

# Convention on Cluster Munitions

17 September 2024

English only

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Twelfth Meeting of States Parties  
Geneva, 10-13 September 2024

## Minutes of the CCM Stakeholder Consultation Dialogue

**Date: 4 September 2024, Time: 09:00 to 12:30 hours**

**Location: Conference Room 6A, Tower 3, Maison de la Paix, Geneva**  
**Mode: Hybrid meeting**

The meeting focused on assessing and strengthening the norms of the Convention on Cluster Munitions (CCM) amidst increasing challenges. Representatives from civil society, states and international organizations gathered to assess, and address both political and practical obstacles facing the Convention in the current geopolitical climate.

**Moderator: Ms. Sara Sekkenes-Tollefsen**

### Key speakers:

**Mr. John Borrie** - Disarmament affairs at MFA New Zealand, previously longtime research fellow at UNIDIR with humanitarian disarmament as specialised competency field.

**Col. Jim Burke** - Director of Engineering of the Irish Defence Forces from 2012 to 2021 and acted as an adviser on conventional weapons issues to the Irish Department of Foreign Affairs from 1995-2021. During the CCM process (2007-08) he acted as Friend of the Chair on Clearance (Article 4) and on Definitions (Article 2), other than those of a cluster munition and cluster munitions victims. He also acted as Friend of the Chair in the CCW process on cluster munitions from 2007-11.

**Ms. Tamar Gabelnick** - Director ICBL/CMC.

**Amb. Steffen Kongstad** - More than 40 years in the Norwegian foreign service mostly working on security policy and humanitarian affairs, and now associated with the Norwegian Academy of International Law (NAIL) and the Norwegian People's Aid.

**Mr. Richard Lennane** - Disarmament Adviser at ICRC, Legal Arms and Conduct of Hostilities Unit with previous extensive knowledge and experience from the Biological Weapons Convention.

**Mr. Magnus Løvold** - Staff member at Lex International. If you wish to mention that I've previously been at the ICRC and the Norwegian MFA that's totally fine, but probably more relevant in terms of background that I've been involved in several treaty-making processes, including the TPNW and, more recently, the ongoing process towards a treaty on plastic pollution (as you already note below).

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\* The present document is being issued without formal editing.



**Mr. Richard Moyes** - Director of UK-based NGO Article 36. Richard has worked on the creation of a number of international legal and political instruments relating to weapons and violence - including the Convention on Cluster Munitions, the Safe Schools Declaration the Treaty on the Prohibition of Nuclear Weapons and the political declaration on explosive weapons. Previously Richard worked in the mine action sector.

**Dr. Jago Salmon** - Development policy, programming and management expert with a focus on crisis-affected and fragile settings, Jago has served in a number of roles with the UN in headquarters and the field including Afghanistan, CAR, Somalia, South Sudan, and Yemen and is currently a senior advisor to the DSRSGs in CAR and in Haiti. Jago is the co-author of the joint UN-World Bank report Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict (World Bank, 2018), a contributing author of Soldiers and Citizens: Military Coups And The Need For Democratic Renewal In Africa (UNDP, 2023), and (Re)Building Core Government Functions in Fragile and Conflict Affected Settings (United Nations/World Bank, 2017).

## I. Opening remarks

Ms. Pamela Moraga, Director of the CCM Implementation Support Unit (ISU), opened by welcoming participants and acknowledging the busy schedule of meetings in Geneva. She highlighted the importance of preparing for the upcoming 12<sup>th</sup> Meeting of States Parties (12MSP) and setting the groundwork for the Third Review Conference (3RC) scheduled in 2026, with a focus on the Lausanne Action Plan (LAP) and Lausanne Declaration. She emphasized the need to refocus attention on the Convention amid growing challenges, such as Lithuania's potential withdrawal and allegations of sanctioned cluster munition transfers by States Parties. She stressed the urgency of addressing financial issues and transparency as key to the Convention's implementation, while urging critical assessment of stigmatization and the broader International Humanitarian Law (IHL) framework. As the new ISU Director, Ms. Moraga reiterated her committed to supporting States Parties in meeting their obligations, especially in the lead up to 3RC.

