

ACCRA REGIONAL CONFERENCE ON THE UNIVERSALIZATION OF THE CONVENTION ON CLUSTER MUNITIONS

Presentation by Lebanon on the “Preparations for the Third MSP, recommendations and decisions”

30 May 2012

Good morning dear colleagues and friends,

In this part of our conference, I have been asked to speak a bit about the Third Meeting of the States Parties to the CCM, which is scheduled to take place in Oslo from 11 to 14 September 2012.

In terms of the organization of this meeting, I know that our hosts are already doing everything they can to ensure smooth proceedings over the four days. I am confident that we all look forward to going to Oslo again, where the Oslo Process first started, and the Convention was opened for signature in December 2008.

Our Norwegian friends have already launched a website where all relevant information about the participation, suggested composition of delegations, relevant documentation and all other logistical matters are demonstrated, in addition to the details of the online registration.

The website dedicated to this end is www.clusterconvention.org/3msp

A sponsorship programme will also be put in place to ensure the participation of low-income states, administered by the executive coordination team at UNDP BCPR. Further information in this regard will also be available on the conventions website: www.clusterconvention.org. In addition you have both Simona and Marie-Ange here today so I urge you to talk to them for more information.

In addition to the online registration, States are required to inform the UN ODA, by means of a Note Verbal, the composition of their respective delegations, and this can be done by fax: 0041 22 917 00 34 or email to ccm@unog.ch

This is, in a nutshell, the organizational aspect of the 3MSP, and more and more information will be posted on the website as we get closer to the event, and with that we make sure that everyone is up to date.

But then, what is going to happen in Oslo? What issues and what matters will be decided on or adopted there?

As you are aware, the convention itself states that the Secretary –General of the UN will convene annually a Meeting of the States Parties to the Convention to review the status of implementation of the Convention and to discuss how best to promote its universalization.

As such, the Presidency, together with the Coordination Committee in Geneva, and in close collaboration with all States Parties and other partners present, have been working since the 2MSP in implementing the decisions of the 2MSP that was held in Beirut in September last year. There are other decisions that will be adopted in Oslo as well. By this we mean the following matters:

The 3MSP will decide on the dates and location of the next Meeting of States parties, the 4 MSP, as well as on the President – designate of the 4MSP. We know that Norway, in its capacity as President-designate for the 3MSP is conducting lot consultations in this regard with the aim of identifying potential nominees.

It will also be decided on the **succession of thematic coordinators** whose term will come to an end by the 3MSP. To recall, the 2MSP decided on the following coordinators:

“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 for 2012 and 2013 (Portugal);*

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

(d) *Working Group on Clearance and Risk Reduction - in 2012 (Lao People’s Democratic Republic), and for 2012 and 2013 (Ireland);*

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

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

(g) *Reporting – in 2012 and 2013 (Belgium); and*

(h) *National Implementation Measures – in 2012 and 2013 (New Zealand).”*

As you may see, there are coordinators (Holy See, Japan, Austria, Lao PDR, Germany and Spain) whose term will finish in 2012, i.e. by the 3MSP, and in this regard, I would like to share with you that Norway in its capacity is also consulting with the community of SPs in order to identify these replacements. During the intersessional meeting held last month, and which I had spoken about earlier on Monday, Norway announced that some SPs have indicated readiness to serve as coordinators for these thematic areas, but then I leave it to Norway to announce the result of their consultations in an open-ended informal meeting, the President-designate intends to hold in Geneva by mid-June.

The 3MSP, as I stated earlier, will provide an opportunity to formally discuss the general status and operation of the Convention. **The current President will present the Oslo Progress Report**, reporting on the progress made in the implementation and universalization of the Convention during its mandated period and invite States Parties to adopt this report. In other words, this report will capture the progress between the 2 and the 3MSP, and this progress will be measured in accordance with the Action points enshrined in the Vientiane Action Plan.

I believe this is also a fitting moment to underline the fact that the Intersessional Meeting has, as has this meeting here in Accra, been excellent opportunities to collate information and updates from States that can be utilized for the Oslo Progress Report.

Ultimately, this will be a paper submitted by the President of the 2MSP at the 3MSP, and as such it follows that it will remain apolitical in its approach, and serve to outline progress made during our Presidency.

In the 3MSP, SPs will have the chance to discuss the dates and location of the potential 2013 intersessional meeting of the Convention. Although the intersessional is informal in this sense, and as such not a forum where States can or will take decisions, it is an opportunity to informally discuss matters pertaining to

the implementation and universalization of the CCM, and to share information and experiences in this regard.

ISU Section

The last point that is related to this part of this presentation is that of the Implementation Support Unit. This Unit will act as a secretariat to this young convention, and it comes naturally that this unit will provide support to the states in fulfilling their obligations.

There is a lot of background and history in this regard, so feel free to interrupt me at any moment as I go ahead with this presentation, that's if you may require any clarification.

