

Open-ended consultations on the ISU Mandate and the CCM
Wednesday 29 February

Summary of presentation, discussion and updates

List of Attendees

- | | |
|------------------------|----------------|
| - Australia | - New Zealand |
| - Austria | - Lao PDR |
| - Bosnia & Herzegovina | - Lebanon |
| - Belgium | - Peru |
| - Bulgaria | - Portugal |
| - Canada | - South Africa |
| - Denmark | - Spain |
| - France | - Sweden |
| - Germany | - Switzerland |
| - Holy See | - Zambia |
| - Hungary | |
| - Iraq | |
| - Ireland | - CMC |
| - Italy | - GICHD |
| - Japan | - UNMAS |
| - Mexico | - UNDP |
| - Norway | - UN ODA |
| - Netherlands | - ICRC |

Agenda Item 1 – Welcome and Introduction by the President

The President thanked participants for attending and informed them that the meeting aims to consult with states on matters pertaining to the ISU mandate as well as to update on the Presidency's and Coordinators' progress and work on other relevant updates regarding the work on implementation and universalization of the Convention.

Agenda Item 2 – Consultation on the Presidential mandate

Pointing to the 2MSP's decision, including an ISU directive adopted at the meeting, to establish a small and independent structure to support States Parties in their implementation of the Convention and emphasizing that the ISU's guiding principles of independence, inclusiveness, transparency, accountability, efficiency and effectiveness, she then continued by presenting the suggested setup of the ISU as outlined in the President's Working Paper on an ISU for the CCM as follows:

- With regards to tasks and responsibilities, according to the Directive the functions of the ISU are suggested to, inter alia:

- 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;
 - Maintain a resource base of relevant technical expertise;
 - 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 support the universalization of the Convention;
 - Maintain the ‘living memory’ of the Convention, by keeping records of formal and informal meetings and other relevant expertise and information pertaining to implementation;
 - Organise the set-up of a sponsorship programme assisted by the host and provide guidance, input and support to the programme.
 - The ISU would be the institutional home of the CCM, documenting the on-going work of the Convention and providing a comprehensive point of reference for interested parties and stakeholders. The ISU would also be the externally focused public face of the Convention, and a reliable and relevant source for information on what the Convention is and does;
- The Structure and format of ISU envisioned by SPs, is a lean and effective organization with following staff members:
 - It is suggested to hold a basic infrastructure of adequate workspace for up to 4 persons including a Director, an Implementation Support Specialist and an Implementation Support Assistant.
 - The ISU would primarily focus on core functions for the implementation of the convention for the benefit and in support of the efforts of all States Parties. In addition the ISU can, upon request, respond to individual State party needs and should to the extent that it goes beyond the capacity and core budget of the ISU, outsource non-core activities to avoid unnecessary institutional growth and commitments.

The President then presented three options discussed in consultations of a potential financial model for the future ISU, namely a fully assessed financial foundation, a hybrid and an ISU supported by voluntary contributions. For an outline of the respective models please see *Annex 1*. It was highlighted that the funding for the Meeting of States Parties is, in accordance with the treaty text of the CCM, separate from that of the need of financial sourcing for an ISU as decided by State Parties and would be sourced through a separate, already existing process undertaken by the UN in which contributions from States would be based on participation at the MSP itself, and that contributions towards a sponsorship programme would be based on voluntary contributions to the entity that at any time is delegated to administer such a programme. The President further welcomed the informal offer of voluntary contributions towards core functions made during consultations, which would, in the event of an architecture supported by a hybrid financial model based on a combination of assessed and voluntary contributions further decrease the amount that would need to be assessed from states.

Finally, the President introduced elements for a draft decision that seek to capture the aspects outlined above for the benefit of a focused discussion. Please find these elements in *Annex II*.

The President then opened the floor for comments and questions.

In unison, states thanked the Presidency and its team for their efforts put into the preparations of the meeting, emphasizing the inclusive and transparent approach in which the Beirut mandate has been carried forward. In summary, a considerable amount of states expressed a preference for either a fully assessed or hybrid financial model, whilst a number of states also emphasized a level of flexibility in this regard, indicating an encouraging room for compromise. In addition 5 states expressed the preference for an ISU supported by voluntary contributions.

With reference to parallel discussions of the APMBC and experience gained in this context, it was further emphasized that it would be crucial 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. Among the states advocating for voluntary contributions it was also proposed to include a review clause to be incorporated into any decisions on the future financial model of the ISU enabling states to alter the structure suggested for the support of the ISU. This in turn led some states to highlight the difficulty that may be faced in taking a decision to change the model once it had already been adopted.