Ms. Moraga introduced Ms. Sara Sekkenes-Tollefsen as the meeting's moderator and highlighted Ms. Sekkenes-Tollefsen's role in the United Nations Development Programme (UNDP) as the interim Implementation Support Unit (ISU) prior to the formal establishment of the ISU.

Ms. Sekkenes-Tollefsen expressed gratitude to participants and emphasized the need to maintain focus on discussions leading up to the MSP and Review Conference. She shared her background, including her work in civil society and the United Nations, noting the personal significance of the Convention. Acknowledging current challenges, she stressed the goal of fostering a genuine dialogue rather than traditional presentations, encouraging participants to engage under the Chatham House Rule. and introduced the first speaker.

## II. Key discussions

### **The critical role of international humanitarian law in conflict management**

The speaker highlighted the historical success of multilateral conflict management, which emerged in the 1990s after the international system's failure to effectively respond to the conflicts in Yugoslavia and Rwanda. He explained that a regime of conflict management was established, providing humanitarian relief, mediation, peacekeeping and reconstruction, with adherence to IHL being key to its success. Over the following decades, this regime helped reduce global conflict levels, but since 2011, conflicts have surged again, alongside civilian casualties and displacement, driven by the use of modern state weaponry in densely populated areas. He emphasized that explosive ordnance in urban areas is the single largest factor behind the rise in civilian deaths.

The speaker also stressed that IHL is more than just a framework for military technology and also shapes the morality of conflict. Drawing from experience in Bosnia, he underscored how

the legacy of violence and trauma from indiscriminate weapon use continues to divide communities decades later. He opposed strongly against the current discourse suggesting the revision of IHL norms, arguing that in a time of heightened insecurity and record military spending, IHL remains a crucial guardrail for how wars are fought and measured.

Ms. Sekkenes-Tollefsen noted the importance of adhering to IHL as a moral and practical guardrail in conflicts, which directly affects the likelihood of peace and the safety of civilian populations. Highlighting from the Protection Report, a staggering rise in civilian casualties, from 300,000 to 3 million people in Ukraine alone, suffering from temporary or permanent disabilities, that in line with CRPD commitments of integrated and non-discriminatory assistance will require an unprecedented scale up of physical and psychosocial medical support and rehabilitation, she stressed that addressing the consequences of cluster munitions is not just about preventing their use but also about managing their short- and long-term effects, which remain uncertain and wide-reaching. She then introduced the next speaker.

### **Reducing harm from war and proliferation of prohibited weapons**

The speaker discussed the ICRC's mission to minimize the harm caused by war, a goal pursued for over 160 years. He highlighted the importance of IHL in protecting civilians and reducing the long-term damage of conflict, acknowledging that while war is inevitable, efforts can be made to mitigate its impact on humanity. He emphasized that IHL, including treaties like the Geneva Conventions, the CCM and the Biological Weapons Convention (BWC), form a continuous effort to protect civilians by prohibiting and removing harmful weapons. He noted the challenge of ensuring compliance and the importance of expanding and reinforcing these laws to prevent the misuse of weapons and to build a global norm against their use, stressing that eliminating such weapons is crucial for protecting civilian lives and reducing suffering.

The speaker addressed the robustness of the BWC noting that while the BWC has established a strong global norm against biological weapons, despite its lack of verification mechanisms, the CCM faces challenges in achieving similar global consensus. He used Lithuania as an example, where there have been considerations to reserve the right to use cluster munitions, despite their comparable humanitarian concerns and long-lasting effects to biological weapons. This comparison underscored the need for a similar level of global commitment and enforcement to prevent the use of all such harmful weapons.

The moderator expressed appreciation for the commentary and emphasized the importance of focusing on protecting civilians from harm. She also noted the importance of understanding the distinction between cluster munitions and other systems, for example, pointing out that adhering to the political declaration of the Explosive Weapons in Populated Areas (EWIPA) does not align with the full obligations of the CCM which prohibits the use of cluster munitions – that per se are explosive – in all theatres. She then introduced the next speaker who has extensive experience with international legal instruments related to weapons and violence, including the CCM and the Treaty on the Prohibition of Nuclear Weapons anticipating insights on how legal norms intersect with humanitarian concerns and the broader normative landscape.

