

**CONVENTION ON CLUSTER MUNITIONS
FIFTH MEETING OF STATES PARTIES
SAN JOSÉ, COSTA RICA, 2-5 SEPTEMBER 2014**



**Summary of Decisions, General Exchange of Views,
Universalization and Reactions to Use of Cluster Munitions**

States participated with enthusiasm in the Fifth Meeting of States Parties to the Convention on Cluster Munitions held in San José, Costa Rica, from 2 to 5 September 2014. The meeting took stock of the excellent progress on the destruction of stockpiles of cluster munitions, and it condemned the use of cluster munitions by anyone under any circumstances, in the context of recent use in South Sudan, Syria and Ukraine.

During the meeting, Central America became the first sub-region entirely on board the convention thanks to accession by **Belize**, while the **Republic of Congo's** ratification helped Africa become closer to the goal of a cluster munition-free continent. Both **Mauritania** and **Norway** submitted a formal declaration of compliance with Article 4, signalling that their territory is now free of cluster munition contamination. **Canada**, a signatory, announced the completion of its stockpile destruction.

Highlights from the meeting are presented below on a thematic basis. For example, if a state spoke about stockpile destruction during the General Exchange of Views, its statement will be summarized below under Stockpile Destruction. For further information please refer to statements collected by the Interim ISU at www.5msp.clusterconvention.org.

This summary is compiled for information purposes only. For comments or clarifications please contact amelie@icblcmc.org.

DECISIONS

The meeting adopted the San José Progress Report. In complement, Costa Rica presented a "President's Report", an unprecedented document at a Meeting of States Parties, offering remarks and conclusions on the proceedings of the 5MSP. Official documents of the meeting will be made available by the UN Office of Disarmament Affairs at <http://bit.ly/1xfJfCA>

The intersessional meetings will be held on **1-2 June 2015** in Geneva and the First Review Conference of the convention is scheduled for **7-11 September 2015** in Dubrovnik, Croatia.

The Co-Coordinator of Working Groups until the First Review Conference are:

General Status of the Convention: Lebanon and the Netherlands

Universalization: Ecuador and Norway

Stockpile Destruction and Retention: Albania and France

Clearance and Risk Reduction: Bosnia and Herzegovina and Switzerland

Victim Assistance: Australia and Mexico

GENERAL EXCHANGE OF VIEWS

No less than 34 States Parties, 9 signatories and 9 non-signatories as well as one regional group took the floor during the General Exchange of Views, mostly to reiterate their commitment to the convention or to its humanitarian objectives. Specific announcements made or views shared during this session are reported under the relevant thematic areas.

Lao PDR noted that the upcoming review of the Vientiane Action Plan would be a collective opportunity to learn lessons. Similarly, **Norway** recommended looking at the success of the convention to draw lessons to better protect civilians in situations of conflict. **France** called on enhanced synergies between the Convention on Cluster Munitions and the Mine Ban Treaty.

Steve Goose spoke on behalf of the **CMC**, emphasizing that the one message that should come out of the 5MSP is that the convention is working. He called on states to expand their universalization efforts and to make them more systematic.

UNIVERSALIZATION

Signatories

Belize announced its accession to the convention and reiterated that it has never used, produced, stockpiled or transferred the weapon. The **Republic of Congo** announced that it had submitted its instrument of ratification and that it would adopt the necessary national implementation measures.

Colombia listed various reasons for the delay in ratifying the convention but emphasized that in the meantime it was implementing its provisions on a voluntary basis. The **Democratic Republic of Congo** said the ratification law was under review by the Supreme Court, a pre-requisite for promulgation by the President. **Jamaica** explained that it is in the process of preparing a national legislation in order to ratify “as soon as possible”. **Namibia** announced that it was finalizing ratification and would deposit its instrument “soon” in order to bring a contribution to universalization in 2015. **Paraguay** said the Senate had approved the convention and had submitted it for consideration by the House of Deputies. **Somalia** expressed hope to ratify within 90 days of the San José meeting. Like in the past years, **South Africa** repeated that it would ratify in the not too distant future. **Uganda** promised “robust measures back home” to ensure ratification “in the not so distant future”.

Non-Signatories

China explained that it could not join the convention due to military concerns but emphasized its willingness to cooperate with States Parties. It listed various undertakings in the field of cooperation and assistance such as the training of deminers in a number of countries and support to victim assistance in states affected by explosive remnants of war. **Cuba** spoke at length about the unacceptability of cluster munitions and their incompatibility with International Humanitarian Law,

but it said it objected the way the convention was negotiated and expressed difficulties with some aspects of definitions. Cuba also shared views on interpretive matters, noting that Article 21 should not be interpreted as an exception to Article 1, and that authorizing transit or foreign stockpiling would run counter to the goal of prohibition. **South Sudan** supported the ban on cluster munitions and announced that preparations for accession were “at an advanced stage”, with pressure being put on the Ministry of Defense to accelerate the process. **Tajikistan** expressed support for the principles of the convention and for goal of putting an end to the suffering caused by cluster munitions. It said that accession was “still under consideration” by the government. **Yemen** expressed support for the convention and said it was looking into joining in the near future.

