

Review Conference of States Parties to the Convention on Cluster Munitions

... December 2020

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Second Review Conference

Geneva, 25-27 November 2020 and 4-5 February 2021

Agenda item 14

Consideration and adoption of the final document

Interim report of the Second Review Conference

I. Introduction

1. Article 12 of the Convention on Cluster Munitions provides that “a Review Conference shall be convened by the Secretary-General of the United Nations five years after the entry into force of this Convention” and that “further Review Conferences shall be convened by the Secretary-General of the United Nations if so requested by one or more States Parties, provided that the interval between Review Conferences shall in no case be less than five years.” Article 12 also provides that “the purpose of the Review Conference shall be:

- (a) To review the operation and status of this Convention;
- (b) To consider the need for and the interval between further Meetings of States Parties referred to in paragraph 2 of Article 11 of this Convention; and
- (c) To take decisions on submissions of States Parties as provided for in Articles 3 and 4 of the Convention.”

2. Article 12 further provides that “all States Parties to this Convention shall be invited to each Review Conference” and that “States not party to the Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organisations may be invited to attend each Review Conference as observers in accordance with the agreed rules of procedure.”

3. At the Ninth Meeting of States Parties to the CCM, the States Parties decided that the Preparatory Meetings for the Second Review Conference would take place in Geneva on 8 June and 4 September 2020 and that the Second Review Conference would take place from 16 to 20 November 2020 at the Palais des Nations in Geneva, unless its President decided at a later stage to host the meeting in another venue, in accordance with paragraph 30 (d) of the Final Report of the Review Conference (CCM/CONF/2015/7).

4. At the same Meeting, the States Parties also designated Mr. Félix Baumann, Ambassador and Permanent Representative of Switzerland to the Conference on Disarmament, as President of the Second Review Conference. In accordance with the decision taken at the First Review Conference, his term commenced on the day following the conclusion of the Ninth Meeting of States Parties until the last day of the Second Review Conference.

5. By operative paragraph 8 of resolution 74/62, the General Assembly requested the Secretary-General to convene the Second Review Conference of States Parties to the Convention on Cluster Munitions and to continue to render the necessary assistance and to provide such services as may be necessary to fulfil the tasks entrusted to him by the

Convention and the relevant decisions of the First Review Conference. Accordingly, the Secretary-General of the United Nations convened the First and Second Preparatory Meetings and the Second Review Conference and invited all States Parties, as well as States not parties to the Convention, to participate in the Meetings.

6. Due to the impact of the COVID 19 related measures, the First Preparatory Meeting planned on 8 June 2020 could not take place. On that day, the President held an informal virtual briefing through WebEx instead. Through a silence procedure that lasted from 29 May to 4 June 2020, the States Parties agreed to postpone the date of this Meeting, which was subsequently confirmed through a further silence procedure that lasted from 9 to 16 June 2020, as 29 June 2020. The First Preparatory Meeting was therefore held on that date.

7. The Second Preparatory Meeting took place on 4 September 2020.

8. Following a silence procedure that lasted from 6 to 13 February 2020, States Parties agreed that the Second Review Conference would take place from 23 to 27 November 2020. Following a silence procedure that lasted from 6 to 10 November 2020, States Parties agreed that the Second Review Conference would take place in two parts: from 25 to 27 November 2020 in virtual format and from 4 to 5 February 2021 in hybrid format at the Palais des Nations in Geneva, Switzerland.

II. Organization of the Second Review Conference

9. The first part of the Second Review Conference of States Parties to the Convention on Cluster Munitions was held in Geneva from 25 to 27 November 2020.

10. Ms. Sheila N. Mweemba, Director of the Implementation Support Unit (ISU) of the Convention on Cluster Munitions, participated in the work of the Conference.

11. Ms. Silvia Mercogliano, Political Affairs Officer, Conference on Disarmament Secretariat and Conference Support Branch of the United Nations Office for Disarmament Affairs served as Secretary of the Conference.

