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**MINUTES OF AN EXTRAORDINARY MEETING OF THE CCM COORDINATION COMMITTEE**  
**held on Monday, 4 September 2023**  
**in Conference Room 6A, Tower 3, Maison de la Paix**  
**from 11:00 to 12:00 hours**

**1. Present:**

Iraq – 11MSP President

H.E. Mr. Abdul-Karim Hashim Mostafa  
Ms. Raghad Hasan

Mexico – President-Designate (12MSP)

H.E. Mrs. Francisca Méndez  
Mr. Alonso Martinez

United Kingdom – Immediate Past President  
(10MSP)

Mr. Ian Floyd

Bulgaria

Mr. Nikola Yakov

France

Mr. Guillaume Grelin  
Ms. Denia Baikari

Malawi

Ms. Tiyamike Banda

Netherlands

Ms. Henriëtte van Gulik

New Zealand

Mr. Nicholas Clutterbuck

Norway

Mr. Fredrik Laache

CMC

Ms. Tamar Gabelnick  
Ms. Kasia Derlicka-Rosenbauer

UNODA

Ms. Silvia Mercogliano  
Ms. Alice Marzi

ISU

Ms. Pamela Moraga  
Mr. Emad Al-Juhaishi  
Ms. Elaine Weiss

## **2. Opening Remarks and Adoption of the Agenda**

The President of the 11<sup>th</sup> Meeting of States Parties to the Convention on Cluster Munitions (11MSP), Ambassador Abdul-Karim Hashim Mostafa, warmly welcomed attendees to the extraordinary Coordination Committee Meeting focused on discussing the Article 3 implementation of South Africa. The Committee proceeded to approve the provisional agenda of the meeting as presented by the presidency.

## **3. Implementation of Article 3 Obligations by South Africa**

Ambassador Mostafa reported that he had met with Ambassador Mxolisi Nkosi, the Permanent Representative of South Africa in Geneva, to inform him about the lack of progress in South Africa's stockpile destruction, as indicated in its transparency reports. These reports showed that the numbers of cluster munition stockpiles had remained unchanged since its initial report. Furthermore, South Africa faced an impending Article 3 deadline of 1 November 2023. The 11MSP President had clarified to his South African counterpart the urgency of the situation and emphasized the importance of promptly submitting an extension request. Any delay could be viewed as noncompliance, which would be the first case in the Convention's history.

He indicated that Ambassador Nkosi was fully aware of that situation but had explained that this matter was outside of the purview of his country's Ministry of Foreign Affairs. The South African Ambassador assured that he would exert his utmost effort to convey the message to the Ministry of Defence through his government in Pretoria.

In addition, Ambassador Mostafa mentioned that his team had also sent an informative Note Verbale to the Permanent Mission of South Africa, as agreed at the previous Coordination Committee Meeting. He also shared that his meeting with Ambassador Nkosi had left a positive impression, and he was now awaiting more information from him. The President then invited other Committee members to provide updates on their recent interactions with South Africa.

The ISU Director expressed her appreciation of the President's efforts in following up with South Africa and reported that the ISU had met with the South African disarmament delegate to discuss the developments arising from the President's Note Verbale. She informed that the meeting had been constructive, with a focus on how South Africa would address its Article 3 implementation during the 11MSP. While South Africa had not had new updates on its implementation, it had expressed interest in knowing the appropriate agenda items for the delivery of its statement at the 11MSP. The ISU Director provided guidance on the 11MSP agenda and reminded South Africa that other States Parties and civil society might comment on its Article 3 implementation. She stressed the importance of South Africa sharing detailed plans for stockpile destruction since the number of its cluster munition stockpiles had remained unchanged for many years.

The ISU Director reported that the ISU provided South Africa with a draft document for its "interim" extension request, which included basic information from South Africa's Article 7 reports. The draft presented two options: 1) a one-year extension to complete stockpile

disposal, or 2) a one-year extension to assess the situation after internal procedures are finalized and a new disposal timeline is established. The ISU also informed South Africa that there would be an extraordinary Coordination Committee Meeting to discuss its Article 3 implementation and committed to share the meeting's outcomes with South Africa. The South African delegate had expressed gratitude for the ISU's engagement and that of other States Parties.

The Netherlands reported that it had met informally with the South African delegate in the margins of the Ninth Conference of States Parties to the Arms Trade Treaty. The purpose of the conversation was to discuss South Africa's CCM Article 3 implementation and offer support in finding a solution. The South African delegate had indicated that stockpile destruction fell under the jurisdiction of its Ministry of Defence, and that its Ministry of Foreign Affairs had not received any updates on this matter.

In commencing its update, Mexico extended its gratitude to the 11MSP Presidency for issuing the Note Verbale and meeting in-person with the Permanent Representative of South Africa following the previous Coordination Committee meeting. Mexico also appreciated the ISU's outreach. Mexico reported that it had taken every opportunity to engage with the South African Ambassador and disarmament focal point, encouraging South Africa to submit an extension request or provide clarity on meeting its Article 3 deadline. The South African representatives in Geneva had welcomed Mexico's involvement and assured that they would communicate the matter to their government in Pretoria. However, there appeared to be a delay in their capital's response.

Mexico underscored that even if South Africa were to submit an extension request, a new process for handling such a request would be necessary, as it would be the first of its kind. Additionally, if South Africa did not provide any update by the 11MSP, the Committee would need to agree on how to address the situation.