States Parties

Afghanistan recalled that promoting the universalization of the convention is a legal obligation, and reported its intention to ask the South Asian Association for Regional Cooperation to include cluster munitions and landmine on the agenda of a meeting to come. **Austria** said that the lead up to the First Review Conference was a good opportunity to bolster universalization. **Croatia** spoke about states’ collective responsibility to promote the convention. **Ecuador** suggested appointing a Special Envoy on universalization, like it has been done under the Mine Ban Treaty. **Ireland** pledged to keep promoting the convention in bilateral and multilateral fora even when not successful at first. It also recommended focusing in particular on regions where security tensions have discouraged adherence, such as Eastern Europe, the Middle East, South Asia and East Asia. **Japan** provided details about its diplomatic outreach efforts. **Mexico** invited more collaboration among States Parties to jointly approach states not party. Both **Peru** and **Portugal** emphasized that users and producers that are not yet in a position to join the convention should at least adopt moratoria in the meantime. **Slovenia** recommended the use of a regional approach to universalization.

Belize, Chile, Ecuador and other Latin American states including non-signatory **Cuba** recalled the goal of a cluster munition-free region in Latin America and the Caribbean. Many speakers such as **Australia, Belgium, El Salvador, Guatemala, Lebanon, Lesotho, Montenegro, Netherlands, Norway, Panama, Peru, Senegal, Somalia, Trinidad and Tobago, Uganda**, the **International Committee of the Red Cross**, the **International Federation of the Red Cross and Red Crescent Societies** and the **UN Inter-Agency Coordination Group on Mine Action** and the **CMC** called on all states to join the convention or otherwise emphasized the need to further universalize the convention.

Amy Little delivered the **CMC** statement and recalled that all states have the power to create a future safe from cluster munitions and to work quickly to achieve this goal.

REACTIONS TO USE OF CLUSTER MUNITIONS

Speakers condemning use and naming states where use took place

Many states condemned the recent use of cluster munitions by naming one or all of the states where use had taken place. **Australia** called on all parties in South Sudan, Syria, Ukraine and anywhere else to refrain from using cluster munitions. **Austria** strongly condemned the use of cluster munitions in Syria and expressed its strong concern about “reports of use” in South Sudan and Ukraine. **Belgium** noted that the use of cluster munitions in three states including Syria had been condemned by many states including Belgium. **Canada**, a signatory, said it was concerned with ongoing use of the weapon including in Syria, and recalled that the international community had condemned such use on many occasions including in a UN General Assembly resolution. Canada condemned use in Syria once again and called on all parties to refrain from using the weapon.

Chile condemned the use of cluster munitions in South Sudan, Syria and Ukraine, and said that all States Parties should feel concerned with such use that is a matter of compliance with International Humanitarian Law. **Colombia** deplored the use of cluster munitions in South Sudan, Syria and Ukraine and called for this to stop. **Costa Rica** speaking from the floor firmly condemned cluster munition use, noted that use in South Sudan and Syria had been condemned already, and referred to the “allegations” of use of this “shameful weapon” in Ukraine. **Côte d’Ivoire** firmly condemned any use anywhere including in South Sudan and Syria. **Croatia** condemned use in South Sudan, Syria and Ukraine, and said use should trigger condemnations from everyone. It noted that international criticism raised by recent instances of use shows that one cannot use cluster munitions without a general outcry.

In a particularly strong statement, **Ecuador** expressed its deep concern over use in South Sudan, Syria and Ukraine, condemned such use, and called for the strongest possible condemnation by the international community. It also called for detailed and independent investigation. **France** firmly condemned use in any ongoing conflict including in Syria. **Germany** noted that it was especially concerned with use in South Sudan and Syria, and called on parties to stop using the weapon. **Guatemala** firmly condemned any use of cluster munitions by anyone, including in South Sudan, Syria and Ukraine, and said any use of the weapon was a violation of International Humanitarian Law. **Ireland** condemned use in Syria and expressed its deep concern about “reports” of use in South Sudan and Ukraine. **Italy** delivered a statement on behalf of the European Union but also made a national statement saying that it was very concerned with use in South Sudan, Syria and Ukraine. **Mauritania** condemned the use of cluster munitions in South Sudan, Syria and Ukraine.