Some states requested further details with regards to the recruitment process foreseen, post level and competencies of future ISU staff and more specific ToRs. A few states also underlined that ways of cooperation with other institutions such as the ISU of the APMBC should be explored in order to avoid duplication of tasks and responsibilities.

The President welcomed further input, referred to continued consultations and outreach to states that could not participate today and requested that views were shared with her team.

Agenda Item 3 – Updates on other relevant matters

The President then asked the *Coordinators to give brief updates* on their respective thematic areas.

On *Universalization* Portugal announced that it has brought together a team of countries to assist with universalization efforts, namely Belgium (Western Europe), Bulgaria (Eastern Europe), Canada (North America), Chile (South America), Costa Rica (Central America), Lao PDR and Japan (Asia), Lebanon (Middle East), Zambia and Togo (Africa), Portugal (Lusophone countries) and the CMC and ICRC. Furthermore, a mailing list of focal points in all countries has been established to facilitate the exchange of initiatives, views and experiences. Moreover, outreach efforts have been prioritized on countries that are signatories at the final stages of ratification, states not party from a conflict zone and on regions with low levels of membership.

On *Clearance* Lao PDR requested affected States Parties to submit a national strategic plan drawing from the individual challenges faced and lessons learned. Ireland pointed to the “Food for thought” paper circulated among operators for their input and emphasized that the main message they seek to convey is that clearance is an achievable task.

On *Victim Assistance* Austria announced the plan to send out a letter encouraging states to use the informal Intersessional meeting for sharing best practices and identifying the work that lies ahead. Furthermore, they would like to facilitate a need's based approach by means of tandem discussions between practitioners and governmental representatives during the Intersessionals and seek to integrate work into disability, human rights, health and development approaches.

On *Cooperation and Assistance* Spain and Mexico pointed to a letter circulated to States Parties on 18 January requesting States Parties contributions (max. 10 pages, Deadline April 13) to a best practices catalogue and encouraged participants to seize this opportunity to share experience on the implementation practices and challenges met as there have so far not been any contributions. They further invited signatories, non-SPs and other relevant actors to participate in the project. Finally, they invited states to announce their specific needs for cooperation and assistance through the Coordinators and emphasized that both the request and provision of cooperation and assistance constitutes rights and obligations under the Convention and that the intersessionals provides an opportune context in which to express these needs and expressions of support.

On *Stockpile Destruction* Germany announced that the Intersessional session will consist of two parts, the first concentrating on stockpile destruction and the second concentrating on stockpiles retained for training purposes. The Coordinators have further consulted with technical experts on safety storage of stockpiles in the lead up to destruction and look forward to see how this can be integrated into the discussion.

On *National Implementation* New Zealand reports that while progress has been made, a significant number of states have not yet submitted reporting. Further announced that they have developed two tools circulated in Beirut (Model Legislation: Cluster Munitions Act 201, and CCM National Implementation Checklist) and reemphasized that they are happy to assist States further in these aims.

On *Reporting* Belgium announced to have launched the drafting of a reporting guide to be presented at the Intersessional Meeting and asked all States Parties interested to provide input. Further indicated that reminder letters on Art. 7 and initial reports are being sent out to different States Parties.

Subsequent to the updates by Coordinators, the ***Cluster Munition Coalition (CMC)*** took the floor, emphasizing the current window of opportunity for universalization and encouraged more countries to come on board. Further updates included that their current outreach efforts are focused on the ratification of affected non-signatories with stockpiles and shared that they had encouraging information with regards to the efforts of Cambodia, Malaysia, Thailand, South Sudan and Solomon Islands considering accession to the CCM. Furthermore, the CMC announced that they have launched a comprehensive communications campaign, telling the stories of survivors and thereby reminding states why the implementation of the Convention is so important. Finally, it underlined that the key message should be that the implementation of the Convention can easily be achieved with the right amount of communication and commitment.

Finally, Norway gave an ***update on the 3MSP preparations***, announcing that the 3MSP will be held at the Oslo Congress Center, 400-600 delegates are expected, high-level attendance is not expected and invitations will be send out on 3 April. Norway stated that the 3MSP site will be set up on the Convention website www.clusterconvention.org and that all key documents will be accessible on this site. Norway

also reminded of the importance to apply for visas in time and to send the compulsory Note Verbale to UN ODA outlining the names of Head and members of state delegations delegated to represent their individual state at the 3MSP.

