

Convention on Cluster Munitions

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Review of the status and operation of the Convention and other matters important for achieving the aims of the Convention**Implementation support**

Report on elements for the exploration and development of proposals for possible synergies between the Implementation Support Unit of the Convention on Cluster Munitions and other Implementation Support Units

Submitted by the Coordinators of the Working group on the General Status and Operation of the Convention (Bosnia and Herzegovina and Switzerland)

1. The First Review Conference of the Convention on Cluster Munitions (CCM) held in Dubrovnik, Republic of Croatia, in September 2015, adopted a number of decisions regarding the CCM Implementation Support Unit (ISU). Paragraph 28 of the Conference Final Document (CCM/CONF/2015/7) contains a mandate “*to explore and develop proposals for possible synergies with other Implementation Support Units, in particular with the Implementation Support Unit of the Anti-Personnel Mine Ban Convention*”. This decision was taken with the intent of addressing this matter at the CCM Seventh meeting of States Parties (7 MSP).
2. The decision further indicates that the aim of identifying synergies is to seek to enhance efficiency and reduce costs. This report endeavours to explore various aspects linked to synergies between the CCM ISU and other ISUs with both the cost and efficiency aspects in mind. It seems to determine not only if the ISU could maintain the same level of productivity at lower costs but also if output could be increased at the same level of resources.
3. The ISU CCM is a small unit made of 2.5 staff, whose costs are mostly staffing related. In 2016, some 78% of its budget went to cover staff costs (wages and social charges), or CHF 291'719.- out of the CHF 370'824 spent of its CHF 455'000 budget. The ISU CCM is hosted by the Geneva International Centre for Humanitarian Demining (GICHD) on the basis of a hosting agreement signed between the Centre and the CCM

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States Parties. It is co-located with the ISU of the Anti-Personnel Mine Ban Convention (APMBC), which is also hosted by the GICHD.

Administrative aspects

4. The administrative support required for the functioning of the ISU CCM is provided by the GICHD. This support is provided at no cost to CCM States Parties. It includes office occupancy and supplies, human resources management, travel services, mailing, telecommunications, IT network and website hosting, IT software and hardware acquisition, the administration of the CCM sponsorship programme for its yearly MSP as well as other meetings, and to financial management. The GICHD provides the same services to the ISU APMBC.

5. This set-up has been beneficial on different grounds. The provision of administrative support by the GICHD has enabled the staff of ISUs to focus mainly on substantive matters – the ISU CCM or ISU APMBC do not comprise dedicated administrative or secretarial personnel, (although some administrative tasks linked to ISU activities are also performed by ISU staff), with obvious benefits for the respective convention they support. The fact that the administrative support is provided by the GICHD to both ISUs has had also a positive impact on efficiency. For instance, the yearly ISU CCM and ISU APMBC audit is performed by the same auditor, mandated by the GICHD. When the auditor started auditing the ISU CCM, it was able to rely on years of experience in fulfilling this task for a similar structure in the form of the ISU APMBC. Similarly, the sponsorship programmes of both conventions are administered by the same GICHD staff, applying the same processes for the two conventions. The ISUs use the same electronic platform and have a similar structure for their document management and institutional development. The internal control system and HR procedures also similarly apply to both ISUs. The GICHD security plan for planning and during missions as well as the related insurance coverage is also used by both ISUs.

6. The potential for synergies regarding administrative aspects seems to have been largely exhausted. Many steps have already been taken in this area and most of the administrative support has already been pooled. In addition, States Parties do not assume costs, which are covered by the GICHD. No cost reductions to States Parties can therefore be anticipated in this area.

ISU staffing

7. The ISU CCM staff level and profile are decided by CCM States Parties. Level and profile are determined by the tasks that the ISU CCM has to perform, as set forth in its mandate and the five-year work plan adopted at the First Review Conference. Any change to the staffing level would require a decision by States Parties.