Malawi advised that it, too, had met with the South African delegate informally following the previous Coordination Committee Meeting. At that time, South Africa had indicated that it might submit a request to extend its Article 3 deadline.

The Cluster Munition Coalition (CMC) stated that they had sent a letter to the South African Ministry of Foreign Affairs in Pretoria, urging the government to expedite the destruction of its cluster munition stocks and submit an extension request in the interim. The CMC had not yet received a response to this letter but was willing to circulate it to the Coordination Committee upon request. The CMC added that, typically, the Ministry of Foreign Affairs could prepare the extension request using information obtained from the Ministry of Defence.

Ambassador Mostafa summarized that one week prior to the 11MSP, it appeared that all necessary goodwill had been demonstrated, including bilateral meetings with the South African Permanent Representative carried out by Ambassador Francisca Méndez of Mexico and himself. In his opinion, the meetings were productive, and they were just awaiting the response of the South African government. He believed that, at that point, it was too late for South Africa to submit a formal extension request with all the required technical details and

that the Coordination Committee's suggestion to South Africa was to provide a one-year "interim" request.

In response to the CMC, the 11MSP President clarified that the Ministry of Foreign Affairs was not usually the primary stakeholder for CCM implementation. In the case of Iraq, the Ministry of Environment was assigned that role, while the Ministry of Foreign Affairs served as a facilitator or advisor.

The ISU Director highlighted that this was the Convention's first encounter with such a situation. Given the time constraints, she advocated for a pragmatic approach. She expressed support for an urgent démarche to be delivered in Pretoria, which would enable the Committee to report at the 11MSP that it had engaged at the highest level possible. If South Africa did not provide an update at the 11MSP, the Meeting could acknowledge South Africa's silence on the matter, and States Parties would continue engagement with South Africa in the lead up to its Article 3 deadline of 1 November 2023. The ISU would advise States Parties to maintain a positive approach and uphold a sense of the international community supporting South Africa to achieve compliance.

Ambassador Méndez echoed the ISU Director and suggested for the troika of presidencies to meet with the Ministry of Foreign Affairs in Pretoria that week in preparation for the 11MSP.

The United Kingdom representative, Mr. Ian Floyd, introduced himself as he was new to the Coordination Committee. As a member of the troika, the United Kingdom demonstrated its support for Mexico's proposal.

Another newcomer to the Committee, Mr. Fredrik Laache of Norway, introduced himself. Norway expressed agreement with the ISU Director and pledged support for constructive language in the final report in the case of South Africa's silence. Norway also committed to actively seek a solution for this issue, including engaging with the South African government through its embassy in Pretoria.

Ambassador Mostafa reiterated that all goodwill efforts in Geneva had been exhausted and welcomed any other positive suggestions.

The Netherlands emphasized the importance of adhering to the rules of procedure when addressing this issue at the 11MSP to prevent the establishment of an undesirable precedent. It expressed its readiness to collaborate with the ISU and the Coordination Committee to prepare for all possible scenarios at the 11MSP.

Ambassador Méndez reminded that this was the final opportunity for an outreach in Pretoria for the South African Ministry of Defence to be made aware of the importance of CCM compliance. She mentioned that the Mexican embassy in Pretoria had been notified of the possible meeting and could promptly arrange it.

In response, the ISU Director proposed a two-track approach to be carried out simultaneously:  
1) The troika of presidencies and Article 3 Coordinators to meet to plan the Pretoria

démarche, and 2) the ISU to collaborate with the Coordination Committee on drafting the paragraphs of the 11MSP final document related to this issue, analysing all possible scenarios.

Both the Netherlands and the 11MSP President voiced their support for the ISU Director's proposal.

UNODA suggested that, if needed, the United Nations High Representative for Disarmament Affairs, Ms. Izumi Nakamitsu, could meet with the South African delegate in New York at the Committee's request.

Mexico highlighted that Ms. Nakamitsu had raised concerns about cluster munition use at a recent Security Council meeting. Mexico welcomed the support of the UN High Representative for Disarmament Affairs to facilitate progress in South Africa's Article 3 implementation.

Ambassador Mostafa thanked all contributors to the discussion and expressed his pleasure at the Committee's agreement on how to proceed with the matter.

#### **4. Any Other Business**

##### **4.1 Cluster Munition Monitor 2023**

The CMC Director reminded that the Cluster Munition Monitor 2023 would be launched the following day with a press release. She invited the Coordination Committee to attend the delegates briefing side event on Monday, 11 September, in the margins of the 11MSP. Ms. Gabelnick reported that a high level of cluster munition use in the past year had been recorded in Syria, Myanmar and Ukraine. According to the Monitor, civilians accounted for 95% of cluster munition casualties recorded in 2022, and children made up 71% of these casualties. The Director encouraged for the 11MSP final report to include the condemnation of the recent use and transfer of cluster munitions.

##### **4.2 Notification of a State Party's Preliminary Discussion on Withdrawing from the Convention**

The CMC Director brought to attention that a State Party's (Lithuania) national news had reported its Ministry of Defence suggesting withdrawal from the CCM to acquire cluster munitions, despite having never stockpiled them. She added that other government entities were opposing this idea. The CMC expressed hope that this issue was merely hearsay and informed that it planned to meet with the State Party's delegation the following week.

The 11MSP President noted that there was no official statement from the State Party on this matter. He conveyed his hope that it would remain merely an internal debate for that State.

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