The **Netherlands** declared that it was appalled by the continued use of cluster munitions by the Syrian regime, and that users should be aware that they would be held accountable for these continued violations of International Humanitarian Law. It also called for investigations on use in South Sudan and Ukraine, and expressed its deep concern over the recent use by the Islamic State in Iraq and Syria, and “appalling precedent” of use by a non-state armed group.

Both **New Zealand** and **Norway** noted that the large number of states condemning cluster munition use in Syria was a clear sign of the norm banning the weapon. **New Zealand** suggested setting aside

some time for small group discussions during the First Review Conference on how to reinforce stigma and promote universalization, and **Norway** stated its intention to focus on stigma and the non-use norm as Co-Coordinator of the Working Group on Universalization. **Peru** condemned “in the strongest possible terms” the use of “these horrible weapons” in South Sudan, Syria and Ukraine. **Portugal** condemned at length and in strong terms the use in South Sudan, Syria and Ukraine, and called on all parties to cease use. **Slovenia** firmly condemned use in South Sudan, Syria and Ukraine as a grave violation of International Humanitarian Law. **Somalia**, a signatory, condemned the use of cluster munitions in South Sudan, Syria and Ukraine. **Switzerland** shared its concern over use in Syria which caused many casualties as reported by the Monitor, and called for further clarity on all cases of use including “allegations of use” in other current conflicts.

The **European Union** expressed its deep concerns about “reports of alleged use” of cluster munitions in Syria and called on the Syrian regime to stop using the weapon. It also said it was deeply concerned with “worrying reports” regarding South Sudan and Ukraine.

The **UN Secretary-General** said that the use of cluster munitions in Syria was a violation of basic International Humanitarian Law. The **ICRC** said that “reports” of use in South Sudan, Syria and Ukraine were a severe concern and that the loud response by the international community contributed to the stigmatization effect that plays an important role in International Humanitarian Law. The **UN Inter-Agency Coordination Group on Mine Action** condemned use in South Sudan, Syria and Ukraine and said all use must stop regardless of whether states are party or not to the convention. The **CMC** condemned use in South Sudan, Syria and Ukraine, and called on all states to also speak out on the matter.

Speakers condemning use in ongoing conflict

Other meeting participants referred to use in ongoing conflicts without naming the states where use had taken place. **Afghanistan** raised its great concern over use reported by the Monitor and over the “huge number” of civilian casualties, and condemned such use. **Armenia**, a non-signatory, said that the use of cluster munitions in various conflicts was a grave violation of International Humanitarian Law. The **Holy See** regretted and condemned use of cluster munitions in ongoing conflict. **Japan** declared it was very concerned with “allegations” of use in some conflicts. **Lebanon** said that recent years saw more cluster munition use and that this should be condemned by the international community. **Mexico** also chose to refer to “allegations” and condemned any use by anyone as a violation of the proportionality principle of International Humanitarian Law. **Namibia** said it disapproved and was horrified by the continued use of the weapon in various conflicts. The **State of Palestine** said those responsible for cluster munition use should be prosecuted and punished. **Senegal** condemned the use of cluster munitions in some parts of the world. **South Africa** condemned any use by any entity. **Swaziland** condemned the production, stockpiling and use of cluster munitions and said it was “very disturbing” that some were still deploying cluster munitions despite all the condemnations. **Turkey** expressed its concern over the use of cluster munitions against civilians and condemned such use. **Uganda** said that use in current conflicts deserved condemnation and that producers of the weapon should also be condemned. The **United Kingdom** called on all states that are the object of reports to stop using cluster munitions. **Zambia** condemned

“in the strongest possible manner” the continued use of cluster munitions by states and non-state armed groups, and called for use to stop and for users to be identified and punished.

Speakers condemning any use

A number of states made more general condemnations of any use by anyone, or otherwise noted that the use of cluster munitions is unacceptable. Both **Albania** and **El Salvador** firmly condemned the use of cluster munitions. **Cuba**, a non-signatory, condemned the use of cluster munitions and said their use was not compatible with the norms and principles of International Humanitarian Law. **Lao PDR** said that a strong message must be sent to the world that cluster munitions must not be used anymore. **Panama** said that cluster munition use by anyone under any circumstances could never be justified. **Honduras, Mali, South Sudan** and **Yemen** referred to the unacceptable harm that cluster munitions cause to civilians.

Statements by South Sudan and Uganda

South Sudan declared that recent use on national territory was unfortunate and that the authorities were taking this very seriously. It reported that a joint investigation team comprising government and United Nations officials had not been able to establish who had used the weapon, and that any further findings would be shared publicly. South Sudan asserted that its army does not possess cluster munitions and has no means to use them. **Uganda** said allegations of use in South Sudan were “unfounded and fictitious”. It asserted that it would not use cluster munitions and did not possess such weapons, and suggested that states focus instead of the root causes of cluster munition use. It further noted its willingness to cooperate on the inquiry.