

WEDNESDAY 29 JUNE 2011

CONVENTION ON CLUSTER MUNITIONS INTERSESSIONAL MEETINGS

GENEVA, SWITZERLAND

SUMMARY

Cooperation and Assistance

South Africa as friend of the President on cooperation and assistance opened the session by recalling the commitments made by states under the Vientiane Action Plan.

Australia insisted that affected states seeking assistance should clarify their level of contamination, make their needs known clearly, and demonstrate national ownership and leadership. Similarly, Norway called on affected states in need of assistance to take ownership, make a realistic plan, show leadership, and contribute national resources. Norway called on donor states to offer relevant and tailored assistance, and to support diligent states that demonstrate ownership. The importance of south-south and/or south-north cooperation was mentioned by Mexico, UNMAT and the CMC.

Both the ICRC and the CMC insisted that specific, dedicated funding must be committed under the CCM framework, and that given the variety of assistance that can be provided (such as funding, technical support or sharing of expertise), all states should be in a position to contribute. Ayman Sorour delivered the CMC statement.

UNMAT reaffirmed that it stands ready to provide assistance. The GICHD announced its new efforts towards delivering decision support solutions for planning, tailored to the needs of decision makers.

The only affected state that took the floor to report on its resource mobilization efforts was Lao PDR.

Compliance

During the compliance session, delegates noted the importance of fulfilling their obligations in a timely and comprehensive manner, which so far seems to be the case. The CMC reminded States Parties that a cooperative and informal approach would work best, but that concrete mechanisms should be set up to do so to ensure any compliance issue is not addressed in a purely ad hoc manner. Laura Cheeseman delivered the statement on behalf of the CMC.

Much of the session focused on the contradiction between States Parties' duties under the convention and the Vientiane Action Plan to promote the universalization of the CCM and to discourage any use of cluster munitions, with the efforts made by some CCM states to develop a much weaker standard on cluster munitions through a new protocol of the Convention on Conventional Weapons (CCW). Because the current draft protocol would essentially re-legitimize the use of cluster munitions, Norway, the ICRC and the CMC said that States Parties' support for, or eventual adherence to, such a protocol could be considered a compliance issue. Norway said it would consider raising the matter more formally at the 2MSP. Mexico expressed concern with recent reports of cluster munition use, and said all States Parties and signatories participating in CCW discussions should reject the creation of a second set of standards on this weapon.

There was a short exchange on transparency with Ghana noting the complexity of the reporting forms and the need for more explanation on how to use them. Belgium encouraged states to provide specific comments on problems they were having and suggested having short sessions during the thematic segments of future CCM meetings to explain how to use the forms.

National Implementation Measures

As friend of the President on national implementation measures, New Zealand stated that it is preparing two guides -- a "checklist" of measures that states should take and a model legislation for small unaffected nations that have never stockpiled or used the weapon. It insisted that states report on their national implementation measures by attaching or providing links to the texts of these measures. Mary Wareham delivered a statement on behalf of the CMC that urged states to adopt new specific legislation to implement the convention. The ICRC stressed that Article 21 does not allow States Parties to assist with activities that contravene the convention or undermine its objectives. Lao PDR explained its national legislation and regulations and said it would likely amend its penal code to reflect the obligations of the convention. Both the ICRC and the UN Mine Action Team offered assistance to states requiring it.

Draft Outcome Documents and Recommendations for Draft Decisions - Report on Consultations

Further to consultations held during the week, Lebanon circulated an amended draft on the 2012 work program. It was suggested that next year's CCM intersessional meetings be held from 16-19 April 2012 in Geneva, and that 6 thematic working groups be created (general status and operation, universalization, victim assistance, clearance and risk reduction, stockpile destruction and retention, cooperation and assistance), each with either one

or two coordinators . Two additional groups with one coordinator each (reporting and national implementation measures) we also suggested. These proposals received broad support.

