



MINUTES OF THE CCM COORDINATION COMMITTEE VIRTUAL MEETING

Held on Thursday 17th September 2020

from 9:00 to 10:30 hours

1. Present:

Switzerland – 2RC President

H.E. Mr. Félix Baumann

Ms. Aline Berdoz

United Kingdom – 10MSP President-Designate

H.E. Mr. Aidan Liddle

Sri Lanka – Immediate past President (9MSP)

Ms. Udani Gunawardene

Afghanistan

Mr. Shoaib Timory

Mr. Abdul Ahad Shirzad

Australia

Ms. Thuy Nguyen

Iraq

Mr. Mohammed Ridha Al-Haidari

Ms. Suha Gharrawi

Austria

Ms. Susanne Hammer

Chile:

Ms. Pamela Moraga

Mexico:

Mr. Alonso Martínez

Ms. Pía Gómez Robledo

Montenegro

Mr. Nikola Ražnatović

Namibia

Mr. Colin Namalambo

Netherlands

Mr. Reint Vogelaar

New Zealand

Ms. Charlotte Skerten

Philippines

Mr. Jonelle John Domingo

Spain

Mr. Juan Manglano

Sweden

Ms. Kajsa Aulin

Zambia

Ms. Chileshe Nkole

CMC

Ms. Kasia Derlicka-Rosenbauer

ICRC

Ms. Wen Zhou

UNODA

Ms. Silvia Mercogliano

Ms. Erika Kawahara

Implementation Support Unit

Ms. Sheila N. Mweemba

Mr. Emad Al-Juhaishi

Ms. Elaine Weiss

2. Opening remarks by the President

Ambassador Félix Baumann, Permanent Representative of Switzerland to the Conference on Disarmament and President of the Second Review Conference of States Parties to the Convention on Cluster Munitions (2RC), opened the seventh Coordination Committee Meeting under the Swiss Presidency with a warm welcome to the Committee members and expressed his pleasure to meet with them after the Second Preparatory Meeting held on 4 September 2020. The President declared that it was a happy day for the Convention following the accession of Saint Lucia as the 110th State Party to the Convention the previous day. He highlighted that the meeting would focus on the proposed text contained in paragraph 9 of the Lausanne Political Declaration which had been circulated to the Committee members a few days prior.

The Provisional Agenda of the Meeting was adopted by the Meeting as tabled.

3. Approval of the Minutes of the previous Coordination Committee Meeting

The Committee approved, without correction, the Minutes of the Virtual Coordination Committee Meeting held on Friday, 28 August 2020, as an accurate reflection of what had transpired during that Meeting. The President thanked the ISU for providing the usual excellent draft Minutes.

4. Debriefing by the Presidency of the 2nd Preparatory Meeting of the 2RC

Ambassador Baumann thanked the Committee for its active participation and useful comments on the 2RC documents during the 2nd Preparatory Meeting. The President reiterated that he and his team would continue to receive comments on the Lausanne Action Plan (LAP) until 18 September 2020. The text would be consolidated the following week and incorporate comments made during the Preparatory Meeting. He hoped that the new version of the document would be acceptable to all as the presidency had only received a few comments on the current version.

The President reminded that his team was also continuing to accept written comments on the draft Lausanne Political Declaration until 18 September 2020 after which the document would be consolidated. Ambassador Baumann expressed that he looked forward to further discussions on the document during the meeting with an emphasis on paragraph 9 of the Declaration. He reminded that the 2nd Preparatory Meeting had not had enough time to address the working papers on the Convention's machinery and finances, therefore, as had been agreed, he would inform all States the following week of a date on which informal consultations on the two documents would be held.