### **Humanitarian harm and legal norms**

The speaker addressed several key themes, starting with the relationship between legal instruments and humanitarian harm. He emphasized the need to maintain a focus on the actual impact on civilians, rather than becoming overly absorbed in legal compliance. Criticizing instances where states prioritize legal arguments, exemplified by the UK's stance on Saudi Arabia's use of cluster munitions as not being legal, over the humanitarian consequences. He highlighted the persistent and severe effects of cluster munitions, including their wide area impact and long-term contamination, particularly affecting children in post-conflict settings.

The speaker also discussed the normative landscape, noting the challenge of counter-normative narratives and the risk of isolated discussions within specific locations, such as Geneva or New York. He stressed the importance of ensuring that conversations about cluster munitions and other humanitarian issues remain connected to broader political discussions

and civil society engagement. The speaker reflected on the need for renewed trust in international legal frameworks and the proactive role of communities in upholding and developing norms, especially in response to new threats and technologies like autonomous weapons.

The moderator emphasized the broader context of the CCM and IHL, noting that while significant progress has been made with the destruction of 1.5 million cluster munitions among states parties to the CCM, many millions more remain among non-state parties wherefore the threat of transfers and transits must be seen as a real risk. She highlighted that some of these munitions, deemed unacceptable by the CCM and viewed as such by also broader groups of states not party, are still being used in conflicts such as in Syria and Ukraine. She pointed to the ongoing debate in certain groups over the military utility of cluster munitions and stressed the importance of diplomatic leadership in advancing normative discussions. This set the stage for the next speaker, who addressed diplomatic strategies that facilitated progress in the past and explored their relevance today.

### **Evolution and challenges of CCM advocacy**

The speaker discussed Norway's persistent advocacy against cluster munitions, noting early efforts in the 1970s that faced little success at the time. The decisive shift came with a shift in government, inspired by the Norwegian Red Cross and Norwegian People's Aid, which committed to banning cluster munitions. Despite challenges in the millennium's political climate and rising counterforces, the speaker highlighted essential elements for effective advocacy: a clear political objective, dedicated individuals and strong partnerships, and flexible funding. He emphasized the importance of evidence and facts in the Oslo process, which leveraged the humanitarian impact of cluster munitions in conflicts in the Balkans and Lebanon. He stressed the preventive effect of the CCM in curbing the proliferation of cluster munitions, noting its role in changing state behaviour and protecting civilians, which is crucial for both humanitarian and national security reasons. He concluded by underscoring the need to reframe IHL as integral to national interest, citing the recent article by Mr. Peter Herby and Tamar Gabelnick on Defense News on the topic.

The moderator highlighted the discrepancy between the positive trend shown in the 2023 cluster munitions resolution vote and the realities on the ground, noting that despite the highest yes vote ever, including Myanmar and Yemen in which CMs recently have been used, only 1 member state voted against, and the number of abstains decreased. She emphasized that a favourable vote alone does not protect civilians nor appear to resolve the challenges and advocated for revisiting the diplomatic toolbox. In this context, she referred to the next speaker, inviting him to share insights on how diplomatic strategies from other treaty processes, such as those for nuclear weapons and plastic pollution, might inform current efforts.

### **The need for stronger defence and awareness based on the case of Lithuania**

The speaker expressed profound surprise at Lithuania's recent decision to withdraw from the CCM, characterizing it as unexpected "bad breaking news". He explored how early warning signs, including statements by Lithuanian officials and social media activity, were overlooked by the disarmament community, leading to a delayed response. He criticized the tendency to dismiss social media as irrelevant and highlighted the need for the community to adapt to new realities by playing defence against populist and authoritarian trends that threaten fundamental humanitarian values. He stressed that the optimistic view of progress in disarmament, based on metrics like ratifications and stockpile destruction, is misguided. Instead, the speaker called for a re-evaluation of strategies and a more robust defence of the principles enshrined in the CCM and similar treaties, emphasizing that these values are essential to both international and national security.

