

**CONVENTION ON CLUSTER MUNITIONS
INTERSESSIONAL MEETINGS
GENEVA, SWITZERLAND, 15-18 APRIL 2013**



**Summary of the Technical Workshops
and of the session on General Status and Operation**

Technical Workshops

The 2013 Intersessional Meeting started with a day of technical workshops on thematic aspects of the implementation of the Convention on Cluster Munitions (CCM). They were structured around panel presentations followed by an opportunity for delegations to comment or to ask questions.

The workshop on clearance emphasized the importance of survey in the clearance process and highlighted the need to use unambiguous, standardized language in transparency reporting. It provided examples from **Lao PDR** and **Lebanon**. The workshop on stockpile destruction discussed cost-effective technologies to destroy stockpiles and used examples from **Croatia** and **Spain**. The workshop on transparency measures made it clear that reporting is an obligation, an essential component of monitoring progress, and a way to raise awareness of implementation challenges.

The workshop on victim assistance highlighted links between the CCM and the Convention on the Rights of Persons with Disabilities, with examples from **Afghanistan** and **Bosnia and Herzegovina**, including a stunning reality-check by Prof. Edin Osmanbegovic, a landmine survivor and representative of CMC member **Landmine Survivors Initiatives BiH**.

The workshop on cooperation and assistance focused on financial support to stockpile destruction and victim assistance. It was marked by a statement from **Norway** expressing the view that dedicated funding for victim assistance is not sufficient nor the most effective way to ensure the full realization of the rights of victims, and that victim assistance should be increasingly discussed in other multilateral fora on human rights or health issues.

Belgium spoke under each theme to outline the applicable reporting requirements.

CMC members **Handicap International** (Hildegard Vansintjan and Elke Hottentot), **Human Rights Watch** (Mark Hiznay) and **Mines Advisory Group** (Chris Loughran), as well as **Landmine and Cluster Munition Monitor** (Megan Burke) shared civil society's perspective, commenting from the floor after each group of panelists.

Panel presentations are available on the Convention's official website at <http://bit.ly/Znep9R>

Opening

During the official opening of the meeting, the **President of the 3rd Meeting of States Parties (3MSP)** Steffen Kongstad pointed out that the greatest achievement of the CCM is that its adoption has led to an immediate and drastic reduction of the use of cluster munitions worldwide. He noted that recent use of cluster munitions by Syria was unacceptable and worrisome, and that the widespread condemnation of such use underscored the global support enjoyed by the Convention and showed that use of the weapon was "illegitimate".

The President also called for states to make the intersessional meeting informal and interactive.

The President's opening statement is available at <http://bit.ly/13TOE4V>

General Status and Operation of the Convention – Transparency Measures

During the session on transparency measures, **Belgium** as Coordinator of the thematic area emphasized that reporting is both a tool and an opportunity, and noted that the draft Guide on Reporting introduced at the 3MSP should be finalized on time for the 4MSP in Lusaka.

Czech Republic announced a decrease in the number of sub-munitions it retains, by almost half of the number noted in its report covering 2011. It reported having used 185 sub-munitions for training explosive ordnance disposal personnel, and having 293 sub-munitions left for training. **Lao PDR** explained the efforts it deploys to scale down its contamination estimate of 8,470 km² through improvements to its survey methodology. It argued that disaggregated reporting on types of cluster munitions was not a good use of resources as there are more than 200 different types of cluster munitions on its soil. **Lebanon** noted that 40 clearance teams would be needed to reach its 2016 clearance completion objective, while currently only 23 teams are available. **Palau** asked if a shorter format could be made available for states with few obligations.

The **United Nations Inter-Agency Coordination Group on Mine Action** supported reporting as a useful mechanism for States Parties to communicate the challenges they face in implementing the Convention. It welcomed reports submitted by states not party and invited them to ratify or accede at the earliest possible date.

On behalf of the **CMC**, Denise Coghlan gave six good reasons why states should report, including the fact that it can help states in their efforts to obtain international support. She explained that the reporting forms ask for information that states should have readily available, particularly after the initial report. Since reporting is only required for relevant obligations, those states with no action to take only have to tick a box to show no change from the previous report.

Statements on transparency measures are available at <http://bit.ly/11yIVih>

General Status and Operation of the Convention – National Implementation Measures

New Zealand chaired the session as Coordinator of the thematic area, noting that the main challenge with respect to Article 9 is ensuring that “all States Parties swiftly develop and adopt whatever legislation may be required for their effective implementation of the Convention.” It referred to available tools such as the ICRC's model legislation for Common Law states and New Zealand's model legislation for unaffected states with no stockpiles. New Zealand also reminded states of the importance of including a prohibition on the aiding and abetting with prohibited acts, including investments in cluster munition production, and noted that there was a growing trend to include such measures.