Norway and Switzerland introduced their proposal for an implementation support unit (ISU) to be hosted GICHD while acting independently and being accountable to States Parties. No less than twelve states commented, some delegates, including the CMC highlighting the need for the ISU to start its activities as soon as possible. With this in mind, Canada recommended that a mandate be given to the 2MSP President not just to negotiate but also to "conclude" an agreement with the GICHD. On the funding model for the ISU, several states said that they would support voluntary contributions only, to which Switzerland answered that assessed contributions would help making funding more predictable and sustainable, as well as involving all States Parties at least minimally in supporting the convention's work. Tamar Gabelnick commented on behalf of the CMC. Lebanon said that discussions would continue about the draft Beirut political declaration.

Other Statements

During the session on national implementation measures, Chile referred to the CCW discussions and said that having a "parallel instrument" addressing cluster munitions was unacceptable.

As the afternoon sessions started, Spain took the floor to condemn recent use of cluster munitions in Libya and to describe the transfers of the MAT-120 cluster munitions manufactured by Spain to the Libyan government. The last shipment was made in 2008, before Spain enacted a unilateral moratorium on use, stockpiling and transfer, and before Spain joined the convention. Afghanistan also took the floor to provide an update on clearance efforts and casualty figures.

Photos: <http://www.flickr.com/photos/marywareham/sets/72157626926269463/>

TUESDAY 28 JUNE 2011

CONVENTION ON CLUSTER MUNITIONS INTERSESSIONAL MEETINGS

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SUMMARY

Victim Assistance

The session on victim assistance was marked by lively informal exchanges and a high level of involvement from a few states with cluster munition

survivors. Yet, a disappointment for the CMC is the lack of information shared about progress made on time-bound commitments from the Vientiane Action Plan.

The session started with Ban Advocates Thoumy Silamphan and Raed Mokaed calling on states to make real changes in the lives of cluster munition victims through the implementation of the Vientiane Action Plan.

Five States Parties with survivors provided updates: Albania, Bosnia and Herzegovina, Croatia, Lao PDR and Lebanon. Most indicated that victims or organizations of persons with disabilities were being included in the development and implementation of victim assistance plans. Albania, Croatia and Lao PDR reported on the development of plans, and Albania and Lao PDR confirmed having designated a focal point for victim assistance at the national level. Lebanon indicated its plan is being developed in collaboration with various stakeholders and that joining the CRPD was a priority to promote the rights of survivors. Bosnia and Herzegovina stated that it has cluster munition victims and mentioned that it has 60 community-based rehabilitation centers throughout the country, and that it is happy to share information with other states struggling with the delivery of services to isolated communities.

Signatories Angola and Iraq both confirmed a national data collection project on persons with disabilities is underway on their respective territories. Angola said that data collection would identify if there are cluster munition victims only once it has progressed to the more heavily affected areas.

Norway emphasized the importance of cooperation and assistance and recalled some key victim assistance principles regarding the rights based approach. Switzerland said its new funding strategy would ensure continued support for victim assistance until 2015, and would stress the importance of gender issues. Australia provided information on funding efforts. Belgium, as friend of the President on transparency measures, suggested that transparency reports should include information that would help to match offers from donors with needs from affected states.

UNMAT recalled that states should report at the 2MSP on time-bound VAP actions and asked whether or not states were also including people that were indirectly affected by strikes in their casualty data statistics. Canada observed that the needs of such indirectly affected victims were not being addressed at this stage but that perhaps this would be dealt with in time.

Austria, as friend of the President on victim assistance, concluded the session with a brainstorming session on holistic and integrative victim assistance, and made a strong call for victim assistance to make a real difference in affected communities. It reviewed the similarities in the way victim assistance is addressed in various legal mechanisms (MBT, CCM, CRPD and CCW) and presented recommendations for more effective coordination across these mechanisms. Australia then spoke on the victim assistance publication recently launched by the GICHD. The floor was opened for

discussion but, disappointingly, no delegation contributed to the discussion.

On behalf of the CMC, Megan Burke, Loren Persi and Denise Coghlan commented on the states' presentations and asked questions that spurred discussions.