Annex I

Working paper on Potential Financing Models for a CCM Implementation Support Unit

Since the Second Meeting of States Parties to the CCM, on-going discussions within the Coordination Committee have been taking place to fully realise the various elements of an ISU that this will entail. The following outline can be considered the result of these discussions. Whilst they remain a work in progress, the options described below are in accordance with what the President feels is an accurate representation of the possible requirements identified within the Coordination Committee for the consideration of States Parties, as was also presented to states at an open-ended consultation 29 February 2012.

The President has explored the option of an assessed financial basis for setting up and undertaking the functions of the future ISU, as well as one solely based on voluntary contributions. In addition the President has also considered the possibility of a hybrid mechanism which would contain elements of an assessed platform and voluntary contributions that could be made towards core and non-core activities respectively. In this instance, when voluntary funds would be contributed towards core functions, this would also assist in bringing down the amount that would then be assessed.

Voluntary Contributions Based Model

First considering a model based solely on voluntary contributions, it would be imperative to establish where funds would come from to ensure that this model is sustainable, effective and predictable over a long-term basis in the delivery of the core functions of the ISU as decided by States Parties. In other words it would be necessary not only to identify a model but to ensure that it is realistic and secures the necessary funding needed in order to actually establish an ISU, capable of providing long term solutions to issues pertaining to the implementation of the CCM. Other than this, little further explanation is required for the mechanism.

Assessed Contributions Based Model

An assessed model would be built upon the UN resolution utilised to assess Member States for the apportionment of the expenses of the UN, but would distribute the cost of the housing and operation of the ISU amongst States Parties. This model would take into account the ability of states to contribute with reference to their financial capacity and follow the initial scale of assessment in accordance with Resolution 64/248 of the General Assembly dated 5 February 2010. All core and non-core costs would need to be included in accordance with State Party decisions on the activities of the future ISU. Other models of the apportionment of expenses could also be considered.

Hybrid Contributions Based Model

A hybrid model would combine assessed contributions with those of a voluntary nature to cover core functions and non-core functions as determined by States Parties, as well as by earmarking in accordance with donor preferences. The amount of assessed contributions collected would go towards covering the costs of core functions of the ISU.

It should be noted in this regard that Switzerland has announced its readiness to contribute voluntarily to the core costs/functions of the future ISU. Under this model, a contribution as such implies bringing down the total amount of financial means that would need to be assessed to fulfill core functions. Consultations conducted thus far have indicated that additional voluntary contributions are likely and could therefore be possible as contributions towards core functions of the ISU.

It will ultimately be up to States Parties to decide on the nature and division of core and non-core functions, based on the preliminary assumption/understanding that core functions are activities that benefit the Convention as a whole and the efforts by all States Parties whilst non-core functions are of an individual nature that are requested on the basis of particular needs specified and requested by individual States Parties.

It should be highlighted that in all potential cases, funding for the Meetings of States Parties (MSP) is sourced through a separate process that lies with UNODA.

Annex II

Possible elements for a Draft Decision on the President's Proposals for the Hosting Agreement of and the Financing Model for an Implementation Support Unit for the Convention on Cluster Munitions.

- 1) States Parties have reviewed the hosting agreement (*to be attached*) proposed to the 3MSP by the 2MSP President, and have decided to approve the Hosting Agreement, and to mandate the 3MSP President, on behalf of the States Parties, to sign the Agreement with the Geneva International Centre for Humanitarian Demining.
- 2)States Parties have discussed the funding model for the ISU proposed by the 2MSP President, and agreed to a model for the financing structure. The financing of the ISU will be based on a model of (.....) contributions from the States Parties.
- 3)States Parties further encourage those States Parties in a position to do so to contribute to the initial core costs of the ISU until the 2013 budget is approved.
- 4)....States Parties welcomed the offer of in-kind/monetary contributions from, to the core costs ensuring adequate work-space for the ISU and from to non-core costs for other specified activities.
- 5)States Parties mandated the 3MSP President to start the process to identify and recruit the ISU Director. This process will be undertaken in consultation with the Coordinators and taking into account the views of all States Parties, in a transparent manner, and with a view to having the Director in place no later than 1 January 2013.
- 6)States Parties agreed that the first task for the Director is to develop a work plan and budget for 2013, in consultation with the President and Coordinators, to be presented to States Parties no later than the 2013 Intersessional meetings. To get in line with the decision-making procedure for the budget and work-plan as laid out in the ISU Directive, the ISU Director will develop and present the draft work plan and budget for 2014 for approval at the 4MSP.
- 7)States Parties expect the ISU Director to take all steps necessary to ensure that the ISU fulfils the functions described in the Directive, including by initiating recruitment of ISU staff.