The moderator echoed the critical role of advocacy in the diplomatic toolbox. Introducing the next speaker, she noted his instrumental work during treaty negotiations, including his extensive documentation of the process and maturing positions of groups during the negotiations. She reflected on the difficulties of negotiating the CCM, noting that, although challenging, these negotiations were less fraught compared to the CCW discussions on a draft

protocol 6, where there was a greater need of both offensive and defensiveness arguments required to argue the higher standard of the CCM against a less supportive audience.

### **Reflections on the CCM negotiation process and current challenges**

The speaker reflected on his experience with the CCM process, acknowledging his peripheral role but noting his satisfaction in documenting and analysing the negotiations. He described the dynamic nature of the Oslo Process, highlighting the emergence of a core group of states like Austria, Costa Rica, Norway, and others, who were pivotal in shaping the treaty. He also discussed the importance of civil society in supporting states and developing arguments against the use of cluster munitions.

He addressed current challenges faced by the CCM, including states questioning the treaty's relevance in modern conflicts. He stressed the need for a strong narrative to counter arguments that undermine the CCM's principles, such as Lithuania's recent stance. He emphasized the importance of maintaining high humanitarian standards and cautioned against reopening IHL frameworks, advocating instead for preserving the integrity of established norms.

The moderator highlighted the importance of advocacy and defence of the CCM position in advancing the Convention, noting that this meeting marks the beginning of a series of discussions with this first opportunity aimed at involving key coordinating states charged with moving the Convention forward. She emphasized the need for improved advocacy efforts, noting that the commitment by the 2nd Review Conference 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", (para. 9 of the Lausanne Declaration) appeared somewhat fruitless to date. Drawing on past cooperation advocacy collaboration, she expressed concern over recent setbacks and stressed that advocacy—through the UN, civil society, ICRC, and states, as well as through joint efforts—is crucial to countering new use of cluster munitions.

### **Reviving advocacy and momentum for the CCM: A critical reflection**

The speaker drew on team sports analogies to emphasize the crucial role of collective effort in advancing the Convention. Reflecting on her experience from the early days of the movement and her recent return after an eight-year hiatus, she too observed that the vibrant advocacy and teamwork that characterized the early 2000s seem to be lacking today. She highlighted the significant contributions of civil society, UN field agencies, and research experts in pushing the CCM to fruition. However, she noted a concerning decline in momentum and energy, pointing out the lack of response to recent challenges such as the US transfer of cluster munitions to Ukraine. She called for a revival of the collaborative spirit and state leadership that were pivotal in 2008, stressing the urgency of maintaining strong advocacy and active engagement from all stakeholders to protect the integrity of the CCM and similar humanitarian disarmament instruments.

Moving on, the moderator mentioned an often-stated challenge among diplomats of managing numerous overlapping agendas and limited resources by advocating for a more integrated approach to IHL. She highlighted the need to break down silos between different regimes, such as the Mine Ban Treaty and the CCM, to foster greater collaboration and address common issues more effectively. She then introduced the next speaker to provide insights into the apparent acceptance of out-ruled cluster munitions amongst some parties for contemporary military use and discuss potential alternatives.

### **Military perspectives on cluster munitions and the CCM**

The speaker addressed the ongoing relevance of the CCM from a military standpoint. He emphasized that the core principles underpinning the Convention remain valid and crucial despite evolving warfare technologies. He highlighted the CCM's significant achievements in making armed conflicts safer, particularly through its provisions on stockpile destruction, clearance and victim assistance. These innovations, he argued, set a precedent for other frameworks.

The speaker further noted the increasing reliance on advanced technologies such as guidance systems and drones, which have made modern weapons more effective and reduced the use of cluster munitions also among states not party to the CCM. Despite this, the transfer of cluster munitions to conflict zones, like Ukraine, poses a significant threat, undermining IHL. He criticized the weak arguments supporting the continued use of cluster munitions and stressed the need for stronger adherence to CCM's legally binding obligations. He called for renewed efforts to encourage more states to join the CCM and to counteract the arguments of those seeking to undermine it.