5. Discussion on the way forward on the Lausanne Political Declaration

The President assured the Committee that the Swiss Presidency would like to have all States Parties in agreement on the Lausanne Political Declaration though he conceded that its paragraph 9 had been controversial. He highlighted that his team had taken into consideration the comments made at the 2nd Preparatory Meeting in preparation of the draft paragraph 9 of the Political Declaration. Ambassador Baumann then proceeded to explain the thinking behind the formulation of the proposed

paragraph. He highlighted that the paragraph drafted took into consideration two main aspects: its easy readability and the need to separate the two elements of documented cluster munitions use and that of allegations on use. He then proceeded to explain the rationale behind the formulation line by line.

Ambassador Baumann noted that several elements included in the paragraph had been taken from the Dubrovnik Political Declaration and rephrased for better readability while bearing in mind the need to strengthen the language with regards to condemnation and well as the stigma on use. It also took into consideration how best to separate and address the matter in the context of non-state actors and States that had not yet joined the Convention. The President opened the floor for preliminary comments after apologising for the late circulation of the draft paragraph which had made it difficult for the Committee members to conduct consultations with their capitals prior to the meeting.

In the ensuing discussion, several members of the Committee shared their views on the critical elements that needed to be addressed including the need for strong condemnation of the use of cluster munitions, the inclusion of the controversial Article 21, avoidance of the use of certain words or terms such as International Humanitarian Law (IHL) and “unlawful use” which did not have a universal acceptance as well as the need to recognise that a political declaration was not legally binding but could over time evolve into legally binding customary international law.

The President thanked everyone for their feedback and gave a brief recap of the various matters raised by the Committee. He assured the meeting that the Presidency had taken note of these issues and would perform the necessary follow up with delegations and do its best to revise the Declaration to incorporate as many of the suggestions as possible. He acknowledged the value of the preliminary reactions raised during the meeting and looked forward to any additional comments from capitals.

6. Update by thematic Coordinators on activities since the last Meeting

6.1 Transparency Measures (Iraq)

Iraq, Coordinator on Transparency Measures, reminded the meeting that on 10 June 2020 it had sent a second reminder to individual States Parties that still had not submitted their 2019 annual reports to do so as soon as possible. Iraq reported that the reminder letters had been helpful in raising the number of reports submitted so far in 2020 noting that 63 States Parties had submitted their 2019 annual report, 37 of whom had done so before the annual 30 April deadline. Iraq emphasized that the rate of timely submission of transparency reports was higher than that of the previous year despite complications related to the COVID-19 situation. Unfortunately, the reminder letters sent to States Parties that were yet to submit an initial report had only yielded the recent submission by the Maldives.

The Coordinator ended his update with the introduction of his new colleague, Ms. Suha Gharrawi, with whom he would be working to cover disarmament issues.

6.2 Victim Assistance (Mexico & Spain)

Spain, on behalf of the Victim Assistance Coordinators, reported that the Coordinators had sent customized letters to both the Permanent Missions in Geneva and the national focal points in the

capitals of States Parties with obligations under Article 5. It was further reported that these States were now well informed on the obligations under this article. Spain informed that the Coordinators were still awaiting feedback from these States in order to decide on the next steps.

6.3 Universalization (Chile & the Philippines)

The Philippines, one of the Coordinators on Universalization, reported on the ASEAN regional CCM universalization webinar it had organized on 29 July 2020. The Coordinator expressed his gratitude to the President for providing a pre-recorded welcome message and the ISU for the online platform. He also thanked Lao PDR, the ISU, CMC and ICRC for their participation as presenters during the successful webinar. The meeting was informed that more than 50 military and defence officials from all 10 ASEAN countries, including a senior minister from Cambodia, had participated in the webinar.

