

# Review Conference of States Parties to the Convention on Cluster Munitions

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English only

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## First Preparatory Meeting for the Second Review Conference

Geneva, 8 June 2020

Item 5 (b) of the provisional agenda

**Exchange of views on the preparation of documents  
for the Second Review Conference Lausanne Action Plan**

### Elements for the Lausanne Action Plan

#### Submitted by the President of the Second Review Conference

1. The elements contained in this document results from the consultation launched by the Presidency on 15 May, inviting comments on a concept note regarding the Lausanne Action Plan (LAP). The document aims at providing a synthesis of the contributions submitted. It also relies on key challenges identified in the draft review document for the period 2015-2020. In view of the many comments received, this document does not pretend to be exhaustive.
2. The document is circulated by the Presidency to serve as a basis for an initial discussion on the LAP.

#### I. Overall considerations

3. Regarding its **objective and functions**, the LAP should help to guide States Parties in implementing the convention at national level and in meetings their obligations as swiftly as possible, and to provide direction regarding collective goals like universalisation. The LAP should be concise, specific/concrete, practical and actionable, and focus on priority areas where efforts are necessary in particular.
4. **Actions** should not take the form of a long narrative. In so far as possible, **actions** should be formulated so that they are SMART (specific, measurable, achievable, relevant, time-framed) and be associated with specific indicators (rather than expected results) based on information that can be readily collected. In this regard, it must be taken into account that information will come in primarily from Article 7 reports.
5. There is support for retaining the overall **structure** of the Dubrovnik Action Plan (DAP), that follows the core provisions of the CCM. A number of limited changes have nonetheless been suggested, including some additions. It was noted that such additions should not have financial implications:
  - Adding a section on cross-cutting guiding elements at the beginning of the document;
  - Splitting the section on *clearance and risk education* in the DAP in two different segments, with one on *survey and clearance* and a second on *risk education*;
  - Adding a section on the CCM architecture;
  - Reinforcing the elements linked to compliance, either in the universalization/norm section, combine with the national measures section or in a stand-alone section.

6. Comments have also been made on the question of **synergies** with action plans developed by other conventions, in particular the Anti-Personnel Mine Ban Convention (APMBC). The importance of consistency was underlined. This applies in particular to domains like clearance or risk education as, at national and operational levels, activities related to antipersonnel mines and cluster munitions are not dissociated. At the same time, it was also underlined that the membership of the CCM and the APMBC differed, and that no formal links could/should be made between these two instruments.

## **II. Content of the Lausanne Action Plan**

### **A) Introduction**

7. The LAP should start with a clear and concise introduction. Its main aim should be to provide an overall frame and direction for the document, underlining the core values of the CCM and the commitment of States Parties to take forward implementation.

8. The introduction could include the following elements:

- A recollection of the core objectives of the CCM, notably its humanitarian and protection functions and aspiration;
- A reference to the achievements reached so far and a recognition of the many challenges still to be met;
- A commitment by States Parties in pursuing and intensifying efforts towards the full implementation of the Convention as swiftly as possible and towards its universalisation;
- A description of the function of the LAP, in other words that the LAP details the actions to be taken by States Parties in their commitment to progress on the implementation of the CCM, building on the DAP.

### **B) Cross-cutting elements**

9. Strong support was expressed for adding a section at the beginning of the LAP identifying elements of a cross-cutting nature. It was underlined that the identification of such elements would reinforce the coherence and consistency of the LAP, acting as guiding principles. These elements should be listed in this new section, and then mainstreamed or taken up where appropriate in the actions throughout the document.

10. A number of such principles were highlighted, including the following elements:

- The contribution of the Convention towards meeting broader agenda of the international community, including the SDGs;
- The importance of fully taking into account the diversity of needs in the LAP when providing guidance for action, integrating in particular a gender perspective but also such aspects as age, disability, literacy, language, ethnicity;
- The central importance of strong partnership for taking forward the Convention, whether among States Parties or with international organisations and civil society;
- The centrality of national ownership and strategic planning for the development of implementation activities;
- The need to rely of the most up to date and best methodologies to ensure the most efficient use of resources;
- The importance of information management and of transparency, and of the provision of information required under the Convention by all;

- The importance for the Convention to rely on an effective machinery (ISU, Committees, holding of meetings), and the importance for States Parties to fully meet their obligations towards this machinery.