The moderator commented on the apparent double standard regarding the use of weapons in conflict. She noted the trouble of one state avoiding using certain weapons due to IHL concerns whilst implicitly suggesting others to go ahead. She emphasized that IHL should be uniformly applied and highlighted the need for stronger legal compliance and accountability structures in relation to protecting civilians.

The speaker addressed the continuing relevance of the CCM from a military standpoint. He emphasized that the core military and technical principles underpinning the Convention remain valid and crucial despite evolving warfare technologies. He highlighted the CCM's significant achievements in making armed conflicts safer, particularly through its innovative and strong provisions on stockpile destruction, clearance and victim assistance. These innovations, he argued, set an exemplary standard which had been of value in the implementation of other instruments.

The Speaker further noted that evidence from recent and current conflicts points to a growth in advanced guidance systems, drone technologies, and artificial intelligence in various forms all leading to more effective outcomes with unitary weapons or weapons carrying low numbers of sub-munitions.

The Speaker noted that these developments have already reduced the use of cluster munitions among states not party to the CCM. Despite this, the transfer of prohibited cluster munitions to conflict zones, like Ukraine, poses a significant humanitarian threat, undermines IHL. He criticized the weak arguments set out in recent articles that supported the continued use of cluster munitions and advised all NATO countries to withdraw from the CCM. He stressed the need for stronger adherence to CCM's legally binding obligations. He called for renewed efforts to encourage more states to join the CCM and to rebut strongly the arguments of those seeking to undermine it.

### **III. Exchange of views, comments and questions**

A state representative expressed concerns about the Convention's current operational focus, which they feel has become too specialized and fragmented. They noted that the Convention has been overly technical, with significant emphasis on specific obligations at the expense of broader conceptual goals. They highlighted a recurring agenda item on "other matters important for achieving the aims of the Convention", which often lacks substantial discussion from states and suggested this as a possible place for a continuation of this important discussion. The representative called for a more integrated approach that includes general humanitarian perspectives alongside technical details. They suggested that the ISU should be enhanced with specialized components, including military and humanitarian expertise, to create a more holistic framework. Additionally, they emphasized the need for better integration of IHL principles across different disarmament instruments to address the current competition and fragmentation between them.

Another state representative addressed the limitations and challenges in disarmament efforts, noting the absence of major powers like China, India, Brazil and Russia from some discussions. They highlighted the achievement of destroying over 1.5 million cluster munitions but emphasized that significant work remains. The representative cautioned against losing sight of the treaty's core aims and warned against focusing too narrowly on technicalities or "niches within niches". They discussed the dual aspects of IHL: advancing its principles and addressing indiscriminate use, alongside disarmament. Reflecting on the evolution of geopolitical events, they mentioned that Lithuania joined

the CCM in 2011 as a NATO member during a time of relative peace in Europe and partnership with the Russian Federation. However, given the changed circumstance, Lithuania has decided to leave the CCM. This decision, described as final, highlights the need for disarmament and IHL approaches that realistically address current security concerns.

A third state representative offered insights into the current challenges faced in disarmament efforts. She noted that while there is a perception in Geneva that IHL is widely understood, this is not always the case. They pointed out that discussions are sometimes isolated and do not effectively reach the broader audience. The recent decision by Lithuania to leave the CCM, despite being initially downplayed by its Foreign Ministry, highlighted how national security concerns and domestic political pressures can overshadow international commitments. They emphasized the need for better communication platforms to ensure that important messages reach the relevant audiences. Additionally, they referenced the observation by a previous speaker on the difficulty of preserving established norms in the face of evolving geopolitical realities. While norms were thought to be firmly established, maintaining them is proving challenging. They mentioned that new state parties and alliances sometimes view established norms as outdated or irrelevant. This pushback is evident in discussions on various issues, including gender and human rights, and even within IHL itself. They noted that some even argue for a renegotiation of the Geneva Conventions in light of current conflicts, such as in Ukraine, a scenario counter to the very idea of IHL as the lawful parameters for the conduct of hostilities. The state representative concluded that conversations about IHL and disarmament need to extend beyond traditional forums like Geneva and New York to address these evolving perspectives and challenges.

