

## CCM Stockpile Destruction Concept Note 2021 - 2022

### Enhancing Implementation of Article 3

Presented by Australia and Bulgaria

#### 1. Background and Workplan Context

Under Art.3 of the Convention on Cluster Munitions, each state party is required to declare and destroy all stockpiled cluster munitions under its jurisdiction or control as soon as possible, but not later than eight years after the entry into force of the Convention for that State Party. Article 6, paragraph 5 of the Convention requires that each State Party in position to do so shall provide assistance for the destruction of stockpiled cluster munitions.

By the Second Review Conference of the States Parties to the CCM (2<sup>nd</sup> RevCon), there remained four States Parties that reported having stockpiled cluster munitions and therefore, outstanding obligations under Article 3: **Bulgaria, Peru, Slovakia** and **South Africa**. In addition, according to the 2<sup>nd</sup> RevCon final report, **Guinea-Bissau** was still verifying the existence of cluster munitions in its stock and was yet to confirm whether it had any cluster munitions stockpiled in its arsenals.<sup>1</sup>

The 2<sup>nd</sup> RevCon granted **Bulgaria** a one-year extension of its Article 3 deadline until 1 October 2022 to complete the destruction of its cluster munitions. **Peru** was granted an extension of 37 months until 1 April 2024. **South Africa** and **Slovakia** reported to be on track to comply with their stipulated deadlines of 2023 and 2024 respectively.<sup>2</sup>

#### Relationship with Lausanne Action Plan

Actions 12, 13, 14, 15, 16 and 17 of the Lausanne Action Plan (LAP) adopted as [Annex II to the Final report of the 2<sup>nd</sup> CCM Review Conference](#) are the basis for actions related to the further implementation of CCM Article 3. In order to advance the full implementation of Article 3, States undertook to do the following:

- **Action 12:** Develop a clear destruction plan with a specified end date and report annually on progress through Article 7 reports and at meetings of States Parties<sup>3</sup> or at Review Conferences.
- **Action 13:** Upon completion of Article 3 obligations, make an official declaration of compliance, at the latest by the next MSP or Review Conference, whichever comes first, and using the Article 3 Declaration of Compliance template (CCM/MSP/2018/19, Annex I) where possible.
- **Action 14:** On discovering previously unknown stockpiles after making a declaration of compliance, report such findings immediately to the Presidency of the Convention, and

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<sup>1</sup> Paragraph 28(d), Final report of the 2<sup>nd</sup> RevCon.

<sup>2</sup> Paragraph 30, Final Report of the 2<sup>nd</sup> RevCon.

<sup>3</sup> The 10<sup>th</sup> Meeting of States Parties to the CCM is scheduled to take place from 30 August to 2 September 2022 in Geneva.

at the next MSP or Review Conference and through the Article 7 report, and destroy the stockpiles as soon as possible in accordance with Articles 3 and 7.

- **Action 15:** Ensure that any extension requests – where needed - are submitted on time, are substantiated, ambitious and clear, and provide detailed, annual, costed work plans, and take into consideration the Guidelines and Methodology for deadline extension requests submitted to the 8MSP and 9MSP respectively.
- **Action 16:** Exchange lessons learned from national destruction processes.
- **Action 17:** Annually review the number of cluster munitions and/or explosive munitions retained for permitted purposes under Article 3(6) to ensure they do not exceed the number absolutely necessary for said purpose and destroy those that exceed that number.

## 2. Objectives

- a) Encourage timely and detailed progress updates on Article 3 obligations by Bulgaria, Slovakia, Peru and South Africa.
- b) Encourage Guinea-Bissau to make a declaration of compliance with Article 3 obligations, if applicable, or identify barriers to doing so, and report as soon as possible on these barriers.
- c) Facilitate exchange of best practice on good and cost-effective stockpile destruction practices among relevant States Parties, including on safety, environmental impact and efficiency.
- d) Increase awareness and use of the Declaration of Compliance template adopted by the 8MSP.
- e) For those States that have retained cluster munitions and explosive submunitions for permitted uses under Article 3(6), encourage annual reporting on the planned and actual uses of these, as well as on their type, quantity, and numbers, in accordance with Article 3(8).