12. The following States Parties to the Convention participated in the work of the Conference: Afghanistan, Albania, Australia, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Ecuador, El Salvador, France, Germany, Holy See, Honduras, Iraq, Ireland, Italy, Japan, Lao People's Democratic Republic, Lithuania, Madagascar, Maldives, Malta, Mauritania, Mexico, Montenegro, Namibia, Netherlands, New Zealand, Nicaragua, North Macedonia, Norway, Panama, Paraguay, Peru, Philippines, Portugal, Republic of Moldova, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, State of Palestine, Sweden, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia [...]

13. The following States signatories to the Convention participated in the work of the Conference as observers: Angola, Cyprus, Indonesia [...]

14. Argentina, Armenia, Azerbaijan, China, Finland, Kazakhstan, Libya, Morocco, Myanmar, Serbia, Sudan, Thailand, Yemen, [...] also participated in the work of the Conference as observers.

15. The Cluster Munition Coalition, Geneva International Centre for Humanitarian Demining (GICHD), International Committee of the Red Cross (ICRC), International Federation of Red Cross and Red Crescent Societies (IFRC), United Nations Mine Action Service (UNMAS) and United Nations Office for Disarmament Affairs (UNODA) [...] also participated in the work of the Conference as observers, pursuant to rule 1 (2) of the rules of procedure.

16. The European Union, Handicap International, James Madison University, Mines Advisory Group (MAG), Norwegian People's Aid and The HALO Trust [...] also took part in the work of the Conference as observers, pursuant to rule 1 (3) of the rules of procedure.

III. Work of the Second Review Conference

17. On 25 November 2020, the first part of the Second Review Conference was opened by Mr. Félix Baumann, Ambassador and Permanent Representative of Switzerland to the Conference on Disarmament and President of the Second Review Conference.
18. The Conference held nine formal plenary meetings in virtual format.
19. On 25 November 2020, Ms. Izumi Nakamitsu High Representative for Disarmament Affairs, delivered a video message to the Conference.
20. On the same day, Mr Chue Por, a cluster munitions survivor, delivered a video message to the Conference.
21. On the same day, the Conference confirmed Ms. Radha Day, Chief of Service, a.i., Conference on Disarmament Secretariat and Conference Support Branch of the United Nations Office for Disarmament Affairs, as Secretary-General of the Conference.
22. On the same day, and pursuant to the recommendation of States Parties at the First Preparatory meeting, the Netherlands, Germany, Nicaragua and Sri Lanka were elected Vice-Presidents of the Conference.
23. The provisional agenda, (CCM/CONF/2020/1) and provisional programme of work for the first part of the Conference (CCM/CONF/2020/16) were circulated by the Secretariat prior to the Conference and were subsequently adopted by the Conference on 25 November. On the same day, the Conference also confirmed the rules of procedure as contained in document CCM/MSP/2010/3, *mutatis mutandis*.
24. A list of documents submitted to the first part of the Second Review Conference is contained in the annex to this report. These documents are available through the United Nations Official Documents System (<http://documents.un.org>).

IV. Decisions and recommendations

25. The Conference thanked Switzerland for its efforts that led to the adoption of General Assembly resolution 75/43 entitled “Implementation of the Convention on Cluster Munitions”, which was adopted without any votes against for the first time.
26. The Conference welcomed the accession of Maldives, Niue and St. Lucia as well as the ratification of Sao Tome and Principe and reiterated the importance of universalization efforts. The Conference also expressed its appreciation for the efforts made by Chile and the Philippines as Coordinators on Universalization. The Conference considered the progress and challenges to the Convention's universalization and welcomed the steps outlined by the coordinators on Universalization in the paper entitled “Ways Forwards on Universalisation of the Convention on Cluster Munitions (CCM/CONF/2020/12).
27. The Conference welcomed the continued progress registered in stockpile destruction which saw the number of States Parties with this obligation reduced from 13 in 2015 to five in 2020. The Conference also thanked Australia and Austria, Coordinators on Stockpile Destruction and Retention, for the efforts in advancing implementation of this obligation.
28. The United Kingdom of Great Britain and Northern Ireland, having declared its compliance with Article 3 at the Fifth Meeting of States Parties, informed States Parties that previously unknown stockpiles had been discovered by a private organisation and reported to its Ministry of Defence, and that a provisional plan for destruction of these previously unknown stockpiles was underway and was expected to be completed before the Tenth Meeting of States Parties.
29. The Conference assessed the request submitted by Bulgaria for an extension of its deadline to complete the destruction of all its cluster munition stockpiles in accordance with Article 3.2 of the Convention and recommended to take a decision to grant the request for an extension until 1 October 2022.