In response to the CMC's criticisms of its national law, **Australia** expressed the view that its domestic legislation “faithfully and fully” implements the Convention. **Burkina Faso** (speaking during the session on cooperation and assistance) noted that the ICRC would provide support for the development of a national law on cluster munitions, and said it would hopefully report progress at the 4MSP. **Chile** reiterated the goal of a cluster munition-free region and spoke about the upcoming regional meeting in Santiago. **Ecuador** said its national implementation measures included sanctions for prohibited acts. **Ghana** said its draft legislation including penal sanctions was reaching the final stage of

consultations with legal experts, would be adopted very soon, and could serve as a model for other Sud-Saharan states. **Lebanon** explained its review of national legislation was completed and that recommendations from the final report were currently being turned into an action plan. **Palau** announced the creation of an informal national working group on ERW to discuss government structures, regulations and mine action standards, and called for support in the development of standard operating procedures for clearance. **Zambia** announced its hope to complete the process of domesticating the Convention by the 4th Meeting of States Parties (4MSP). It expressed concerns with late or inaccurate transparency reporting by some states and pledged to continue supporting universalization efforts.

The **International Committee of the Red Cross** pointed out that only a quarter of States Parties have adopted implementing legislation or indicated how the repression of violations of the Convention is addressed under national law. It expressed concern about exceptions in some national implementing legislation that would permit members of the armed forces to be directly involved in the use, possession, stockpiling and transit of cluster munitions. The ICRC also said it was “alarmed by the inclusion of language in national legislation that would seem to allow a non-party State to stockpile cluster munitions on territory under the jurisdiction or control of a State Party.”

The **UN Inter-Agency Coordination Group on Mine Action** expressed concern over adopted or draft legislation “that may be contrary to the letter and spirit of the Convention with respect to prohibiting the future use of cluster munitions”, and stated its availability for the provision of policy and legislative advice to states that may require assistance with national implementation measures.

Maria Eugenia Villareal delivered the **CMC** statement that criticized Australia and Canada for including in their final or draft law provisions that permit assistance with prohibited acts under certain circumstances, and called on Canada to amend its deeply flawed draft law. She reminded states to include in national laws a full prohibition on assistance with banned acts, including investment in cluster munition production, foreign stockpiling, and transit. She reiterated the CMC’s availability to provide model language to requesting states.

Statements on national implementation measures are available at <http://bit.ly/ZinRfc>

General Status and Operation of the Convention – Consultations

Under this agenda item, the **President** of the 3MSP outlined the content of the Lusaka Progress Report, which will use the date of the entry into force of the Convention (1 August 2010) as the benchmark for measuring progress, instead of using the last Meeting of States Parties like the Oslo Progress Report did.

States also had lengthy exchanges on the funding model for the future Implementation Support Unit of the Convention. A draft decision was presented by the Presidency, who will continue with consultations and hopes to have the decision adopted at the 4MSP.

A small number of statements on this topic are available at <http://bit.ly/13sf363>

General Status and Operation of the Convention -- Compliance

The session on compliance was chaired by **Costa Rica** and **Zambia** as Co-Coordinator of the working group on general status and operation.

In a strong rebuke of Syria's ongoing and widespread use of cluster munitions, the following states spoke up to condemn use of the weapon. **Australia** noted with concern the reports of use of cluster munitions by Syria. **Austria** condemned any use of cluster munitions, expressed concern with reports of use by Syria and noted that it had urged Syria to protect its civilian population. **Belgium** and **France** joined others in condemning use by Syrian government forces. **Germany** strongly condemned cluster munition use by Syria and said it could not be justified. **Ireland** urged Syria to refrain from any use and to bear in mind the impact of the weapon on civilians. It called on all actors in touch with the Syrian authorities to also share this message.

Lao PDR said it knew all too well the devastating impact of the weapon, expressed deep concern and condemned use of the weapon in Syria. **Mexico** said the use of cluster munitions was unacceptable and contrary to International Humanitarian Law (IHL), and urged Syria to respect IHL. **The Netherlands** said cluster munition use by Syria showed blatant disregard for human life. **New Zealand** expressed grave concern with any report of cluster munition use, deplored use by the Syrian government and called for a transparent investigation. **Portugal** associated itself with previous speakers on condemning use by Syrian governmental forces.

Speaking on behalf of the **CMC**, Ayman Sorour said that the large-scale and relentless use of cluster bombs by the Syrian regime was in clear defiance of the norm the Convention is creating and violated Syria's obligations under International Humanitarian Law to distinguish between military and civilian targets. He reminded all States Parties of their Article 21 obligation to speak out against use.

During other sessions of the intersessional meeting, the following states also spoke to condemn cluster munition use by the Syrian government or to express their deep concern at any use of cluster munitions: **Albania, Cambodia, Croatia, Ecuador, Ghana, Norway** and **Zambia**.

A small number of statements on compliance are available at <http://bit.ly/11yGZVW>