Background information:

First: The 2MSP agreed to establish a small and independent structure to provide support to States Parties in their implementation of the Convention. The ISU will be directly accountable to the States Parties, independent of any other institutions and conduct its work based on the principles of: independence, inclusiveness, transparency, accountability, efficiency and effectiveness. It also decided to mandate the president (Lebanon) to negotiate, in consultation with the States Parties, an Agreement with the Geneva International Centre for Humanitarian Demining (GICHD) on the hosting of an Implementation Support Unit (ISU) as well as a funding model, and present a proposal to the 3 MSP (States Parties can only take formal decisions in Meetings of states parties). To simplify this, allow me to break it down to three elements that the mandate entails:

1. To present a **proposal on the ISU itself**, including its shape and structure, its tasks and responsibilities, and of course the staff required to undertake these tasks.
2. To present a proposal on how to **finance this ISU**. Of course, if the SPs want an implementation support unit, then they should decide on how this unit will be funded, right?
3. Whenever, the first two issues of the establishment and the financing of the ISU are solved (even if informally) then the presidency is supposed to **negotiate the hosting agreement with the GICHD**. This agreement cannot be signed unless it is agreeable to the SPs in the next MSP in Oslo. This agreement will define and determine the level of services that the GICHD is going to provide for the future ISU.

By this presentation, I mean to go through the first two elements, ie the establishment and the financing, and the hosting agreement is not a complicated one.

On the first element, the ISU establishment, its task and responsibilities, its shape and structure and staffing, the presidency and in close consultations with the coordination committee of the convention and the SPs, has developed a working paper that is going to be submitted to the 3 MSP for consideration and adoption. This paper is of course available at the convention website, but here is a very brief description of what this paper contains:

Tasks and responsibilities, according to the Directive:

1. Assist the President in all aspects of the presidency, support with regards to formal and informal meetings of the Convention, advisory role to SPs in relation to implementation;
2. Maintenance of resource base of relevant technical expertise;
3. Act as the focal point for the Convention, providing a platform to facilitate communication between States Parties, and all relevant other actors, including efforts to promote the universalization of the Convention;
4. Maintain the 'living memory' of the Convention, by keeping records of formal and informal meetings and other relevant expertise and information pertaining to implementation; documenting the ongoing work, and be a reliable and relevant source for information on the CCM, as well as the official website of the convention, the clusterconvention.org
5. Organise the set-up of a sponsorship programme assisted by the host and provide guidance, input and support to the programme.

The Structure and format of ISU envisioned by SPs, is a lean and effective organization with following staff members:

Basic infrastructure of adequate workspace for up to 4 persons (3 staff + occasional consultant, intern or similar) with workstations, printers, Internet etc...

Director, reporting to the States Parties for the implementation of the Directive. Manage and direct the ISU and its staff. Coordinating role, maintaining close dialogue with the President and the Coordinators to ensure consistency of efforts and a clear direction.

Implementation Support Specialist, reporting to the Director of the ISU and acting as externally focused liaison assisting SPs and the Coordinators in preparing and convening meetings on their various thematic responsibilities;

Implementation Support Assistant, assisting the Director and the Implementation

These elements as I said are captured in the “working paper submitted by the President on the establishment of the ISU”, which has been discussed at length in the past few months, and I can say it provides an accurate representation of the possible requirements identified for a future ISU. In addition, colleagues have expressed a very positive outlook with regards to the options we have elaborated together.

The other element relates to the financing of the ISU. But before I go into details there, allow me to raise some points of a clarifying nature.

First: when we talk about the financing of the Implementation Support Unit, it should be clear that this is different from the costs of Meetings of States Parties, annual meetings which are convened as stipulated in the Convention itself, by the Secretary-General of the UN as a means to, and I quote from Article 11 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 this Convention....

Therefore the costs of these meetings are shared by all states present at a meeting, be it States Parties, Signatories or observer States, and the distribution of the costs of these meetings are based on the United Nations Scale of Assessment, that is prorated or adjusted to the number of participants in order to cover the total bill. Furthermore in this case, it is the United Nations Office for Disarmament Affairs that presents to the attention of States Parties the estimated costs of an MSP, and then notifies the United Nations financial services, which bills states for their respective participation.

Quite differently, an Implementation Support Unit however, would be based on a cost associated with a joint decision taken by States Parties at such a meeting and is not subject to the assessment made by the ODA to cover the costs of annual meetings of States Parties. In other words, it demands a financial platform to be realized. This is the first point that I wanted to share with you, the distinction

between the costs of the ISU and the costs of MSPs that are shared by all states regardless of their statuses under the CCM.

The second point that is pertinent to the costs of the ISU that should be clarified at this stage, is that the costs of the ISU are shared by the States Parties only, although other States would benefit from this future ISU in different ways, such as through the organization of the intersessional meetings, the sponsorship programme, and of course the other functions and responsibilities that will lie on the shoulders of the ISU and are detailed in the President's working paper on the establishment of the ISU, namely the "tasks and responsibilities" section. In a nutshell, States parties would pay for the ISU, although this is something that all states and partners will eventually benefit from, since this Unit is called the CCM Implementation Support Unit, and not the States Parties Implementation Support Unit.

The third point that I would like to make, is that the decisions and the directive adopted in Beirut are the guiding principles of our work in this regard.