8. Staffing level of the ISU CCM and ISU APMBC are broadly similar, with respectively 2.5 and 2.6 staff. Staffing level is lean, and ISU members work often beyond capacity to meet the objectives set forth by the work plan and by States Parties. The ISU CCM is fully staffed since April of this year, to meet an important workload. A fully staffed ISU CCM has proved invaluable to ensure that the Presidency and Coordinators receive the necessary levels of support. It is also necessary to meet the challenges faced by the CCM at this early stage of its existence, for instance with regard to universalisation. The workload is unlikely to decrease in the next few years with new tasks looming on the horizon (for instance, the first cases linked to the extension request procedures for clearance foreseen in article 4.5 of the convention are likely to materialize in the next few years). In the case of the ISU APMBC, staffing level has been curtailed in 2014 for financial reasons and some support to States Parties postponed until defined financial benchmarks are met (see below).

9. ISU CCM and ISU APMBC staff members have fairly comparable profiles and expertise, the two ISUs mandate and work plan being largely similar. Staff members of both ISUs are specialists in the implementation of their respective conventions but not technical specialists. If each staff member has some specific tasks to fulfil, they have fairly similar profiles and qualifications. This is also linked to the small size of the units which requires that staff members can handily support and replace each other. As mentioned above, the ISU CCM (or ISU APMBC) do not comprise dedicated administrative or secretarial staff.

10. The ISU CCM or ISU APMBC do not have technical experts on their payroll, for instance in domains such as land release or victim assistance. Regarding land release, if ISUs provide general guidance in this area (for instance in the preparation of extension requests in the context of APMBC), they do not support States with regard to in-country land release activities per se. Such support is provided by specialized institutions. The ISU APMBC work plan foresees that a victim assistance specialist to provide advice and in-country technical support to States Parties may be hired in the future as soon as some financial conditions are met (core budget and financial security buffer secured). Should CCM States Parties decide one day that the ISU CCM should also need to rely on in-house technical expertise, studying options for cooperating with the ISU APMBC to maximize efficiency and minimize costs may be warranted (options that may be considered could include one expert working part-time for each ISU, one expert based in one ISU doing consultancy work for the other, etc).

11. Suggestions have been made that a joint ISU CCM – ISU APMBC would reduce costs and improve efficiency. Objections have, at the same time, been raised by States Parties against such a development. Merging the two ISUs would require fundamental changes to the ISU CCM and the ISU APMBC, which have been established as units linked to specific conventions and responsible before their respective States Parties. A merging of the ISU CCM with the ISU CCW (or an institutional rapprochement with that unit) would require even greater modification to the existing structure.

12. The merging of ISUs would require the agreement not only of CCM States Parties. It would also require a similar decision by the States Parties of the other convention concerned. In other words, membership has to be looked at not only from the angle of the CCM. Four States parties to the CCM are not parties to the APMBC. This number is much more significant with the APMBC as a starting point – more than 60 States are parties to this instrument but not to the CCM. Moving toward a joint ISU raises issues of fundamental legal and political nature for many States not parties to both conventions.

13. Beside the legal and political issues, there is no clarity today whether a joint ISU would translate into reduced costs. It may provide for staff with greater specialization than is the case today but the staffing level (which is a function of the work plans) may have to remain unchanged. A broader analysis of the potential consequences on staff level and profile resulting from a merger would need to be undertaken to fully grasp the potential impact of such a development.

14. Many questions linked to the practical functioning of such a joint ISU also remain unclear. This includes lines of authority, potential conflicting requirements formulated by two different sets of States Parties, allocation of staffing resources to meeting the need of one or the other convention, to mention but a few. The fact that the ISU CCM and the ISU APMBC rely on different systems for financial contributions constitutes also an impediment to consolidating the two units.

