

Statement by the Presidency of the Convention on Cluster Munition (CCM) on its priorities and results achieved since taking up office at the 6.MSP and expectations for the 7.MSP

Let me start by stating that it was a great honor and privilege for Germany and for me personally to have been elected as the President of the CCM and chair of the 7 MSP. I would like to thank all those who have placed their trust in our conduct of the office and notably those who have so actively supported it as during the last year, this regards first and foremost the countries and colleagues represented in the coordination committee, the team of the ISU and the disarmament directorate of UNOG. I want to highlight in this context that in light of the absence of a dedicated intersessional process the work of the coordination committee backed by a very capable and committed ISU constitutes the backbone of the convention's activities throughout the year. I can say that it was a pleasure working with all of its members in a spirited atmosphere to promote the cause of our convention.

During our Presidency we tried to identify areas and issues where we felt Germany could make a difference when it comes to achieving the overall objectives of the convention. It was our particular desire to engage in activities which we deemed were having the potential to increase the humanitarian purview of the convention and further the goal of universalization. To this end we consulted with important actors ranging from NGO's to international organizations as well as states in and outside the convention.

In this context we pursued the concept of so called Country Coalitions to Promote the Implementation of the Convention on Cluster Munitions in an individualized manner. You will find a more detailed description of this endeavor in document CCM/MSP/2017/8. However, let me briefly outline the key features of this undertaking and its key results.

As the Convention on Cluster Munitions does not have a dedicated implementation mechanism to assist countries in need of assistance with the implementation of their treaty obligations, we launched an initiative that builds on a country specific approach and comprehensive cooperation. It supports the work of the coordinators on international cooperation and assistance to facilitate closer and more targeted donor state – recipient state cooperation and helps target countries to fulfil their respective obligations. This individualized approach called “country coalitions” shall notably promote mine action, including the destruction and clearance of cluster munitions in particularly affected States Parties as well as facilitate improved assistance to victims of cluster munitions and land

release. Ideally, all countries should be in a position to contribute to country coalitions as a means to further the implementation of the CCM.

In order to conceptualize and promote the concept a number of informal meetings and seminars were organized by the Presidency in areas with significant cluster munition contamination (South East Asia and South East Europe). The regional meetings in Bangkok (March 2017, financed by the EU) and in Zagreb /RACVIAC (June 2017, financed by the Presidency) were designed to test the viability and attractiveness of the concept in a reality based context and brought together interested donor states, international organizations, operators on the ground and other relevant experts. The meetings notably served to identify

- the concrete challenges in terms of destruction and clearance of cluster munitions
- possible activities/programs to overcome these challenges
- actors to assist an affected country in the implementation of CM-activities/programs.

The country coalition concept was also actively promoted by the coordinators on international cooperation and assistance (Australia and Iraq) on a number of occasions, including the June 2017 Inter-sessional meeting of the APMBC in the form of a dedicated informal closed meeting.

We expect that after the concept phase the Coordination Committee will in the future identify potential target countries including both states parties to address concrete challenges like contamination, stockpile destruction and victims' assistance. If this concept works it might be envisaged to extend it as a next step to affected non-state parties, notably those suffering from a more general and complex contamination of explosive remnants of war, something which might facilitate accession to the convention.

Against the unfortunate trend of rising use and victims from cluster munitions world-wide, as also documented in this year's cluster munition monitor, we identified as an another operational focus the need to improve communication channels with relevant non-States Parties. The objective was to address some current topical challenges regarding mainly recent use, export and presence of cluster munition in military doctrines. All together 12 informal meetings with 17 non-state parties - among them all major producer of cluster munitions and holders of stocks - took place.

In the informal meetings, the Presidency highlighted the evolving universally accepted legal norm originating from the expanding convention and emphasized in particular the humanitarian objective of the convention. Our primary goal was to learn more about non-members position concerning cluster munition, inter alia:

- What is the major rationale behind this position?
- How does the country in question see the CCM and in which context does it place its work?
- Is there a possibility for the country in question to contribute to the main humanitarian objective of the convention (prevent undue suffering the protection of civilians)?
- Are there possible intermediate steps to compliance or even future accession?
- Would the country in question be interested in maintaining a regular and more formal dialogue with the CCM?

Furthermore a number of possible additional steps were discussed in order to enhance the humanitarian objectives of the convention:

- Adoption a moratorium on the use of all cluster munitions
- Adoption a moratorium on the production and export of cluster munitions
- Provision of information about existing cluster munition stocks; development of a plan for and begin destruction
- A vote in favor of the relevant UNGA resolution
- Submission of a voluntary Article 7 transparency report with all relevant information
- Elaboration and making public of an action plan with steps to take to ratify/accede

Regarding the humanitarian impact of cluster munitions both relevant producers and holders of stockpiles acknowledged the humanitarian consequences of the use of cluster munitions when used in populated areas. All non-states parties with whom the Presidency met indicated that in case of possible use of cluster munitions there would be a thorough assessment of the proportionality and necessity preceding such a decision. Of the major producers some signaled either a stop of production or thorough consideration of the utility of cluster munitions with regard to the development of future weapons systems. They notably acknowledged the need to eliminate or significantly lower the risk of unexploded ordnance or other explosive remnants of war. There was also a high sensitivity regarding the trade of cluster munitions and notably the need to stop trading outdated munitions as they constitute a particular risk to civilian populations due to the high incidence of unexploded bomblets.

Regarding alleged recent use of cluster munition respective actors acknowledged the international attention accorded to this issue and the latter's impact on military decision making.

Some non-state parties continued to reflect over the possibility to address the issue of cluster munitions in an additional protocol of the CCW which in their eyes would allow for a more universal approach and could help target the most lethal effects of cluster munitions on civilian populations.

The non-state parties addressed cited various political, military and financial reasons for not acceding to the CCM, among others the need to act in conformity with military alliances and doctrines, financial constraints, the need for effective area defense and the specific military utility in specific security environments. Regarding the perceived military utility of cluster munitions including the perceived value of cluster munitions for area defense some of the involved non-states parties voiced the interest of a dedicated Military to Military exchange on this issues. A first workshop to share specific experiences of the transition away from cluster munitions was organized as a concrete follow up of the dialogue by the Presidency, together with Switzerland, Austria France, the United Kingdom and the GICHD. The format allowed for an in depth inter-military exchange of views between military personnel in and outside of the convention. The dialogue was assessed as very useful by all participants and there was even the wish to continue with this kind of activity in the future.

As the Presidency we also undertook some specific efforts to promote universalization of the convention, which will be further elaborated on in our national statement.

Last but not least I would like to mention the efforts we have undertaken to raise and improve synergies between our convention and the Convention on Anti-Personal and Landmines. To this end we conducted a focused meeting between the Presidencies of both conventions and the respective ISU's plus GICHD which led to one dedicated event on land clearance in the margins of the APMBC-intersessional on 7.June 2017. Let me highlight also in this context the excellent collaboration with GICHD whose extraordinary role in supporting our both conventions cannot be underestimated. The discussion which we initiated is also reflected in the document CCM/MSP/2017/6.

Distinguished delegates, ladies and gentlemen,

With after this summary I would like wrap up by briefly voicing my expectation for a smooth conduct of this meeting of states parties. I am convinced that with our work we can make a difference and contribute to reducing human suffering and death. With this we can give a direct impetus to the further development and strengthening of international law. I very much hope for lively debate of the issues on the agenda. I count on a constructive attitude by all participants in order to pave the way for a substantive outcome.