Review Conference of States Parties to the Convention on Cluster Munitions

18 June 2020

English only

First Preparatory Meeting for the Second Review Conference
Geneva, 8 June 2020
Item 5 (d) of the provisional agenda
Exchange of views on the preparation of documents for the Second Review Conference Implementation support

Elements for discussion on institutional aspects of the Implementation Support Unit

Submitted by the President of the Second Review Conference

1. The CCM Implementation Support Unit (ISU) plays an essential role in supporting CCM States Parties in implementing the Convention. The Review Conference will have to address diverse aspects related to its functioning, to ensure that it remains fits for purpose in the ensuing years.

2. The Review Conference will have to address different questions related to the ISU. This discussion paper focuses on institutional aspects only. It takes into account the fact that the Second CCM Review Conference has been mandated by decisions adopted at past Meetings of States Parties (MSP) to address a number of questions in this area. Other aspects, such as activities to be undertaken by the ISU in the period following the Review Conference will be addressed at a later stage, once the main elements of the Lausanne Action Plan will have been identified.

A. Financing of the ISU

3. The Seventh MSP discussed the financial procedures on the financing of the ISU, on the basis of a report prepared for this occasion (CCM/MSP/2017/5). Discussions focused in particular on the system of contribution adopted at the First Review Conference. The Seventh MSP took a number of technical decisions to consolidate the implementation of the contribution system. It underlined that it was too early to come to any conclusion regarding efficiency of the system, having only been into place over one full yearly financial cycle, and that it should be assessed at the Second Review Conference.

4. The contribution system relies on a communication circulated by the ISU for each financial cycle calling for contributions, based on three different categories: 7a (contributions by States taking part in the MSP, on the basis of a scale, covering 40% of the ISU budget) , 7b (contributions by States Parties, on the basis of a scale, covering 60% of the Implementation Support Unit budget) and 7c (voluntary contributions).

5. Over the past years, contributions to the yearly call by the ISU has been as follows (CHF):

Year	*ISU Budget*	*Received*	*Category 7a*	*Category 7b*	*Category 7c*	*No. contributing States*
2016			CHF 117,722	CHF 143,262	CHF 216,395	
			62.4% covered	50.6% covered		
	471,762	477,379	38 States	35 States	8 States	39
2017			CHF 113,735	CHF 140,010	CHF 301,828	
			62.4% covered	51.2% covered		
	455,511	555,473	52 States	50 States	14 States	54
2018			CHF 119,057	CHF 125,919	CHF 266,101	
			63.9% covered	45.1% covered		
	465,440	511,077	52 States	51 States	15 States	56
2019			CHF 99,093	CHF 118,407	CHF 352,967	
			52.1% covered	41.5% covered		
	475,362	570,467	46 States	44 States	16 States	49

6. More than half of the CCM membership has provided contributions towards the ISU budget in 2017 and 2018, although this number has decreased to below 50% in 2019. The response to the call to provide contributions under has been higher under category 7a than under 7 b. If the response to that call has been significant, the budget is only covered because a set of States Parties make significant voluntary contributions under category 7c.

7. In assessing the contribution system, it can be noted that States Parties hold different views considering the binding nature of categories 7a and 7b. At the same time, the yearly ISU budget has been (more than) fully covered every single year since the First Review Conference. The number of States Parties providing contributions is significant. It must also be noted that a number of States Parties have put in place procedures at the level of their national administration to be able to respond to the annual call issued by the ISU. It is not clear whether these States Parties would still be in a position to make contributions, should the system be significantly changed.

8. If the current contribution system is broadly maintained in its actual form, a number of elements may be worth considering:

- Including States not parties taking part in a MSP in category 7a may create more financial uncertainties than be helpful;
- In view of the decrease between 2018 and 2019 in terms of responses to the call by the ISU, measures to promote the visibility and understanding of the contribution call (in the Review Conference final document or by measures after that event) may be warranted.

It has also been flagged that the 40% (7a) – 60% (7b) distribution may not reflect the reality of the work undertaken by the ISU, 7a being in all likelihood higher than 40%.

9. Finally, the ISU working capital reserve established at the First Review Conference amounts to CHF 556,837 at the end of 2019. As decided at the Seventh MSP, the yearly carry-over of the ISU budget has been directed towards the reserve, which now includes an amount greater than the annual ISU budget.

10. Questions:

- In view of the elements above, should the contributions system remain broadly as is?
- If it this were the case, are there elements that should be considered to consolidate it?

B. Synergies between the ISU and other Implementation Support Units

11. The Seventh MSP addressed the question of possible synergies between the ISU CCM and other implementation support units. The exchange was based on an extensive report (CCM/MSP/2017/6) exploring various aspects of this question.

12. On the basis of the aforementioned report, the Seventh MSP concluded that *significant synergies had already been achieved regarding administrative support required for the functioning of the ISU, and that the potential for further measures in this domain seems to be largely exhausted*. This is essentially due to the fact that the administrative support for the ISU is provided by the GICHD, at no cost to the States Parties.