11. Different views were expressed regarding whether provisions in this section should take the form only of principles or also of actions. It was underlined that elements included in this section would be definition be of a broad nature and that they therefore would be difficult to measure, and therefore do not lend themselves to take the form of actions.

12. Questions:

- Is there value in a new section on cross-cutting elements?
- Are the elements identified above appropriate? Which one may be missing?
- Should this new section only contains principles or also actions?

### **III. Universalisation of the Convention and its norms**

13. Taking into account the DAP, this section could cover three related different aspects, a) On promotion of formal adherence to the Convention by non-parties, b) On promotion of the universal observance of the Convention's norms and c) On compliance with the Convention.

#### **(a) On promotion of formal adherence to the Convention by non-parties**

**General considerations for the chapeau may include:**

- Note that progress regarding universalization has been slower than hoped;
- Underline that renewed efforts are necessary and underline the resolve to progress resolutely on universalization to achieve the goal of the convention.

**Possible actions may include:**

- Focus in particular where adherence will make a significant difference, starting with countries affected by cluster munitions contamination or with cluster munitions victims, and those that stockpile cluster munitions, developing regional approaches where appropriate;
- Develop the necessary machinery and supporting tools to take forward universalization, including with regard to cooperation and assistance for countries that may have capacity issues in joining the CCM;
- Leverage all possible fora, stakeholders/partners, approaches and formats (including military to military dialogues) to promote universalization.

#### **(b) On promotion of the universal observance of the Convention's norms**

**General considerations for the chapeau may include:**

- A recollection of the collective and repeated expression of strong concern and condemnation by CCM States Parties about the ongoing use of cluster munitions,

**Possible actions may include:**

- Continue and intensify efforts to promote the universal observance of the Convention's norms;
- Take all possible steps to end the use, development stockpiling and transfer of cluster munitions,

- In conformity with Article 21, raise concern about any alleged use and condemn any instances of documented by any actor, effectively calling on all States not party to accede to the Convention.

### (c) On compliance with the Convention

#### General considerations for the chapeau may include:

- A recollection for the CCM States Parties to comply at all times and in full with all provisions under the Convention.

#### Possible actions may include:

- Ensure compliance through bilateral discussions, the use of the good offices of the President, and any other means consistent with Article 8, in a cooperative manner;
- Importance of fulfilling all obligations and commitments under the convention within the set deadlines, including for the submission of extension requests.

#### 14. Questions:

- Does it make sense to have those three different segments in this section (adherence, promotion of the norm, compliance)?
- Are the elements identified above appropriate? Which ones may be missing?

## IV. Stockpile destruction

#### General considerations for the chapeau may include:

- Recall the undertaking to destroy stockpiles ‘as soon as possible and not later than eight years’;
- Recognise the progress achieved on stockpile destruction while underline that challenges which remain to be addressed;
- Note with concern that some States Parties were not able to complete destruction within the original deadline;
- Recognise the connection between transparency and implementation of this article (extension requests could have been prevented if earlier action was taken);
- Recognise the importance of capacity building.

#### Possible actions may include:

15. DAB actions related to Article 3 remain broadly valid but must be updated in light of the fact that a number of SP needed to submit an extension request, and that these should remain the exception:

- States Parties with outstanding Article 3 obligations to develop as soon as possible a destruction plan, which specifies the estimated end date, details the annual and monthly destruction rate by type and the total number of submunitions to be disposed of;
- States Parties commit to reflect progress in implementing destruction plan in Article 7 reports and annually report on revision of destruction plan;
- States Parties submitting extension requests to ensure that the request is submitted in time;
- States Parties submitting extension requests to ensure that requests contain a work plan that are ambitious and contain detailed, costed and multiyear work plans for

the extension period, and time estimates for completion (ideally, these plans would be resources and reported on in annual reports);

- States Parties that have obtained a multiyear extension to report on a yearly basis on the progress made and provide detailed work plans for the remainder of the extension period in light of the progress made;
- States Parties submitting extension requests commit to maintain discussions with the Analysis Group on Article 3 extensions, and submit an annual workplan and detailed progress report on an annual basis;
- States Parties with outstanding Article 3 obligations that have not progressed over a prolonged period of time (for example two consecutive years), to report swiftly and engage with the Analysis Group, with a view to avoiding any delay in implementation or repeated extension requests;
- States parties that have fulfilled obligations under Article 3 to make an official declaration of compliance with Article 3 obligations, using where possible the completion form developed under the Convention, and to meetings of States parties or review conferences of the Convention and in annual submissions of transparency reports under Article 7;
- State Parties that retains cluster munitions for reasons permitted under Article 3.6 will annually review the number of munitions retained to ensure that they do not exceed the minimum number absolutely necessary for permitted purposes, and will report yearly on progress.

