CCM. The non-paper calls for the document to be signed by high-level delegates and heads of delegation. In our view, the signing of the document is not essential. We agree that seeking high level participation should be an objective, but do not see "Summit" status as necessary.

Vientiane Action Plan: The CMC supports the development of a clear, strong action plan to provide guidance to states on implementation and universalization. Yet we believe there is a need to weigh the merits of a one-year versus a five-year plan. Given the limited number of states that will be party to the convention at the 1MSP relative to the second and even third MSPs, it may be beneficial to wait for more states to join before drafting a longer term plan. In addition, a good action plan builds on the challenges and ways to address them that are identified over time, so a list of long-term actions for the convention might benefit from some collective experience of implementing it. On the other hand, it could be useful to take advantage of the momentum around the 1MSP to set out strategic guidelines for a longer period of time than one year. Perhaps a combination of long-term and short-term goals could be included in the action plan, with updates every year as needed.

Programme of Work for 2011: We understand from this section that States Parties would decide on a mechanism for States Parties to work on key aspects of implementation in the intersessional period between the MSPs. In our view States Parties in Vientiane should decide at a minimum on:

- **The establishment of thematic committees** (building on the most effective elements of the standing committees of the Mine Ban Treaty), led by states with a particular interest or experience on that subject. States should reflect on how many committees are needed and on which subjects, drawing from the experience of but not necessarily replicating the Mine Ban Treaty intersessional work programme. Elements from the ongoing review of this programme might help inform decisions of States Parties.
- **Dates for two intersessional meetings** in 2011. The meetings would provide an opportunity for States Parties to report on progress on implementation of their legal obligations, as well as their efforts to universalize the convention. It would also enable States Parties to discuss any issues that need to be collectively addressed, including matters of interpretation of the convention, preparations for the next MSP, etc. For the Mine Ban Treaty, the two intersessional meetings prior to the 2MSP helped to demonstrate the urgency of the implementation work and to ensure diplomatic and other resources were focused on dealing with the landmine problem as a priority.
- **A mechanism to coordinate the activities of those adopting specific roles under the Convention**, in particular the MSP President and the leaders of the thematic committees, with the inclusion of the UN, ICRC, CMC and other actors working regularly on the implementation and universalization of the convention. The role of the Coordinating Committee in the Mine Ban



Treaty might provide a model here, where Co-Chairs of Standing Committees, coordinators of contact groups on universalisation and transparency as well as representatives of ICBL, UN and ICRC all meet and communicate regularly to take forward the work of the Mine Ban Treaty.

In the context of the Mine Ban Treaty, States Parties have taken informal initiatives to support its implementation and universalization. Building on this successful experience, States should consider establishing contact groups in the framework of the CCM, in particular on universalization and transparency.

In addition, we agree on the need to ensure coherence and mutual reinforcement between implementation work on the Mine Ban Treaty and to some extent the Convention on the Rights of Persons with Disabilities. While the 1MSP could obviously not make decisions on mechanisms including these other conventions, we would suggest States Parties explore what practical steps are needed from the point of view of the CCM to enable regular coordination with similar work in the context of the Mine Ban Treaty, in particular on victim assistance and clearance, as well as international cooperation and assistance.

Reporting formats: We encourage States Parties to adopt the most detailed yet user friendly formats for reporting on the full range of issues required under the Convention. We would like to see a decision that the Article 3 and Article 7 reports required under the Convention are to be made publicly available on the UN website in a manner similar to the reports submitted on the Mine Ban Treaty.

Treaty support structure: We also believe it would be useful at the 1MSP to agree on the need to establish a specific body with dedicated staff responsible for supporting States Parties in the implementation of their obligations under the Convention working in close cooperation with partners such as the CMC, ICRC, and UN agencies. While it is desirable to have this body operational as soon as possible, if it is not feasible to decide on the specific mandate, geographic location, institutional structure, and other such matters in relation to this body at the 1MSP, a working group could be mandated to develop recommendations for consideration at the 2MSP.

A sponsorship program should be established to ensure broad participation by affected states in convention meetings, both the formal Meetings of States Parties and the informal intersessional meetings.