13. The Seventh MSP also *noted that a formal merger of the CCM ISU with other support units with a view to enhancing efficiency or reducing costs is a complex and multifaceted issue*. If a few States Parties saw value in exploring a possible merger between the CCM ISU and the Anti-Personnel Mine Ban Treaty ISU, it appeared that this option was not realistic. States that are parties to the CCM but not the Anti-Personnel Mine Ban Treaty underlined that they would not be in position to consider it.

14. The Seventh MSP identified a number of measures that could be considered to improve efficiency and synergies. This included in particular:

- That the meetings of the Convention held in Geneva should insofar as possible be organised directly after or before reunions of conventions addressing similar or related issues, as this would reduce travel costs for delegates and open the possibility of coordination with the sponsorship programmes of other conventions.
- In view of the positive experiences made in collaborating informally with other conventions on thematic issues of common concern, to pursue and further develop such informal cooperation on issues of substance with other implementation support units where such cooperation contributes to reinforcing its capacity to effectively support States Parties in implementing the convention and enhances efficiency.

15. Finally, the Seventh MSP decided to review the implementation of synergies between the ISU and other implementation support units at any point when it seems that this might enhance efficiencies and reduce costs, and no later than at the Second Review Conference.

16. Question:

- Are there aspects concerning synergies between the CCM ISU and other ISUs identified at the Seventh MSP that we should seek to take forward at the Review Conference?
- Are there aspects not yet considered or explored that should warrant our attention?

C. Hosting Agreement of the ISU by the GICHD

17. The Seventh MSP reviewed the Agreement between the States Parties to the CCM and the Geneva International Centre for Humanitarian Demining on the Hosting of the Implementation Support Unit (see annex). It welcomed that the agreement was effectively implemented to the satisfaction of all parties since its signature and had contributed to the effective functioning of the ISU. It decided that the agreement would be assessed again at the Second Review Conference.

18. Since the Seventh MSP, the GICHD has effectively continued to provided support to the ISU as per the Agreement. This support covers office occupancy, office supplies and maintenance, mailing, telecommunications, IT network and website hosting, IT software and hardware acquisition, use of the filing system for the ISU document management and of its conference rooms for the organization of meetings.

19. The support also includes human resources management, document management, travel services, the management of the CCM sponsorship programme for the yearly MSP as

well as other meetings, as well as financial management. Regarding this last element, the GICHD internal control system has been applied to the expenditures of the ISU and the accounts have been audited yearly, and the annual audit reports of the ISU accounts have been provided by the GICHD to the CCM Presidency by May each year, as requested by paragraph 5 of the Agreement.

20. Support has been provided while safeguarding the need for the ISU to maintain its own corporate identity, including of its website and communication system. Regarding human resources, the selection of ISU personnel has remained a prerogative of the ISU Director. As foreseen in the Agreement, ISU staff has GICHD work contracts and the ISU applies the Centre's salary scale. Salary progression followed the 2016-2020 ISU budget adopted at the Review Conference.

21. Overall, the GICHD has continued to provide support to the ISU and to a level commensurate with the provisions set forth in the Agreement. This support has amounted to approximately the following: 2016: CHF 95,000 – 2017: CHF 120,000 – 2018: CHF 107,000 – 2019: CHF 117,000.

22. The implementation of the Agreement continued to proceed seamlessly to the satisfaction of the ISU, the GICHD and of the Convention as a whole. It has been characterized by close collaboration between all parties. The arbitration of a third party in the form of the CCM Presidency has not been required since the entry into force of the Agreement.

23. Questions:

- Are there specific aspects of the Agreement that should be reviewed in greater details and/or amended?
- Should the periodicity of the review of the Agreement (currently every three year) be lifted considering that it can be changed or amended at any time?

D. Tenure of ISU Director

24. The length of the tenure for the post of CCM ISU Director has never been clearly defined by the Review Conference or the MSP.

25. The current ISU Director was hired in 2015 on the basis of a vacancy notice indicating that the position was limited to a three year period with a possibility of a two year extension. The initial contract of the current ISU Director has been extended in 2018, for a period of three years rather than two (to avoid having to recruit a new Director close to the Second Review Conference). The contract of the current ISU Director comes to an end in April 2021.

26. Two elements should be taken into account when deciding on the tenure of the ISU Director. On the one hand, a time limit should be set to ensure staff renewal. On the other hand, this time-limit should be long enough to provide for stability and continuity. The time-limit retained by the CCM thus far (initial contract of three years with a possible extension of two years) is much shorter than that implemented by conventions having established by similar units (which relies often on a four year initial contract renewable once).

27. Questions:

- Should the Convention decide on the length of the tenure for the post of ISU Director? And should this tenure be set at four years, renewable once?
- In the case that the Convention decide that the post of ISU Director should be extended for a period of four years renewable once, should the contract of the current ISU Director be extended for an additional two years?