An international organization representative emphasized the need to address complacency in disarmament efforts and reconnect with the core vision behind humanitarian conventions. They noted that recent interactions with Lithuanian officials revealed that the Lithuanian Permanent Mission downplayed the seriousness of its decision to leave the CCM, indicating a gap in understanding and communication. They argued for a return to basic principles, highlighting that the disarmament community has become overly specialized and compartmentalized. This has led to difficulties in integrating discussions across different treaties, such as the Arms Trade Treaty (ATT) and the CCW. The representative stressed that in practical terms, issues like landmines, cluster munitions and improvised explosive devices (IEDs) are often treated similarly in the field, underscoring the need for a holistic, human-centred approach to disarmament.

To address these challenges, they advocated for re-engaging with parliamentarians and military experts to renew fundamental conversations about disarmament and overcome the segmentation that has developed. The representative also noted that the discourse around disarmament has remained static for years and emphasized the need to revitalize discussions and tackle populist views that challenge established norms. Breaking down these silos and fostering broader connections between conventions and stakeholders is crucial for effective disarmament implementation.

In response to the preceding comments, one of the speakers reflected on several key points. He acknowledged the value of the ongoing dialogue and agreed with many of the observations made. He emphasized the importance of avoiding narratives that might justify lower humanitarian standards, referencing a fellow speaker's concept of "splitting the category" to highlight how stakeholders sometimes rationalize actions inconsistent with the CCM. He stressed that the CCM, while primarily a disarmament convention, also intersects with IHL, which applies broadly and without exceptions. He cautioned against treating IHL as applicable only in certain contexts, underlining the need for consistency in upholding humanitarian principles.

Addressing the situation with Lithuania's withdrawal from the CCM, a speaker pointed out that while it may be too late to reverse their decision, there was a collective failure to recognize and respond to the issue sooner. He suggested that stakeholders need to better organize themselves to be more proactive rather than reactive, to avoid future withdrawals or behaviour inconsistent with the Convention. The speaker also highlighted

the critical role of civil society in providing early warnings and monitoring and emphasized the need for a renewed focus to prevent operational failures. He called for a reassessment of resources, organization, and operational methodologies to enhance performance and effectiveness in the future.

A fourth state representative discussed several points. Regarding why there had not been more reaction to Lithuania's withdrawal from the CCM, they highlighted the challenges states face in condemning each other, as internal consensus on that takes time. The representative noted that the situation with Lithuania could set a precedent with significant implications for the CCM, the Anti-Personnel Mine Ban Convention (APMBC), and the overall fabric of IHL. They mentioned that it is only now dawning on people the potential consequences of Lithuania's actions, both for the CCM and other related regimes.

In the short term, the representative pointed to the upcoming CCM Meeting of States Parties (MSP) and the APMBC meeting later this year as crucial moments to address these issues. They emphasized the need for a broader, non-siloed approach to IHL and suggested that the first committee in New York should explore not just resolutions but also joint declarations and other vehicles for action.

Echoing the call for a proactive stance, the representative stressed the need for early warning mechanisms and better organization to prevent future issues. They questioned why Lithuania withdrew from the CCM but not other conventions, pointing to the challenge of universalization and the difficulty of convincing some NATO members to forgo cluster munitions. They also highlighted the historical context of CCM negotiations, noting that convincing NATO players of the need to forgo cluster munitions was a key part of the process at the time and addressed amongst other through Article 21. The representative called for a renewed focus on integrating military and other expertise into the disarmament process to ensure effective and sustainable outcomes.

A representative focused on the need for both short-term and long-term strategies regarding the CCM. He emphasized that while defending IHL and breaking out of silos is a long-term struggle, immediate action is required, particularly with the upcoming meetings next week. He expressed strong disagreement with the idea of taking a lenient approach toward Lithuania's withdrawal from the CCM. He argued that states and the 12MSP must clearly communicate their stance against Lithuania's decision, even if it does not change the outcome. He stressed that failing to respond firmly risk be seen as complicity and acquiescence. He highlighted the need to intensify efforts to stigmatize the use of cluster munitions and push back against this trend.