30. In recommending to take a decision to grant the request, the Conference acknowledged Bulgaria's compliance with the recommendations of the Ninth Meeting of States Parties (9MSP) by providing a detailed project management and work plan in its updated extension request to be considered at the Second Review Conference.

31. In recommending to take a decision to grant the request, the Conference noted that Bulgaria had selected a contractor and provided a work plan for the destruction of Lots 1 and 2 that is workable and lends itself to be monitored. The Conference recommends that Bulgaria provide a work plan for Lot 3 of similar detail as soon as it is possible.

32. In recommending to take a decision to grant the request, the Conference commended Bulgaria for securing the necessary funding to destroy all the cluster munitions held by the Bulgarian Armed Forces.

33. In recommending to take a decision to grant the request, the Conference noted that Bulgaria had highlighted possible delays to transportation and destruction activities that could occur due to the COVID-19 pandemic.

34. In this regard, the Conference noted that the Convention would benefit from Bulgaria reporting annually through Article 7 reports and at Meetings of States Parties on the following:

- (a) Progress made on the destruction of its cluster munition stockpiles relative to the projections Bulgaria made in its extension request;
- (b) Updated information on the use of its retained submunitions;
- (c) Detailed work plan for the subsequent year;
- (d) Other relevant information.

35. In addition to reporting as requested above, the Conference noted the importance of Bulgaria keeping the States Parties regularly apprised of other pertinent developments regarding the implementation of Article 3 during the period covered by the request and other commitments made in the request at Meetings of States Parties as well as through its Article 7 reports due before 30 April every year.

36. The Conference assessed the request submitted by Peru for an extension of its deadline to complete the destruction of all its cluster munition stockpiles in accordance with Article 3.2 of the Convention and recommended to take a decision to grant the request for an extension of 37 months until 1 April 2024.

37. In recommending to take a decision to grant the request, the Conference noted that Peru had highlighted the obstacles it has encountered in the implementation of its Article 3 obligations and how it has adequately mitigated these challenges.

38. In recommending to take a decision to grant the request, the Conference noted that Peru had provided a practical work plan that would ensure the full and expedient implementation of its Article 3 obligations.

39. In recommending to take a decision to grant the request, the Conference commended Peru for securing the necessary technical and financial assistance necessary to destroy all the cluster munitions held by the Peruvian Air Force.

40. In recommending to take a decision to grant the request, the Conference noted that Peru highlighted factors which could impact the implementation of the destruction activities such as the remoteness of the air bases, the deficit of trained personnel, weather conditions, natural disasters and the COVID-19 Pandemic. The Conference encouraged Peru to continue informing States Parties on the developments in this regard.

41. In this regard, the Conference noted that the Convention would benefit from Peru reporting annually through Article 7 reports and at Meetings of States Parties on the following:

- (a) Progress made relative to the projections Peru made in its extension request;
- (b) Updated information on remaining stockpiles;

- (c) Updated detailed plan for the subsequent year, if possible, for the following years;
- (d) Resource mobilization efforts including external financing received, and resources made available by the Government of Peru to support implementation efforts;
- (e) Other relevant information.

42. The Analysis Group welcomed Peru's close and continued contact with the CCM coordinators on stockpile destruction and the ISU. In this regard, the Analysis Group strongly encouraged Peru to inform States Parties as soon as possible should there be any impediment to the implementation of its work plan and to provide such information in a timely manner.

43. The Analysis Group noted the importance, in addition to Peru reporting to the States Parties as noted above, of keeping the States Parties regularly apprised of other pertinent developments regarding the implementation of Article 3 during the period covered by the request at Meeting of States Parties.

