CONVENTION ON CLUSTER MUNITIONS
FOURTH MEETING OF STATES PARTIES
LUSAKA, ZAMBIA, 9-13 SEPTEMBER 2013

Summary of the sessions on Transparency, National Implementation Measures, Compliance, and Decisions

Transparency

The session was chaired by Belgium as Coordinator of the thematic area, who presented its paper “State of play and the way ahead for a better exchange of information” (http://bit.ly/18SIG2I) that lists concrete actions for enhancing the quality and quantity of reporting. Belgium recalled that while transparency reporting is an obligation, it is also a tool for achieving the full implementation of the convention and an opportunity for States Parties to mobilize resources. Bosnia and Herzegovina summarized the activities it carries to implement the convention (please see thematic summaries on clearance and victim assistance.) Lao PDR spoke about efforts to overcome data collection challenges related to clearance.

The UN Inter-Agency Coordination Group for Mine Action offered assistance to states preparing transparency reports, and emphasized that reporting is a confidence building measure and a monitoring tool that encourages further international cooperation. Boubine Touré delivered the CMC statement, supporting Belgium’s paper and noting that since the information required for reports is usually readily available to states in the context of their implementation activities, filling reports should not be seen as an overly heavy task.

National Implementation Measures

New Zealand, as Coordinator of the thematic area, provided concrete guidance and practical ideas for states to adequately implement Article 9. It invited states to consider important issues such as aiding and abetting, extra-territorial application of the prohibitions, and disinvestment, when drafting national legislation.

In response to criticism from the CMC, Canada expressed the view that its draft legislation “reflects all of the legal obligations of the Convention that require domestic implementing legislation.” Canada said that it may be able to pass the legislation later this year or next year. The Central African Republic noted that its ratification process was “underway”. Ghana said that investments in the production of cluster munitions was a form of assistance banned by the Convention, and encouraged other states to make a similar declaration. Ghana also announced that the memoranda providing guidance on national legislation, prepared with input from the ICRC, CMC and UNDP, would be made available soon at www.clusterconvention.org. Lao PDR stated it was still committed to adopting a law imposing penal sanctions for prohibited activities. Lebanon announced that further to the completion of its review of national legislation, a series of consultations with national partners had been held in order to prepare an action plan. Sweden explained how it integrated the convention into its armed forces training curriculum. Uruguay said that the full universalization of the convention was the only way to put an end to the suffering caused by cluster munitions. During the opening ceremony, the President of Zambia noted that the Parliament was in the process of deliberating on domestication and that Zambia had reached “an advanced stage in domesticating the Convention”.

The **UN Inter-Agency Coordination Group for Mine Action** strongly urged all States Parties and aspiring States Parties to ensure their national legislation reflects the letter and spirit of the convention. It reiterated its willingness to provide support and legal advice. The **ICRC** referred to its model law for Common Law states ([http://bit.ly/16IcLWP](http://bit.ly/16IcLWP)) and to New Zealand’s model law for small unaffected states ([http://bit.ly/18wYmKc](http://bit.ly/18wYmKc)), and invited states with a crowded parliamentary agenda to consider drafting legislation that covers both the Convention on Cluster Munitions and the Mine Ban Treaty. Bonnie Docherty spoke on behalf of the **CMC**, expressing deep concerned about those states such as Canada whose laws appear to indicate that Article 21 can override the strong prohibitions on assistance under Article 1. Maria Eugenia Villareal delivered the second part of the statement, providing an overview of the steps Guatemala took when preparing national legislation.

**Compliance**

A number of states and organizations took the floor during this session to condemn the use of cluster munitions by Syria -- their statements are included in the summary on universalization. Steve Goose delivered the **CMC** statement, noting that while overall compliance with the convention continues to be impressive, there remain deep concerns about some specific national implementation legislation, most notably Australia’s and Canada’s. He called on States Parties to make their views known on interpretative issues such as joint military operations (or “interoperability”), transit, foreign stockpiling, and the prohibition of investment in the production of cluster munitions. He encouraged States Parties to discuss options for implementing Article 8 on mechanisms to address cases of non-compliance. Referring to the new international norm the convention is establishing, he invited States Parties to speak out against cluster munition use by Syria and to probe into allegations of use by Sudan and Myanmar.

**Decisions**

The 4MSP decided to create an Implementation Support Unit (ISU) by the 5MSP. In the meantime, the existing Interim ISU hosted by UNDP will provide support to the 5MSP President Designate through the 5MSP to ensure he receives sufficient and consistent guidance. The new ISU will be temporarily funded by voluntary contributions until the first Review Conference, after which a decision on the funding mechanism should be taken.

The Lusaka Progress Report was adopted and the meeting welcomed the various papers presented by Co-Coordinators, the 3MSP President and the 4MSP President. Final versions of all official documents from the meeting will be made available at [http://bit.ly/1bFKdhn](http://bit.ly/1bFKdhn).

The next intersessional meeting will be held in Geneva (Switzerland) from 7 to 9 April 2014 and the 5MSP will be hosted by Costa Rica in San José from 2-5 September 2014.

Co-Coordinators of Working Groups and thematic area for the 2013-2014 period are as follows:

- **Universalization**: Ghana and Norway
- **General status of the convention**: Costa Rica and the Netherlands
- **Clearance and risk education**: Lao PDR and Switzerland
- **Stockpile destruction including retention**: Albania and Spain
- **Victim assistance**: Afghanistan and Mexico
- **Cooperation and assistance**: Chile and Sweden
- **Transparency reporting**: Belgium
- **National implementation measures**: New Zealand
Mentions of civil society

New Zealand welcomed the work of civil society on national implementation measures, especially the CMC “which works so hard to ensure that we all live up to our commitments and then reports back on how well we have done.”