He noted that NATO member states and their influence, particularly with the U.S. and its partners, are crucial in this context. Any failure to use this influence effectively would contribute to the erosion of the CCM and could be perceived as passive acceptance of the situation. He rebutted the notion that cluster munitions could be justified as useful in national security contexts, arguing that such justifications ignore the historical failures of these weapons and their inappropriate use in modern arsenals.

He pointed out that the recent decision by the U.S. to transfer cluster munitions to Ukraine was framed as a transitional measure, not a long-term solution. He emphasized that this decision was influenced by specific, temporary conditions and should not be seen as a precedent for widespread or long-term use of such munitions.

He then concluded by expressing concern that the issue has been exploited by certain U.S. military officials and others to advocate for the broader use of cluster munitions. He warned that the situation with Lithuania could be the thin edge of the wedge for a more extensive push to justify or normalize the use of these weapons. He called for a decisive response to prevent this trend from gaining further traction.

Previous speakers expressed strong agreement with these remarks emphasizing that the situation with Lithuania is not just about the CCM but also has broader implications for international law and humanitarian standards. He noted that Lithuania's actions are contributing to the erosion of IHL, especially in the context of conflicts and invasions



and concurred with the previous speaker by underscoring that it is crucial to speak out and address these issues decisively.

A fifth state representative thanked everyone for the frank discussion and highlighted three key points: First, rules and morality in conflict: They noted a growing concern about the notion that early 21st-century efforts aimed to “clean” wars through IHL, while in reality, war remains inherently dirty. They stressed the importance of adhering to these rules, not merely as a soft goal but as a fundamental aspect of understanding security. This involves breaking down silos and integrating moral standards into national and international security discussions.

Second, the long-term impact of conflict: They referenced a presentation by the Ukrainian Ministry of Social Policy from a year or so ago, which discussed the long-term social impacts of war, including injuries and the broader implications for rebuilding and resilience. This perspective underscores the need to address not just immediate military interests but also the long-term survival and social development of affected states.

Third, the perception of western standards: The representative highlighted a critical issue regarding the

perception of Western states’ commitment to the rule of law. It was noted that these states appeared to uphold high standards of the rule of law when they are not directly affected by specific issues. However, when facing what they refer to as existential threats, they seem to deviate from these high standards in their own practices. This inconsistency undermines the credibility of their commitment to international norms and raises concerns about the broader implications of their actions, especially as they focus predominantly on regional issues without considering the global impact of their deviations.

A civil society representative expressed appreciation for the opportunity to engage in this timely debate, highlighting the critical role of their organization’s on-ground presence in managing explosive ordnance, including mines, UXOs and cluster munitions. They stressed the importance of bridging the gap between fieldwork and policy, and emphasized that national authorities, due to their practical experience, have a clearer understanding of the connections between disarmament treaties and standards like the CCM, APMB, ATT, and the International Mine Action Standards (IMAS).

They voiced concerns about perceived double standards, particularly regarding Lithuania’s withdrawal and the U.S. transfer of cluster munitions to Ukraine and noted the dissatisfaction among non-western authorities about the lack of response to this issue. The representative called for a broader perspective that includes the realities on the ground and warned against justifying CM use for self-defence, which could undermine IHL principles. They also advocated for increased public engagement to reinforce the importance of disarmament treaties and stressed the need for continued support and resources to meet CCM obligations effectively.

In response to the comments, one of the early speakers highlighted the broader implications of military strategies and adherence to IHL. He emphasized that a lack of response to cluster munitions use could have a significant contagion effect, influencing how other countries perceive and adopt IHL standards. He cited recent instances where military forces, such as those in certain unnamed countries, have rejected IHL considerations in favour of advanced weaponry like drones and missiles.

He expressed concern about the potential ripple effect if countries involved in short-term existential conflicts, like those in Mali and Burkina Faso, perceive Western norms as non-binding. He warned that such a perception could lead to a broader defection from international agreements and standards, with significant implications for global adherence to disarmament regimes. He stressed the importance of maintaining and reinforcing established international norms to prevent such defections and preserve the effectiveness of existing treaties.