Clearance and Risk Reduction

Six of the seven States Parties believed to be affected spoke at this session. Bosnia and Herzegovina referred to a new survey of cluster munition contamination being conducted by NPA. Croatia declared 9.3km² of affected areas, twice the extent of contamination reported in its Article 7 report, as clusters contamination is also believed to be present in suspected mined areas as well as outside such areas. Germany repeated its statement that based on a survey conducted this year, it now believes there is contamination on a former Soviet military training site across 4km². Guinea-Bissau Lao PDR suggested that 100 years would be needed for clearance at the current rate, and expressed hope that the innovative survey methodology being employed by NPA would clarify the level of contamination and help reduce this estimate. Lebanon reported 18.1km² of cluster munition contaminated area, which it expects to clear by 2015. Norway said that clearance of cluster munition remnants from its training site (estimated area of 0.84km²) was due to be completed by 2013.

Three signatory States also provided updates on steps taken to address contamination: DR Congo, Iraq, and Mauritania. The seventh State Party listed by the Cluster Munition Monitor as being affected, Montenegro, did not take the floor. It reported no contamination in its Article 7 report, but the Monitor has still to verify whether clearance of the remaining 250,000m² of contamination as of 2009 has been done.

On behalf of the CMC, Stuart Maslen summarized the information on contamination collected by the Cluster Munition Monitor, and commented on the clearance efforts of states that had taken the floor. He mainly commended their transparency and, for many of them, the efforts made to clarify the level of contamination.

The GICHD presented its activities and the resources it makes available to states. UNMAT ensured of its continued commitment to support states' clearance activities. Albania and Zambia shared their experience as states that have successfully addressed their mine and cluster munition contamination.

In addition to these statements, initial feedback was given on the draft paper on land release submitted by Australia as friend of the President on clearance and risk reduction. It is intended that the 2MSP adopt this document once it has been finalized. Norway expressed strong support for the paper that calls on states to make good use of the array of methods that allow for more efficient and effective land release. On behalf of the CMC,

Tamar Gabelnick presented the CMC's guiding principles for land release.

Transparency Measures

Belgium, as friend of the President on transparency measures, gave an overview of Article 7 reporting to date. It said that it will create a succinct guide to help states produce their transparency reports. All stakeholders from the cluster munition ban community are welcome to provide input, including states that have already had difficulties with preparing their report.

The CMC stressed the importance of thorough reporting and provided examples of good and bad practices thus far in initial reporting. Mark Hiznay delivered the statement on behalf of the CMC. Lao PDR spoke about its data collection challenges, and UNMAT indicated it was ready to support states with the preparation of their reports. Lebanon said it submitted its report weeks ago, although it has not been posted by the UN.

MONDAY 27 JUNE 2011

CONVENTION ON CLUSTER MUNITIONS INTERSESSIONAL MEETINGS

GENEVA, SWITZERLAND

SUMMARY

The first intersessional meetings of the Convention on Cluster Munitions are off to a good start - the first day was marked by high energy and a good number of in-depth exchanges of information.

After the representative of the 1MSP President outlined his expectations about the intersessional meeting, Lao PDR, Lebanon and the CMC addressed the opening of the meeting, underlining the significant progress made since the entry into force of the convention. Lao PDR referred to the CMC as "the great CMC" and praised its work in furthering the work of the convention.

From the very outset of the day, both Lao PDR and the CMC expressed concern about recent reports of use of cluster munitions by Libya and Thailand. CMC director Laura Cheeseman expressed hope that "the same speed, energy and conviction that brought about this Convention is harnessed once again to make sure the Convention has the best possible framework, leadership and support in place to deliver results quickly."

In the afternoon, the newly appointed Minister of Foreign Affairs of Lebanon and President-Designate of the Second Meeting of States Parties (2MSP), H.E.

Adnan Mansour, also addressed the plenary to introduce the thematic areas of the 2MSP and to invite states to Beirut in September.