15. The merging of the support units serving different international conventions is not common, but not unheard of. The Basel, Rotterdam and Stockholm Conventions merged their respective secretariat in 2012, notwithstanding the fact that these instruments have different memberships (Basel Convention 186 Parties; Rotterdam Convention 156 Parties; Stockholm Convention 180 Parties). Cost-saving and increased efficiency were evident when merging these secretariats. In total, these secretariats were employing several dozen

persons. Each of them was relying on its own dedicated scientific and administrative staff (including for the organization of Conferences of States Parties) whose merging represented a clear added value in terms of cost efficiency and synergies.

16. The diverging positions of CCM States Parties (and those of the other concerned conventions) on the merging of the ISU CCM with other ISUs suggests that any process in this area will be politically divisive and protracted, with an unlikely outcome.

Synergies linked to ISU activities

17. Different type of synergies have already been implemented or considered in relation with activities undertaken by the CCM ISU and similar units.

18. Efforts have been made in the past to organize meetings of the CCM in close proximity with those of the APMBC. Such a practice yields a number of benefits. In particular, the resources of the two sponsorship programmes (which are managed by the respective ISUs with the support of GICHD) can be maximized. A delegate financed to take part in one of the meeting by one of the sponsorship programmes can then be taken over by the other for the remainder of the stay (without having to fly back to his/her duty station and come back to Geneva).

19. Intersessional meetings of the CCM and the APMBC were held back to back on several occasions. This practice was discontinued as the CCM decided at its First Review Conference to stop holding intersessional meetings. Organising formal meetings of the conventions back to back has proved more challenging so far as some of these reunions continue to be held outside of Geneva for universalization and outreach reasons, but it remains a possibility. Less attention seems to have been paid so far to holding meetings in proximity with those of other conventions, for instance the CCW. Options may be explored in this domain, including whether the pragmatic cooperation that has prevailed between the CCM and APMBC sponsorship programmes can also apply to that run by the CCW.

20. Regarding issues of substance, a clear benefit seems to exist in the ISU CCM exchanging and cooperating with the ISU APMBC, the ISU CCW, or potentially other support units of instruments pertinent for the CCM and its provisions. Limits exist regarding the form that such cooperation can take in view of the different membership of these instruments and the sensitivities arising from that situation. Activities of an informal nature seem to correspond more closely to this political reality.

21. Cross-fertilization resulting in increased effectiveness seems to be particularly important in such domains as land release, victim assistance, cooperation and assistance, or reporting. This list is non-exhaustive.

22. Best practices in the field of land release are similar whether they apply to cluster munitions, antipersonnel mines or explosive remnants of war. Informal cooperation between the ISU CCM and the ISU APMBC has already materialized in this area, as indicated by the event held on *universalizing land release* co-organised by the Presidencies of the CCM and APMBC on June 7, 2016. Further collaboration could also prove beneficial as the ISU APMBC has a long-running experience in assisting States Parties in preparing extensions with regard APMBC Article 5 - a process that will soon go under way in the CCM context.

23. Best practices also apply horizontally across conventions regarding the question of victim assistance. The ISU CCM could benefit from the expertise developed in this area not only by the ISU APMBC but also by the CCW (Protocol V) and under the *Convention on the Rights of Persons with Disabilities*. The same observation can be made with regard to cooperation and assistance. For instance, the *individual approach* developed in the framework of the APMBC and the *country coalition* concept developed in the CCM has a degree of proximity, and exchanging on experiences gained is beneficial for both instruments.

24. The issue of reporting could also potentially benefit from closer cooperation among ISUs and conventions. More closely harmonized approaches to reporting with synchronized deadlines and to outreach activities to assist requesting States in collecting information at national level could be useful. The logic of cooperating in such an area is reinforced by the fact that the same governmental unit is often responsible for preparing the reports required by the CCM, APMBC and CCW. Such a harmonization could also contribute to address the issue of reporting fatigue.

25. In all these domains, cooperation can take several forms, such as informal information exchange, cooperation regarding outreach activities (seminars and workshops, training, capacity-building), and mutual participation at meetings of the concerned conventions.