16. Questions:

- Are there any missing elements in the general considerations?
- Are the actions identified above appropriate? Which ones may be missing?

## V. Survey and Clearance

### General considerations for the chapeau may include:

- Recognize the progress achieved on survey and clearance, but be clear that the pace has not been fast enough, accelerated survey and clearance is needed to meet obligations;
- Reaffirm the Article 4 obligation to complete CMR clearance ‘as soon as possible’;
- Recognize the connection between transparency (IMAS compliant reporting) and the implementation Article 4. Express concern that Article 4 extension requests could have been avoided if earlier action was taken;
- Cite the importance of prioritizing CMR survey and clearance at the national level to reduce the impact of CMR on affected populations;
- Reference to the importance of gender and diversity sensitive/inclusive prioritization and planning.

### Possible actions may include:

17. In general, it is suggested to broadly retain DAB actions related to Article 4. They should take into account the fact that a number of States Parties could not meet their obligations within their original deadlines. Actions should seek to promote the swift fulfillment of obligations:

- Identify the precise location, scope and extent of cluster munitions remnants in contaminated areas, based on evidence and high-quality non-technical and/or technical survey;

- Develop evidence-based and costed multi-year strategies, including disaggregated annual plans for prioritised survey and clearance to achieve completion as soon as possible;
- Report in a manner consistent with IMAS, by providing information on the remaining challenges, with disaggregated information;
- Ensure that national mine action programmes are inclusive of diverse groups within affected communities and consider age, gender, ethnicity, disability, and any other factors in all appropriate activities related to survey and clearance;
- Ensure that the prioritization of clearance activities, sites and areas is most beneficial for society, e.g. close to populated areas, agricultural areas and return areas for refugees and internally displaced persons, thereby allowing for a more secure reintegration;
- Take appropriate steps to improve the effectiveness and efficiency of survey and clearance, including by applying best land release practices in line with IMAS, and by promoting the research, application and sharing of innovative means to this effect;
- States Parties with outstanding clearance obligations that have not reported progress over a prolonged period of time (for example two consecutive years) commit to report swiftly, and an engage with the Analysis Group, with a view to avoiding any delay in implementation or repeated extension requests;
- Ensure that these requests are ambitious and contain detailed, costed and multiyear work plans for the extension period.

18. Questions:

- Are there any missing elements in the general considerations?
- Are the actions identified above appropriate? Which ones may be missing?

## VI. Risk Reduction Education

### General considerations for the chapeau may include:

- Underline that risk reduction education is one of the core obligations of the Convention, and that it is a means of preventing new accidents and saving lives;
- Express concern about the level of reporting on risk reduction education efforts, which has been limited;
- Enhanced attention to interlinkages between risk reduction education, survey and clearance and victim assistance operations (as conflicts become more complex);
- Enhanced attention to interlinkages with other humanitarian and development programmes;
- Reference increasing pressure on land and resources due to population growth, economic factors and climate change may also increase exposure to contamination in affected states.

### Possible actions may include:

- Adopt a comprehensive approach by further integrating risk education with other mine action pillars and promoting inter-mine action pillar collaboration and integration of risk education in other sectors (humanitarian, development, protection and education);
- Commit States Parties to provide a context-specific and tailored risk education and reduction programmes developed on the basis of a needs assessment, sensitive to gender, age, disability and taking the diverse needs and experiences of people in affected communities into account, prioritizing populations most at risk;

- Commit States Parties to take all necessary actions to ensure civilians living in or around cluster munition contaminated areas are made aware of and protected from these risks;
  - Commit States Parties to help affected states to afford the capacity to adapt risk education initiatives to changing circumstances, and to take account of residual contamination once Article 4 obligations have been met;
  - Include comprehensive plans for risk reduction education programmes in any Article 4 extension requests that are submitted;
  - Improve the quality of reporting on risk education through Article 7 reports with information disaggregated by sex and age, demonstrating analysis of casualty data and targeting of most at-risk groups.
19. Questions:
- Are there any missing elements in the general considerations?
  - Are the actions identified above appropriate? Which ones may be missing?