Draft Outcome Documents and Recommendations for Draft Decision

Delegations had an opportunity to share initial comments on the draft Beirut political declaration and on the format of the draft Beirut progress report, introduced by Lebanon and Norway respectively. Norway indicated that as the progress report's primary objective is to facilitate MSP discussions, it would be succinct and present aggregated information instead of naming states. The ICRC, the CMC and UNMAT emphasized the utility of naming states, be it to facilitate the identification of states facing challenges and needing assistance, as the ICRC put it.

Norway offered to host the 3MSP, which received good support from the floor.

Delegations discussed the format of the thematic Working Groups that will support convention implementation in a manner similar to the Standing Committees of the Mine Ban Treaty. Austria suggested that the Working Groups should explore synergies with other international legal instruments, a proposal that received support from all who spoke afterwards: Argentina, Belgium, France, Mexico, New Zealand, ICRC and the CMC.

The CMC indicated that an early decision on an implementation support unit was highly desirable to foster successful early implementation of the convention, and should be made no later than at the 2MSP. Tamar Gabelnick delivered the statement on behalf of the CMC.

Universalization

The universalization session was marked by positive statements from both Thailand and Cambodia on joining the Convention on Cluster Munitions. Thailand said that it hopes a workshop to be held in Bangkok this year (planned for August) will lead to it joining the Convention. Cambodia said that accession to the Convention is being discussed at the "highest level" of government and that it hopes to accede by the 11th MSP to the Mine Ban Treaty in late November 2011. Many signatories gave statements that ratification is well underway and should be completed soon, including: Australia, Czech Republic, Italy, Peru, Senegal, and South Africa. Switzerland explained the steps taken to advance its ratification process. The following states and organizations also provided updates on efforts made to promote CCM universalization in various fora: Australia, Belgium, Croatia, France, Japan (as friend of the President on universalization), Lao PDR, Lebanon, Mexico, Norway, the UK, ICRC and UNMAT. Ghana suggested the new working group on universalization should have specific targets and a clear timeline. The CMC urged all signatories to ratify by the 2nd MSP in September 2011, and reminded States Parties that universalization efforts are an obligation under the convention. Mary Wareham delivered the statement on behalf of the CMC.

During the day, the following states and organizations expressed concern with recent reports of use of cluster munitions by Libya and Thailand: Australia, Lao PDR, New Zealand, Norway, the UK, ICRC and the CMC.

Referring to developments on the negotiation of a CCW protocol on cluster munitions, the ICRC urged States Parties to ensure the norms and practices do not evolve to contradict the CCM's prohibitions.

Stockpile Destruction

After Hungary announced it had completed the destruction of all its stockpiles at a public event in March 2011 that included the OSCE as a guest, many states took the floor to provide what were mostly in-depth and encouraging updates on the status of their stockpile destruction efforts: Bosnia & Herzegovina, Canada, Croatia, France, Germany (friend of the President on stockpile destruction), Japan, and the UK.

Switzerland, Norway and UNMAT indicated that they stand ready to provide assistance on stockpile destruction, and at least Colombia, Germany, and the UK said they were happy to share their knowledge and experience with other states looking into solutions. Many of the delegations that took the floor insisted on the need to start stockpile destruction efforts early, including the UK, ICRC, and the CMC.

Retention of Cluster Munitions

This was a short session where most of the states that spoke insisted on the need to retain a number of cluster munitions and/or submunitions - although they were clear that retained weapons should not be operational.

Australia, Germany, and the UK said they would need to keep live cluster munitions and/or submunitions for training, testing, and countermeasures. Canada said it would not retain cluster munitions but that it may acquire some in accordance with the convention to cover for arising training and development purposes.

Czech Republic said it retained 653 sub-munitions, which it considers to be the minimal number necessary for training purposes.

Norway said that the arguments in favor of retaining were flawed, and that all cluster munitions and submunitions should be destroyed.

The ICRC called on states to implement the exception permitted by Article 3 "in the most restrictive manner". The CMC reiterated its view that live cluster munitions or submunitions are not needed for training purposes, noting that most stockpilers that have joined the CCM so far have decided not to retain any. It also questioned the large number of submunitions

being kept by some states. Steve Goose delivered the statement on behalf of the CMC.