## 3. Strategy

The Coordinators for Stockpile Destruction proposed to engage bilaterally with relevant States Parties, including in Geneva and during CCM regular and inter-sessional meetings, as appropriate, and in consultation with the Presidency. We will also explore use of the country coalition concept as a means to enhance international cooperation, in line with Article 6(5) of the CCM, and to encourage timely completion of Article 3 obligations.

Our focus will be to:

- Continue working closely with **Bulgaria** towards completion of the destruction of its stockpiles by its 1 October 2022 deadline, as granted by the 2<sup>nd</sup> RevCon, and encourage continued regular reporting on progress.
- Engage bilaterally with States Parties with deadlines beyond 2022 (**Peru, Slovakia and South Africa**) to accurately report on progress in advance of their 2023 and 2024 deadlines.

- Engage bilaterally with **Guinea Bissau**, which provided an initial Article 7 Transparency Report on 11 November 2019 and an updated report on 1 January 2020, to encourage it to make a Declaration of Compliance with Article 3 obligations, if applicable, or to identify barriers to doing so.
- Engage bilaterally, including through formal correspondence, **States Parties that have retained cluster munitions but have not provided adequate information** on their use as required under Article 3(8) of the Convention and Action 17 of the Lausanne Action Plan
- Collaborate with other members of the Coordination Committee on relevant issues, in particular when activities (eg. bilateral meetings) overlap.

#### 4. Expected Outputs:

- That all States Parties with Article 3 obligations provide an update on progress through their annual Article 7 transparency reports.
- That any states likely to miss their deadlines in 2022-24 have submitted an extension request in accordance with the Article 3 Extension Request Methodology as adopted by the 9<sup>th</sup> MSP in 2019 (9 months before the next MSP or Review Conference).
- That States Parties that have completed destruction of Stockpiles exchange with States Parties with outstanding obligations relevant information on good and cost-effective stockpile destruction practices, as appropriate.
- That all States Parties that have retained submunitions in accordance with Article 3.8 of the Convention comprehensively report on the past and planned use of retained munitions, through their Article 7 reports.

#### 5. Timelines:

- States Parties that have stockpiled cluster munitions and have not yet submitted an Article 7 transparency report (due to the UN Secretary-General on 30 April each year) will be encouraged to do so (letters/bilateral meetings)- by **Late March 2022**.
- Bilateral engagement with Bulgaria, South Africa, Slovakia and Peru, as appropriate, ahead of the 10MSP - by **July 2022**.
- Focus on consulting with **Guinea Bissau** on further action arising from its initial report and updated report – regarding its current obligations under Article 3 – by **September 2022**.
- Facilitate the development of **partnerships** and increase exchanges of promising practices among the target States Parties, States Parties that have finished the destruction of stockpiles, donor states and international operators through **outreach activities** (letters, e-mails, phone calls), and effective use of existing electronic and web-based dissemination tools – **up to the 10<sup>th</sup> MSP**.

- **Identify obstacles** to stockpile destruction in the target States Parties and explore ways to overcome them in a collaborative manner through outreach activities such as sending letters and/or e-mails, organizing meetings with Geneva-based stakeholders or capital-based representatives in the margins of other key disarmament events during the year – **up to the 10<sup>th</sup> MSP**.

**6. Estimated Budget:**

- Limited costs, depending on the strategy adopted, as most outreach will be conducted in Geneva or in the margins of other disarmament related meetings.

**7. Strategy implementers:**

- Australia – Coordinator on Stockpiles Destruction.
- Bulgaria - Coordinator on Stockpiles Destruction.
- CCM Implementation Support Unit.

**8. Potential implementing partners:**

- Other members of the CCM Coordination Committee
- States Parties and Signatory States that have fulfilled obligations under Article 3
- Donors States
- International Organizations
- International NGOs / operators and other technical organizations.