## VII. Victim assistance

### General considerations for the chapeau may include:

- The full, equal and effective participation of cluster munition victims in society, based on respect for relevant humanitarian and human rights principles, such as humanity, impartiality and non-discrimination, as well as principles of diversity, accountability and transparency;
- The need to strengthen national ownership and capacity by designating national focal points and developing national victim assistance frameworks;
- The lack of qualified professionals and structures to provide physical rehabilitation services to survivors in contexts with significant numbers of cluster munition survivors;
- Guarantee resources to provide training and official recognition to qualified physical rehabilitation professionals;
- The challenge of data collection and analysis as well as the weak participation of victims;
- Actions should cover the main pillars of victim assistance, that is, emergency and continuing healthcare, physical rehabilitation, psychological and psycho-social support, economic inclusion, data collection, and laws, regulations and policies;
- The actions should underline the necessity for victim assistance to adopt a holistic, non-discriminatory, multisectoral approach as well as the need to be integrated into broader frameworks relating to human rights, health, education and development.

### Possible actions may include:

- Review the wording of action 4.1 (b) as follows: Review the availability, accessibility and quality of existing services in the areas of medical care, *including emergency medical services*, rehabilitation and psychological support, education, economic and social inclusion, and identify the barriers that prevent access;
- Ensure that all cluster munition victims have access to gender-sensitive, disability and age appropriate health, rehabilitation, mental health and psychosocial support services as well as school, work and employment, inclusive sports and cultural activities;
- Establish or strengthen a centralised and open database that includes information on persons killed or injured by cluster munitions and their needs and challenges, disaggregated by gender, age and disability, (and make this information available to

relevant stakeholders to ensure a comprehensive and integrated response to addressing the needs of cluster munitions victims);

- Ensure the collection and analysis of data disaggregated by gender, age and disability assessing the needs and priorities of cluster munition victims. Data collected and needs assessments will be made available to relevant stakeholders to ensure a comprehensive response to addressing the needs of cluster munition victims;
- Encourage participation of cluster munition victims in the Convention's work both at national and international levels regardless of gender, age, disability or other diversity factors;
- Conduct as a matter of priority an age, gender and disability disaggregated baseline survey and geographic mapping of victims, their access to health, psycho-social and rehabilitation services and socio-economic opportunities and develop a national action plan to address critical gaps, in particular in remote and rural areas;
- Ensure that relevant national humanitarian response and preparedness plans provide for the safety and protection of victims in situations of risk, including situations of armed conflict, humanitarian emergencies and natural disasters, in line with relevant international humanitarian and human rights law and international guidelines.

20. It was moreover underlined that actions under this chapter should be aligned with the Convention on the Rights of Persons with Disabilities, the IMAS, and the IASC Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action.

21. Questions:

- Are there any missing elements in the general considerations?
- Are the actions identified above appropriate? Which ones may be missing?

## VIII. International cooperation & assistance

**General considerations for the chapeau may include:**

- The dialogue between affected countries, donors and operators must continue to be promoted, at the policy and at the technical level;
- The LAP should include measures to enhance partnerships between States Parties in need of assistance and those States and other partners in a position to provide the required assistance, and the south-south cooperation should be emphasized;
- The concept of "country coalition" needs to be anchored in the LAP as a way to ensure the in-country dialogue involving all stakeholders for all affected States Parties;
- A strong emphasis should be placed on national ownership and capacity building and cooperation and assistance should support the implementation of coherent and comprehensive national strategies and work plans;
- International cooperation and assistance should be responsive to gender and diversity considerations and promote the full, equal and meaningful participation of women and other marginalized groups in cluster munitions operations;
- There are similarities in programmes addressing contamination from cluster munitions with other programmes addressing different ordnance, and often they are all part of the same national plan. This section should therefore be close to similar sections in documents under other Conventions, to ensure consistency;
- The gender aspect should be reinforced: in providing assistance, States Parties should support the implementation of clear, evidence-based national strategies and work plans that respond to the needs of the people of all ages and genders in affected communities.