44. The Conference expressed appreciation for the work of Afghanistan and Sweden, Coordinators on Clearance and destruction of cluster munition remnants and risk reduction education and welcomed progress in this area for the efforts to engage with States Parties with Article 5 commitments to advance implementation of this obligation.

45. The Conference also welcomed the declaration of compliance by Croatia and Montenegro with regard to their Article 4 clearance obligations ahead of their 1 August 2020 deadline and for the submission of a voluntary "declaration of compliance with Article 4 of the Convention."

46. The Conference assessed the request submitted by Bosnia and Herzegovina for an extension of its deadline for completing the clearance and destruction of cluster munition remnants in accordance with Article 4.1 of the Convention, and recommended to take a decision to grant the request for an extension of 18 months until 1 September 2022.

47. In recommending to take a decision to grant the request, the Conference noted that Bosnia and Herzegovina had highlighted factors which could reduce the clearance rate such as that of mixed contamination by mines and cluster munitions as well as the mixed contamination by depleted uranium and cluster munitions. The Conference acknowledged that while Bosnia and Herzegovina had taken these challenges into consideration in its work plan.

48. In this regard, the Conference noted that the Convention would benefit from Bosnia and Herzegovina reporting annually through Article 7 reports due before 30 April every year and at the Tenth Meeting of States Parties on the following:

- (a) Progress made by Bosnia and Herzegovina on the implementation of the work plan provided in its extension request;
- (b) Resource mobilization efforts including external financing received, and resources made available by Bosnia and Herzegovina to support implementation efforts;
- (c) Other relevant information.

49. In addition to reporting as requested above, the Conference noted the importance of Bosnia and Herzegovina keeping the States Parties regularly apprised of any other pertinent developments as necessary.

50. The Conference assessed the request submitted by Chile for an extension of its deadline for completing the clearance and destruction of cluster munition remnants in accordance with Article 4.1 of the Convention, and recommended to take a decision to grant the request for an extension of 12 months up to 1 June 2022 pending the provision of a detailed work plan and budget to be included in a subsequent extension request to be considered at the Tenth Meeting of States Parties.

51. In recommending to take a decision to grant the request, the Conference noted that the technical survey should provide a clear baseline on the remaining cluster munition contaminated areas to be cleared.

52. In recommending to take a decision to grant the request, the Conference recommended that Chile regularly reports to States Parties on the outcomes of the technical survey and provides a costed workplan, resource mobilization plan, and annual work schedule broken down by month for the next extension period.

53. In this regard, the Conference noted that the Convention would benefit from Chile reporting annually through Article 7 reports and at Meetings of States Parties on the following:

- (a) Progress made relative to the technical survey to be undertaken as indicated in its extension request;
- (b) Updated information on remaining contamination based on the findings of the technical survey;
- (c) A detailed work plan and budget for the subsequent year;
- (d) Resource mobilization efforts including international cooperation and assistance received, and resources made available by the Government of Chile to support implementation efforts;
- (e) Other relevant information.

54. In addition to reporting as requested above, the Conference noted the importance of Chile keeping the States Parties regularly apprised of other pertinent developments regarding the implementation of Article 4 during the period covered by the request and other commitments made in the request at Meetings of States Parties as well as through its Article 7 reports due before 30 April every year.

55. The Conference assessed the request submitted by Lebanon for an extension of its deadline for completing the clearance and destruction of cluster munition remnants in accordance with Article 4.1 of the Convention and recommended to take a decision to grant the request for an extension until 1 May 2026.

56. In recommending to take a decision to grant the request, the Conference noted that Lebanon highlighted factors which could limit the amount of land cleared on an annual basis such as diversion of funding and the problem of difficult terrain and adverse weather conditions. The Conference acknowledged that while Lebanon had taken these challenges into consideration in its plan, not all contingencies can be predicted.

57. In recommending to take a decision to grant the request, the Conference commended Lebanon's commitment to performing non-technical survey (NTS) and technical survey (TS) as required, and recommends Lebanon to regularly report to States Parties on the outcomes and to provide an updated workplan, schedule and budget that takes into account the prevailing circumstances.