For those of you who were in Beirut, the spirit of this paragraph is based on the understanding that both the hosting agreement and the establishment of an ISU should be linked to securing the necessary funds for the ISU, in order to ensure its independence, inclusiveness, transparency, accountability to the States Parties, efficiency and its effectiveness, as stated by sub para (b) of the same decision.

Whilst the establishment of an ISU important, even more crucial is to get the financial model for an ISU right from the start, prior to the formal set up of an ISU, and that any chosen option should enable a maximum number of states to make contributions towards a jointly owned ISU, to ensure full ownership amongst States Parties. This was firmly confirmed at our open-ended consultation held earlier this year.

The last point that is relevant in this regard, and based on lessons learnt from other similar fora, are the issues of the sustainability of the ISU, the predictability of funds available and ready to assist in implementing the CCM, not least the sense of ownership, where States big or small, high-income or low-income, would hold an equal sense of ownership and shared decision making of the future ISU. One of driving elements behind the success of the Oslo process was the fact that it gave equal opportunities to all these states to voice their positions, regardless of their statures.

Having laid down the necessary background to further explore the financing aspect of the ISU, now I move to address the three models that are under discussion with the colleagues in Geneva, ie the voluntary, assessed and hybrid models.

We have the option of an **ISU underpinned by voluntary contributions**. An option many will be familiar with from the Anti-personnel Mine Ban Convention. Although successful in many ways, this option has its drawbacks however, as it leaves the question of sustainability unanswered. It is maintained on the basis of the goodwill from a fewer number of states in a position to provide for the budget of the ISU.

Another aspect that should be kept in mind is that the ultimate decision of how to use these resources then effectively lay with a much smaller number of states than that reflected by the sheer number of States Parties to the Convention.

A voluntary model does not require any illustration, but the key question remains where funds would come from, and then how to ensure a sustainable, operational, efficient, independent and effective ISU

A **second option** is to follow the tradition of a **fully assessed financial model** that would share the cost for an Implementation Support Unit in accordance with the UN adjusted scale of assessment which takes into account the financial ability of states to contribute. A clear advantage is the shared ownership, predictability of resources and thereby the sustainability of the unit. Also, the cost will decrease for each State Party with the welcoming of each new State Party.

The assessment could be done according to the UN scale of assessment, and on the screen you may see now, a fictive figure of 1 million, be it Swiss Francs, US dollars, or Euros, that will be apportioned between all states according to an adjusted/prorated scale of assessment. An assessed model would, assuming you are familiar with the manner in which the UN assesses member states for, would be based on dividing the cost of the set-up and operating of the ISU amongst State parties. This model would take into account the ability of states to contribute with reference to their financial capacity. All core and non-core activities would need to be included in accordance with States Parties decisions on the activities of the future ISU. In other words, and under this model, all activities of the ISU will be shared by all States Parties.

Finally, a **hybrid model would combine the two components of the assessed model with that of voluntary contributions** to ensure the buy-in of all States Parties, to ensure the shared decision making power and the sustainability of core functions of an ISU but also allow for voluntary contributions, from those in a position to do so, that can also help bring down the cost that ultimately remains to be assessed.

The assessed platform would cover core costs, and the principle here is that all activities decided by SPs, including expenses related to salaries and infrastructure that are deemed necessary for the core activities of the ISU in order to provide a set of minimum implementation support activities for the benefit of all States parties. In other terms, all activities which are fundamental for the ISU to perform its duties according to the key principles I stated earlier, sustainability, predictability, partnership and ownership. These core costs would include, salaries for the ISU staff, costs of the intersessional meetings (excluding the contribution from GICHD), and infrastructure.

The voluntary funding will cover non-core costs, these which relate to all other activities approved by the States Parties on the condition that voluntary funding is available. These activities shall not draw resources from the core funding. Examples of voluntary contributions include funding for the Sponsorship Programme, relevant projects and initiatives as presented by States Parties or the ISU at Meetings of States Parties.

While the principle is that assessed contribution will cover core costs of the ISU, we were happy to learn, through the course of our consultations, that voluntary contributions are foreseen and would be possible as contributions towards the core costs of the ISU. In the language of figures and numbers, this would imply that these contributions would assist in bringing down the amount of financial means that would need to be assessed to fulfill core costs. And in fact, that opened a way for us to think of additional voluntary funding to “top up” other core activities, such as extra capacity in support of the Presidency. In this regard we welcome the Swiss commitment to cover all costs relevant to the necessary infrastructure of the future ISU in addition to other services which will be channeled through the GICHD, and this is a long-term commitment, [and maybe Switzerland would like to have a say in this regard.]

This reality and these facts, have driven us to present a working paper that would capture all these elements that are conducive to such a model, and to allow for this interaction between the two spheres of activities and their relevant costs. To your

kind attention, we present what we think a good combination under the hybrid model that in our opinion captures these elements, we will see in the next slide.

The 500 000 thousand would be assessed from SPs according to the UN adjusted scale of assessment, but there are also other ways to deal with this assessed part.

I hope this complicated issue is illustrated in a way that is clear for everyone; in any case, I stand ready to answer any question or any clarification in this regard.