The Coordinator gave a summary of the discussion during the webinar which had acknowledged that cluster munitions were offensive rather than defensive weapons, and whose deployment was inconsistent with the doctrines of all ASEAN States and, therefore, had no strategic value. The States also expressed their agreement on the high cost posed by cluster munitions use on civilian lives and that States had a legal and moral obligation to ban them. It was also agreed that humanitarian disarmament was linked to the Sustainable Development Goals (SDGs) and the implementation of several obligations under international human rights law. He added that the participants that had expressed concern on the implementation of time-bound obligations were reassured that sufficient assistance was available under the framework of the Convention. The Philippines military attachés and defence officials based in ASEAN capitals would be tasked to continue engaging with their counterparts as well as to include the CCM on the agenda of the various regional military meetings. This would include the continuation of its military-to-military engagement to encourage States to undertake domestic processes to join the CCM. In concluding his update, the Coordinator identified three ASEAN states as “low-hanging fruit”: Thailand that would be attending the 2nd Review Conference in Lausanne; Singapore that was already implementing the Convention domestically; and Viet Nam that had expressed some interest in the Convention. He further reiterated the support of Philippines to the Swiss presidency in its prioritization of the CCM universalization in the Asia-Pacific region.

Switzerland, in its role as the presidency and on behalf of all CCM States Parties, thanked the Philippines for organizing the CCM webinar and for its leadership in working with countries in the ASEAN region. The President commended its efforts in the region and added that the Swiss embassies in the region had collaborated with the Philippines to raise awareness of the webinar in the region to promote CCM universalization.

The President concluded with a request that the Philippines provides a detailed summary of the outcome of the webinar which would be useful also for future CCM presidencies in their universalization follow-up activities.

6.4 Clearance and Risk Education (Afghanistan & Sweden)

Afghanistan, on behalf of the Clearance and Risk Education Coordinators, informed that Bosnia and Herzegovina had submitted its draft 18-month extension request to the ISU which had provided initial feedback to the requesting state to help improve on the request yet to be officially submitted.

7. Update by UNODA on the financing of the Convention

UNODA reported that no new payment had been received since the 2nd Preparatory Meeting and the deficit remained at USD 35'620. The UNODA representative advised that it was, therefore, necessary for States Parties to decide on how to proceed with the organization of the Review Conference. She reiterated that UNODA would continue to provide updated figures.

The President thanked UNODA for the update and informed that the presidency had reached out to non-paying States to remind them to do so. Furthermore, Ambassador Baumann would begin consultations on the proposals outlined in the working paper on possible measures to address the financial predictability and sustainability of United Nations assessed contributions.

In its contribution to the discussion, Spain expressed its sadness to learn of the contribution shortfall of over USD 35'000 and acknowledged that it was time to decide on cost-cutting measures related to the 2RC. Spain enquired on what the potential measures were and if these decisions would contradict the agreed rules of procedure.

In response to Spain, the President outlined that reducing the number of days of the Review Conference from five to four would be one measure. The UNODA representative informed that it was also usual practice to put the translation of documents on hold until the requisite funds had been received. In this regard, the Final Report of the Conference would be the first document to be affected as it was the last on the documentation forecast.

Ambassador Baumann thanked UNODA for the information and expressed his regret that some documents would face delays in their translation into all UN official languages as Switzerland was committed to the preservation of multilingualism. He added that the Presidency would do its best to have all the Conference documents translated.

In its contribution to the discussion, the United Kingdom enquired if the outstanding USD 35'000 was largely due to the non-payment of a few States or a broader issue. The United Kingdom suggested that if it were the former, applying pressure on the few owing States could be an effective way to improve the financial situation of the Convention.

In seeking further clarification, Spain wanted to know if putting on hold or “blocking” the translation of documents was in violation of the rules of procedure and expressed concern that this action would have adverse consequences especially as universalization was one of the main goals as well as challenges of the Convention. Spain did not think that blocking the translation would be appealing to countries that were willing to join the Convention but needed access to the documents. The representative pointed out that he did not appreciate the fact that every time there was a financial challenge, it was always translation that got affected first. He agreed with the United Kingdom on greater engagement with the few non-paying States to resolve the issue. Spain conveyed its commitment to multilingualism which it deemed to be of particular importance.