**Possible actions may include:**

- When providing assistance, States Parties should use existing mechanisms (for example: country coalition) to coordinate their support;
- The national plan should be coherent and comprehensive, containing defined annual and monthly targets, with the recipient country providing its national capacity (personnel, facilities, logistical resources, etc.);
- On funding, affected States should be encouraged to develop resource mobilization plans and national strategies/work plans and explore all possible alternatives and/or innovative sources of funding;
- A specific action highlighting the interconnected relationship between national strategies and work plans and Article 4 extension requests should ensure appropriate prioritization, coordination and resource mobilization;
- An action should prompt States to share experiences and best practices, including on integrating gender and diversity into cluster munitions programmes;
- A dedicated action should encourage States to increase technical support and provide adequate level of funding to victim assistance;
- States Parties receiving assistance should ensure transparency by providing complete and yearly reporting, and communicate as soon as possible on their difficulties and needs for cooperation.

## 22. Questions:

- Are there any missing elements in the general considerations?
- Are the actions identified above appropriate? Which ones may be missing?

**IX. On transparency measures****General considerations for the chapeau may include:**

- Express concerns over the low rate (63%) of submission of annual Article 7 transparency reports;
- Reiterate that transparency reporting is a legal obligation, as initial and yearly transparency reports play an important role to monitor the implementation of obligations under the convention;
- Underline the importance of amending reporting form in line with the LAP actions, once adopted.

**Possible actions may include:**

## 23. Actions of the DAP remain largely relevant, and are already largely objective (SMART) in nature.

- States Parties commit to fulfil their obligation to provide initial transparency reports under Article 7 and provide annual transparency reports within the timeframe stated by the Convention;
- States Parties that must take action to destroy stockpiled cluster munitions, clear cluster munitions remnants, assist victims or take national implementation measures referred to in Article 9 or retaining cluster munitions as per Article 3 will ensure that they provide all necessary and detailed information to ensure that progress can be assessed;

## 24. States Parties will use the online reporting forms in providing their reports, those having no change to report over the previous year using the simplified reporting process;

- States Parties in need of international cooperation and assistance to fulfil their obligations under Article 7 will seek support from relevant partners, States Parties

in a position to do so will respond to requests for support and will share best practices on how information is gathered nationally;

- States Parties will adapt reporting formats and guidance in 2021, as appropriate, to take into account the provisions of the LAP and collect the necessary information for evaluating implementation, taking into account the need for disaggregated data.

25. Questions:

- Are there any missing elements in the general considerations?
- Are the actions identified above appropriate? Which ones may be missing?

## **X. National Implementation Measures**

**General considerations for the chapeau may include:**

- The LAP should note that the adoption of new legislation has declined significantly;
- It is important to ensure a strong sense of ownership of the LAP and its actions among affected States and donor States alike;
- A “one size fits all” approach will not be suitable as countries may have different challenges to achieving national measures;
- More progress needs to be made, and a measure that needs special improvement is the ban on investment on cluster munitions;
- The LAP should contain a commitment to a clear timeline/deadline for the adoption of national implementation measures, based on existing tools and technical support.

**Possible actions may include:**

26. In general, actions from the DAP can be maintained:

- The action on legislation prohibiting investments in production of cluster munitions should be strengthened, stating that States Parties should enact legislation prohibiting investment in production of cluster munitions;
- A new action could be added for States Parties to encourage other States Parties to adopt the laws they are obliged to, and to provide international cooperation and assistance to achieve that end;
- It has been noted that where possible actions should be time-bound.

27. To increase awareness on the available resources to support the development of national implementation measures, the following suggestions have been made:

- The ISU and/or the Presidency should reach out to States Parties without legislation to increase awareness, also to promote messages at meetings;
- Sample texts could be added on the CCM website with examples from States Parties of legislation implemented;
- It would be good to raise the political profile of this issue as competing priorities may exist.

28. Questions:

- Are there any missing elements in the general considerations?
- Are the actions identified above appropriate? Which ones may be missing?

## **XI. Possible additional section on general implementation and the machinery**

29. Suggestions have been made to add a section in the LAP on the machinery supporting the Convention. Regarding the elements and actions that such a section could include, the following elements have been mentioned:

- The importance of a fully functional machinery for the effective implementation of the Convention and its universalization, including the MSP, the ISU, the Coordination Committee (chapeau);
- Invitation to be mindful of the decision taken at the First Review Conference regarding contributions to the ISU and its yearly call for contribution;
- A commitment to pay assessed contributions and swiftly settle any arrears, to ensure that meetings can take place as planned;
- The importance of furthering partnerships and to leverage synergies with other relevant instruments, while being mindful of difference in membership and without creating any new legal obligations.

30. Questions:

- Is there value in a new section on the machinery?
- Are the elements identified above appropriate? Which ones may be missing?
- Should this new section only contains principles or also actions?