Another representative of an international organization reiterated the call of an earlier speaker to request Lithuania to suspend the process and reverse the decision. They

highlighted that silence in this context equates to complicity and acquiescence and stressed that these points are crucial for the upcoming meeting next week.

From their office in Washington, DC, the representative reported that the US administration is currently considering transferring antipersonnel landmines. They urged the need to address this issue as part of the broader discussion, advocating for the suspension of such transfers and for the US to join the Convention and uphold its established framework. The representative concluded by noting that this conversation is not limited to cluster munitions alone and emphasized that it marks the beginning of a long and challenging road ahead. They expressed gratitude to the CCM ISU for convening this critical dialogue.

A third representative of an international organization thanked the speakers and expressed agreement with much of what was discussed. They shared their experience of returning to the work of the Convention after a decade's break and noted a significant difference from their previous involvement. Reflecting on historical contexts, they compared the productivity of the 1970s in humanitarian law with the challenges faced today.

They expressed concern over the current state of the CCM, particularly noting that not all European Union member states are parties to the treaty, and some are even producing cluster munitions. Lithuania's decision to leave the treaty, despite its previous active role and strict implementation, is a significant development. The representative emphasized the need to regain control and ownership of the CCM process to address these challenges effectively. They acknowledged that while the initial enthusiasm for the convention may never fully return, it is crucial to channel efforts to maintain and strengthen the norm without allowing politics to undermine it. They stressed the importance of making a strong and clear statement regarding the massive use of cluster munitions and changes in U.S. policy on weapon transfers, and the need for the community to remain vocal and proactive.

#### **IV. Summary of key points and takeaways from discussion**

The moderator introduced a rapporteur noting his extensive background in arms control and disarmament requesting him to help summarise major points from the discussion.

The Rapporteur summarized the discussion, highlighting several key takeaways. He emphasized the timeliness and importance of the conversation, noting that it has brought crucial issues out of the shadows and onto the table. The discussion revealed the broader challenges faced by weapon treaties, which are part of a larger thread affecting international norms and IHL.

He criticized the current state of treaty processes, pointing out that the focus has shifted from promoting and defending norms to addressing technical details and implementation. This shift has led to a loss of the big picture perspective. He questioned the effectiveness of past commitments, such as those in the Lausanne Declaration, and urged a re-evaluation of how seriously treaty processes are being taken. He also highlighted the thin spread of diplomatic resources and the need for better prioritization and organization within the community.

Addressing the broader implications, the rapporteur stressed that the respect for IHL and the core principles of humanitarian law are under threat. He noted that essential commitments are becoming optional and that there is a need for vigorous insistence on IHL principles during times of conflict. He acknowledged that while the military arguments against cluster munitions remain valid, perceptions in some regions may have shifted. He concluded by noting that the issues discussed are part of a larger, ongoing challenge that requires a concerted, multi-stakeholder approach. He thanked the organizers for convening the meeting and called for continued engagement and long-term planning to address these critical issues effectively.

## V. Closing remarks

The Director of the ISU, expressed gratitude to all participants for their time and contributions. She highlighted the importance of the discussion in validating the legitimacy and effectiveness of the treaty's implementation within the broader IHL context and the global landscape. She noted that the interest and engagement shown were crucial and recognized the individuals who believed in the possibility of achieving the CCM. She thanked the speakers for their commitment and insights, which have been instrumental in advancing the Convention.

The Mexican Presidency expressed gratitude to the ISU and all those involved in organizing the meeting. He emphasized the strategic value of the discussion in broadening the conversation beyond immediate circles, noting that while the meeting might have seemed speaking amongst those converted, its goal was to generate discourse and shift dynamics.

The Presidency highlighted the need to address the alarms raised by Lithuania's withdrawal and the increased use and transfer of cluster munitions. Mexico will guide the work of the 12MSP to address these concerns collectively and constructively. They stressed the importance of engaging political and military stakeholders and reaching out to capitals less involved in the conventions. Moving forward, Mexico aims to foster collaboration and incorporate new voices to advance the CCM's goals effectively.

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