In response, UNODA clarified that if the Conference was to be reduced by one day, there would still be a shortfall of about USD 15'000. She added that this payment could be covered by contributions from States that owed the biggest share of outstanding payments and that this information was

available on the financial dashboard. She further informed that some of these countries were States not Party and therefore not legally bound by the provisions of Article 14 of the treaty. She highlighted that advance billing of States based on their participation in the previous meeting had contributed to the financial instability of the Convention. She stated that the absence of sufficient funds would delay the translation of official documents. The UNODA representative indicated that UNODA was also considering whether it would transfer the financial dashboard from the password-protected web page to the public financial one.

UNODA further clarified that the non-translation of documentation was not a contradiction of the rules of procedure as the system would simply suspend activities that were not covered by available funds. She concluded by pointing out that it was up to the States Parties to decide whether they preferred to cut down on meetings or documentation when there was a deficit of funds.

In closing the discussion, Ambassador Baumann reminded that in addition to the letters that had already been sent out during the summer, the Presidency would reach out again to those states that have not yet paid and welcomed the support of other Committee members in this regard. He assured Spain that Switzerland fully shared its concern that the non-translation of documents was detrimental to the efforts of furthering the universalization of the Convention. The President reassured that Switzerland would do its best to avoid as many negative impacts as possible stemming from the matter of financial shortfalls.

8. Update by the Implementation Support Unit

8.1 Financing of the ISU

The ISU Director reported that since the last meeting, one more State Party had made a contribution of EUR 10'000 bringing the total amount of contributions in 2020 to CHF 409'781.71 which was equivalent to 84% of the annual budget of CHF 485'295. The Director further reported that one of the two large contributors still to make a contribution had informed her that it would provide its usual level of funding which would likely bring the overall contributions to the ISU Trust Fund to over 90% by the end of October.

8.2 Extension requests

The Director confirmed as already reported by Afghanistan, that the ISU had the previous week received the draft CCM Article 4 extension request of Bosnia and Herzegovina for the ISU's initial comment on it. Feedback had since been provided and the Director of the Bosnia and Herzegovina Mine Action Centre (BHMIC) had promised to submit the updated version by the end of that week. It was hoped that the updated extension request would take into consideration the feedback provided by the ISU and enable the Analysis Group to conduct its analysis within a shorter than usual period. The Director also noted that this was expected to be the last extension request to be received for the year and to be considered at the Review Conference.

8.3 Declaration of Compliance

The Director reported that Croatia had officially submitted its Article 4 Declaration of Compliance the previous Friday in which it declared to have completed the clearance of all cluster munition remnants under its jurisdiction or control. The Declaration, signed by the Deputy Prime Minister who is also the Interior Minister, had since been uploaded onto Croatia’s country page on the CCM website. The Director further informed that the ISU was still expecting the Compliance Declaration by Montenegro which had also completed clearance operations in the country in the same period.

8.4 ISU work plans and budgets for CC approval

The Director thanked all the Committee members that had commented on the ISU 5-year (2021 to 2025) work plan and budget as well as its 2021 work plan and budget. She reported that the documents had been since been finalized and submitted to the UN for processing as official documents of the 2RC.

9. **Any other business:**

CMC universalization activities

The CMC representative expressed her content with the increase in the number of States Parties to 110. She pointed out that her colleague - the CMC Advocacy and Campaign Manager - Ms. Diana Carolina Prado Mosquera had greatly contributed to the recent accession by Saint Lucia as she proactively identified a government contact in the capital and followed up regularly on the phone until the accession. She had been working intensively on a few other Signatories and States not Party, keeping the working group on universalization informed; proving that action and progress are also possible in the era of COVID-19. She encouraged everyone to get actively involved in universalization work and contribute to knocking on the same door at different times with the same message, to see more States joining the Convention by the 2RC.

Ambassador Baumann thanked the CMC representative and her colleague for the efforts. He also thanked Canada and the ISU for organizing the CARICOM workshop in March 2020 where Saint Lucia had participated. He acknowledged that universalization was a result of collective effort and every support in this regard would be welcomed.

10. **Next Coordination Committee Meeting**

The President ended the meeting with an announcement that relevant information on the next meeting of the Coordination Committee would be communicated by the ISU once determined.

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