

Convention on Cluster Munitions

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Geneva, 10-13 September 2024

Agenda item 10(k)

Other relevant matters for achieving the aims of the Convention

Introduction by the President of the draft documents and key draft decisions

Stakeholder Dialogue on Strengthening the Norms: Assessing and Enhancing Convention on Cluster Munitions (CCM) Implementation

Submitted by the President*

I. Introduction

1. In preparations of the 12th Meeting of States Parties the CCM Implementation Support Unit (ISU) convened a group of stakeholders to discuss emerging challenges to the norms established by the Convention on Cluster Munitions (CCM) prohibiting the weapon, and implications for wider humanitarian disarmament, peace and development goals. The stakeholder dialogue was also set in connection with the recent notification of withdrawal from the CCM by Lithuania, a State party to the Convention since 2011.

2. Drawing on the experience and expertise of States parties currently involved in the coordination of work under the CCM, the dialogue also saw the engagement of intergovernmental organizations, civil society, and States parties and individuals involved in the 2008 treaty negotiation process – including States impacted by the weapon – representing the wide gamut of CCM stakeholders.

3. Enabling a candid yet focused dialogue, a concept note drafted under the auspices of the presidency of the 12th MSP stated that humanitarian disarmament efforts and IHL more generally are facing challenges today, noting that what is happening to the CCM may go well beyond the convention itself. This is as much about how states relate to the upholding of International Law and IHL. Recent findings by the 2023/2024 Human Development Report show that civilian fatalities as a result of conflict are surging after years of decline, in part due to the increase and changing nature of warfare being fought predominantly in urban areas with often blatant disregard for the rules of war, especially the principles of distinction and proportionality. Moreover, amidst perceived new threats, states are increasingly resorting to military action in response to security needs.

4. It further stated that “Sixteen years after its adoption, and despite the call of the Lausanne Declaration to *“redouble efforts to promote further the norms established by the Convention, engage States still relying on cluster munitions and reinforce the growing stigma now associated with these weapons, with the view to discouraging any new use of these weapons”*¹, which saw little action, the legal regime established by the CCM appears challenged. Despite the determination of States parties to put an end for all time to the

* The present document is being issued without formal editing.

¹ Lausanne declaration paragraph 9.

suffering and casualties caused by cluster munitions, transfers of the banned weapon have gone unchallenged and thus, increased the risk of use. The CCM community is witnessing the prospective erosion of a decade and-a-half of hard-won gains and progress made in clearing cluster munitions, preventing further civilian harm and in stigmatizing cluster munition use.

5. As States make progress in addressing the legacy of decades-old contamination, new use of cluster munitions in the context of recent and ongoing conflicts in Myanmar, Syria, Yemen and Ukraine is resulting in new victims, loss of lives, and limbs, contaminating communities, and destroying livelihood in those countries for years to come. They serve as tragic and painful reminders of the fundamental importance of the CCM regime. The relative silence and inaction among States parties in addressing these challenges reflects geopolitical developments, political changes, and a dwindling memory of why the CCM was needed and a possible lack of political will to defend the Convention norms. In States already affected, real or perceived lack of dividends from its operationalisation may also be the result of shortcomings in its implementation. These issues highlight the critical need for reflection, strategy and resolution to protect civilians from further harm from these weapons.

6. With this background, and noting the relevance as well to broader conflict, peace and development discussions, and the need for stronger advocacy and broader civil society and stakeholder engagement, the meeting featured an informal exchange among relevant stakeholders to concretely identify the key challenges (current and emerging) and its corresponding impact on the related gaps in CCM universalization and implementation. The dialogue aimed to address the challenges faced by States in promoting and defending the CCM's core norms as well as to identify the tools, resources, and machinery necessary to effectively address the challenges ahead. Taking place immediately before the 12th Meeting of States Parties to the CCM, this discussion on its norms was seen as a first step towards acknowledging the challenge and suggested to outline a road map of areas for further reflection and action, during the period between the 12MSP and the Third Review Conference in 2026.

7. The Stakeholders dialogue expressed the following synopsis of considerations and concerns:

- The use of cluster munitions in ongoing conflicts in Myanmar, Syria, and Ukraine combined with increased casualties, demands a strategic assessment of the Convention's implementation as States and disarmament partners prepare for the 2026 CCM Third Review Conference, and related Action Plan;
- The norm established by IHL and enshrined in the CCM is the very guardrail to protect civilians in times of conflict. Not only does it avoid direct harm from its use, but also the negative impact on peace building and prospects for lasting peace when civilian communities bear trauma of indiscriminate weapons use, as well as to the long-term development impact of cluster munitions remnants on lives and livelihoods, well after conflicts have ended;
- A concern that some states are showing less respect for firmly established norms of international humanitarian law, as evidenced by the move by a State Party to exercise its right to withdraw from the CCM, transfers between States not party, including through the territory of States party to the CCM, and the potential "normalization" of such transfers and use of cluster munitions;
- A much-needed reaction among States Parties to the CCM is called for emphasizing States obligations under Article 21, to "encourage States not party to this Convention to ratify, accept, approve or accede to this Convention, with the goal of attracting the adherence of all States to this Convention..." and to "discourage States not party to this Convention from using cluster munitions." As also contained in the commitment outlined by the Lausanne Declaration to "redouble efforts to promote further the norms established by the Convention";
- A human-centred approach to security, breaking down humanitarian advocacy silos and emphasizing the Convention as a tool for advancing cross cutting peace, security and development goals, is suggested as key areas for discussion ahead, in preparation

for the Third Review Conference as well as to broader advocacy efforts with States not party and other humanitarian disarmament regimes;

- A realistic assessment of challenges to the cluster munition prohibition norm today, given geopolitical shifts, is needed calling on States Parties and the broader community to actively engage in wide alliances to address these;
- A strengthening of implementation and implementation support mechanisms, including identifying synergies with other disarmament regimes is critical to effective Convention Implementation, elimination of the weapon, and protection of civilians; a particular focus should be to identify means to strengthen cooperation and assistance to affected states, in benefit of survivors and affected communities.

8. Considering the breath and scope of the concerns raised the President of the 12th Meeting of States Parties, supported by the Implementation Support Unit, propose the convening of a series of Dialogues open to States parties and other stakeholders that reflect on these, with the objective to present concrete actions to the concerns and considerations raised. Based on this, it is also suggested that the President of the Thirteenth Meeting of States Parties, in cooperation with the Troika² and the Coordination Committee, consult and present recommendations for suggested ways forward for consideration by the Thirteenth Meeting in preparations for the Third Review Conference and the next CCM five-year Action Plan.

9. A summary and more information on the CCM stakeholders dialogue is available and can be obtained directly from the CCM Implementation Support Unit.

² Mexico, Philippines, and Lao People's Democratic Republic.