58. In this regard, the Conference noted that the Convention would benefit from Lebanon reporting annually through Article 7 reports and at Meetings of States Parties or Review Conferences on the following:

- (a) Progress made relative to the projections Lebanon made in its extension request;
- (b) Updated information on remaining contamination;
- (c) Updated detailed plan for the subsequent year, if possible, also for the following years;
- (d) Resource mobilization efforts including external financing received, and resources made available by the Government of Lebanon to support implementation efforts;
- (e) Information on Lebanon's efforts on addressing the challenge of difficult terrain before the end of the extension period;
- (f) Other relevant information.

59. In addition to reporting as requested above, the Conference noted the importance of Lebanon keeping the States Parties regularly apprised of other pertinent developments

regarding the implementation of Article 4 during the period covered by the request and other commitments made in the request at Meetings of States Parties or Review Conferences as well as through its Article 7 reports due before 30 April every year.

60. The Conference expressed appreciation for the efforts undertaken by Spain and Mexico as the Coordinators on Victim Assistance, in taking forward this work which had, inter alia, resulted in the establishment of a National Focal Point Database as a platform for national focal points to exchange lessons learnt and good practices in the implementation of their article 5 obligations.

61. The Conference also commended the efforts of Montenegro and the Netherlands, as the Coordinators on Cooperation and Assistance, for their work in enhancing partnerships between States Parties in need of assistance and those States and other partners in a position to provide the required assistance.

62. Acknowledging that initial and annual national reporting is a critical obligation under article 7 of the Convention in its role as a key instrument of measuring implementation, the Conference took note that in 2019 all four States Parties with initial reporting deadlines (Gambia Namibia, Philippines and Sri Lanka) had submitted their initial transparency reports on time. Additionally, during the same period the number of overdue initial transparency reports had reduced from 13 in 2018 to 7 in 2020. The Conference thanked Iraq, in its capacity as Coordinator on Transparency Measures, for the intensive work throughout the year that had led to such positive results.

63. Recalling the importance for States Parties to comply with the provisions of Article 9 of the Convention, the Conference expressed appreciation for the continued work done by New Zealand, in its capacity as Coordinator on National Implementation Measures over several years, which has led to a continuous increase in the number of States Parties reporting extensively on legal, administrative and other measures taken to implement the Convention.

64. Ms. Sheila N. Mweemba, Director of the ISU, presented the ISU budget and workplan for the period 2021-2025 (CCM/CONF/2020/2), and the ISU budget and workplan for 2021 (CCM/CONF/2020/3). The Conference approved the ISU budget and workplan for 2021. The Conference also recommended to take a decision to approve the ISU budget and workplan for the period 2021-2025.

65. Ms. Mweemba also presented the 2019 annual report of the ISU (CCM/CONF/2020/4). The Conference welcomed that the annual work plan had been implemented as approved and commended the consistent prudent use of the ISU Trust funds.

66. The Conference also agreed that the 2022 ISU budget and work plan would be submitted sixty days prior to the Tenth Meeting of States Parties and that the Director of the ISU would continue to submit reports on the work undertaken by the ISU annually.

67. The Conference also took note of the presentation of the document entitled “Elements for the decision on the Convention’s machinery” (CCM/CONF/2020/CRP.21) submitted by the President, understanding that the document does not prejudge the substantive decisions to be taken on this matter in the second part of the Conference.

68. The Conference reaffirmed the importance of the principle of multilingualism and of its respect and resolved to take this discussion further during its second part on 4 and 5 February 2021.

69. On 27 November 2020, Ms. Mercogliano, Secretary of the Conference, presented the financial status of the Convention. Ms. Mercogliano informed States Parties of the level of arrears and current financial status of the Convention, recalling that this information is also available on the financial dashboard on the financial website of the United Nations Office for Disarmament Affairs in Geneva.

70. In this context, the Conference took note of the presentation of the document entitled “Elements for the decision on measures to address the financial predictability and sustainability of United Nations assessed contributions” (CCM/CONF/2020/CRP.2) submitted by the President, in accordance with the recommendations of the Ninth Meeting of States Parties to conduct consultations on “Possible measures to address financial

predictability and sustainability of the Convention on Cluster Munitions”, understanding that the document does not prejudge the substantive discussion to be taken on that matter in the second part of the Conference.

71. The Conference also approved the estimated costs of the Tenth Meeting of States Parties as contained in document CCM/CONF/2020/WP.2.

72. At its ninth plenary meeting, on 27 November 2020, the Review Conference adopted its interim final report, as contained in CCM/CONF/2020/CRP.8/Rev.1, as orally amended, to be issued as document CCM/CONF/2020/17.

Advance copy

Annex

List of documents submitted to the first part of the Second Review Conference of the States Parties of the Convention on Cluster Munitions

<i>Symbol</i>	<i>Title</i>
CCM/CONF/2020/1	Provisional Agenda for the Second Review Conference
CCM/CONF/2020/2	Convention on Cluster Munitions Implementation Support Unit 2021-2025 Work Plan and Budget
CCM/CONF/2020/3	Convention on Cluster Munitions Implementation Support Unit 2021 Work Plan and Budget
CCM/CONF/2020/4	Implementation Support Unit 2019 Annual Report
CCM/CONF/2020/5	Analysis of Bulgaria's request of deadline extension under Article 3 of the Convention on Cluster Munitions
CCM/CONF/2020/6	Analysis of Peru's request of deadline extension under Article 3 of the Convention on Cluster Munitions
CCM/CONF/2020/7	Analysis of Lebanon's request of deadline extension under Article 4 of the Convention on Cluster Munitions
CCM/CONF/2020/8	Analysis of Chile's request of deadline extension under Article 4 of the Convention on Cluster Munitions
CCM/CONF/2020/9	Estimated costs of the Tenth Meeting of States Parties of the Convention on Cluster Munitions
CCM/CONF/2020/10	Reflections and options regarding the Convention's machinery
CCM/CONF/2020/11	Elements on possible measures to address the financial predictability and sustainability of United Nations assessed contributions
CCM/CONF/2020/12	Ways Forward on Universalization of the Convention on Cluster Munitions
CCM/CONF/2020/13	Review Document of the Dubrovnik Action Plan
CCM/CONF/2020/14	Informal draft - Lausanne Action Plan
CCM/CONF/2020/15	Analysis of Bosnia and Herzegovina's request of deadline extension under Article 4 of the Convention on Cluster Munitions
CCM/CONF/2020/16	Provisional programme of work for 25-27 November 2020
CCM/CONF/2020/17	Interim report of the Second Review Conference
CCM/CONF/2020/CRP.8	Draft Interim report of the Second Review Conference

<i>Symbol</i>	<i>Title</i>
CCM/CONF/2020/WP.1	Lausanne Declaration
CCM/CONF/2020/WP.2	Estimated costs of the Tenth Meeting of States Parties of the Convention on Cluster Munitions
CCM/CONF/2020/WP.3	Estimated costs of the Tenth Meeting of States Parties of the Convention on Cluster Munitions
CCM/CONF/2020/CRP.1	Elements for the decision on the Convention's machinery
CCM/CONF/2020/CRP.2	Elements for the decision on measures to address the financial predictability and sustainability of United Nations assessed contributions
CCM/CONF/2020/CRP.3	Draft Decision on the Article 3 Extension Request submitted by Bulgaria
CCM/CONF/2020/CRP.4	Draft Decision on the Article 3 Extension Request submitted by Peru
CCM/CONF/2020/CRP.5	Draft Decision on the Article 4 Extension Request submitted by Bosnia and Herzegovina
CCM/CONF/2020/CRP.6	Draft Decision on the Article 4 Extension Request submitted by Chile
CCM/CONF/2020/CRP.7	Draft Decision on the Article 4 Extension Request submitted by Lebanon
CCM/CONF/2020/INF.1	List of participants
CCM/CONF/2020/MISC.1	Provisional list of participants
[...]	
