

## **CMC report on the Lima conference and next steps**

### **Summary**

Representatives from 67 states participated in the Lima Conference on Cluster Munitions (LCCM) from 23-25 May 2007. Information on the states attending and the states engaged in the process is available at the end of this report.

The CMC held a Regional Civil Society Forum the day before on 22 May, attended by around 100 participants, including NGOs and a number of governments.

At the LCCM 27 new states participated in the Oslo process for the first time, most of them making explicit statements endorsing the Oslo declaration. After three days of substantive work, the shape of the new treaty emerged with some clarity and there was clear momentum towards an outcome in 2008.

There was broad consensus on the essential elements of a new treaty and the need for articles on victim assistance, clearance, stockpile destruction, international cooperation and assistance, and transparency measures, including deadlines for clearance and stockpile destruction.

The draft text is largely modelled on the Mine Ban Treaty, and there were encouraging discussions on ways to improve the language based on the past eight years of experience, including a separate article on victim assistance based on a human rights approach.

Hungary announced a moratorium on the use, transfer and production of cluster munitions. Peru announced an initiative for a Latin American Cluster Muniton Free Zone. Costa Rica invited delegates to a regional meeting 23-24 August to work towards this goal.

In the first session of the conference a number of European states rallied behind a French proposal to push the definition discussion to the beginning of the agenda. This group of states (Denmark, Finland, France, Germany, Italy, the Netherlands, Switzerland, and the UK) joined by several others (Australia, Japan, Poland, Slovakia, and Spain) shared approaches to certain contentious issues during the meeting—most notably a technical fix approach exempting broad categories of cluster munitions from a prohibition—but they did not work as a coherent block.

### **CMC interventions**

In addition to a CMC statement by Branislav Kapetanovic in the inaugural segment and opening and concluding remarks by the CMC, various member organisations gave thematic interventions on behalf of the CMC. These interventions were based on the CMC commentary of the Lima discussion text.

Handicap International, Landmine Survivors Network and AVISCAM (Peru) spoke on victim assistance; Landmine Action on clearance; Protection on International Cooperation and Assistance; Human Rights Watch on the agenda, stockpile destruction, national implementation measures, compliance, scope of application and general obligations, and procedural items; ICBL on transparency.

The Co-Chairs gave three interventions on the definition: Steve Goose (HRW) on the general approach; Simon Conway (LA) on self-destruct mechanisms and Grethe Østern (NPA) on failure rate approaches.

## **Summaries of thematic issues**

### **Victim assistance**

In general there was broad agreement that victim assistance should be a core provision of the new treaty and that the provisions of the Mine Ban Treaty on victim assistance could and should be strengthened in a stand alone article of the new cluster munition treaty. Participants recognised that the definition of victims should cover not just affected individuals but their families and communities as well. There was broad agreement on the need to adopt a human rights based approach to victim assistance. These were all matters proposed by and/or supported by the CMC.

### **Clearance**

States agreed on the importance of clearance operations to enable affected communities to recover and rebuild. The major issues discussed for inclusion in a future instrument were provisions for extending deadlines for the completion of clearance operations, financial assistance, technical support and data transmission, and risk education.

A number of states noted the important relationship between clearance and risk education, noting that risk education is a key element of a new treaty. A number of affected States shared their experiences with cluster munition clearance and the CMC highlighted specific issues with cluster munition clearance including the need for a two-phase approach of surface and then sub-surface clearance and the challenges posed by submunition fuzes. CMC noted the particular dangers of submunitions with self-destruct mechanisms such as the M85, which can be more unpredictable.

### **Stockpile destruction**

All agreed there should be a provision for stocks of cluster munitions prohibited under the treaty to be destroyed as soon as possible, and that there should be a deadline. The main issues discussed were timelines, transparency, transfer for the purposes of destruction, technical challenges for the destruction of existing stocks, emphasizing safety, security, and environmental concerns, and the need for international assistance. Participants noted that destruction of cluster munitions may be more costly, complex, and time consuming than destruction of antipersonnel landmines. The UK cautioned that the time period should not be too short, noting that it would take 6 years to destroy its stockpiles already withdrawn from service. Others stating that a long period may be needed for destruction included Finland, Japan, Egypt, Germany, and Spain. On the

other hand, Belgium noted that it would complete its destruction by the end of 2008, well within the 3 year time period set by national legislation.

There were divergent views on the need to retain some live stocks of cluster munitions for training and research. Australia, UK, Germany, France and Belgium proposed that it should be permitted to retain live cluster munitions for such purposes. Canada, Norway, and CMC questioned the need for retention noting that experience on landmines showed that such a provision had led to widespread abuse with large stocks retained. Ireland suggested that if live stocks were retained then the circumstances should be made clear and the numbers should be limited. Japan used this session to push for a transition period for national security purposes during which prohibited weapons could still be used.

#### International cooperation and assistance

Many States attached great importance to strengthening provisions for cooperation and assistance. Several States emphasized the crucial role that assistance plays for developing and affected countries, as assistance and universalisation of a future treaty are interrelated. Many developing countries will need help in meeting treaty obligations. Limited financial resources rather than lack of political will, may be the main factor influencing their decision to sign a future instrument.

A number of delegations stated that assistance must be provided in a comprehensive manner and with an aim to promote development and capacity building. Frameworks should be constructed to avoid duplicating efforts and ensuring that while some obligations should be assumed by affected States, the international community will be prepared to assist with others. Several States and the CMC also proposed that user states should bear special responsibilities for clearance and victim assistance in countries affected by their past use of cluster munitions.

#### Definitions

The most contentious issues of the Conference centred on the definition of cluster munitions to be used as a basis for a future instrument. While States agreed that a treaty would be a prohibition, there were divergent views on how far the prohibition should extend. Australia, Argentina, Denmark, Japan, France, Finland, Poland and the United Kingdom supported a definition which would exempt cluster munitions with submunitions with self-destruct mechanisms. Others that supported a reliability standard approach included Canada, Estonia, Germany, Italy, Netherlands, Slovakia, Spain, and Switzerland, Norway, Lebanon, Ireland, and the CMC strongly opposed any definition of cluster munitions that would allow for submunitions equipped with self-destruct mechanisms under a new treaty. Others speaking out against such broad exceptions to the prohibition included Chad, Guinea, Indonesia, Mexico, New Zealand, Peru, and Senegal.

### **Emerging threats to a new treaty**

#### Self-destruct mechanisms

A number of states, particularly European states, are still advocating a partial ban that would exempt cluster munitions with self-destruct mechanisms (see above list of

countries in the definition section). CMC's position on this is clear, there is no room for an exemption in a treaty if the treaty will protect civilians. There is clearly a lot of work to be done at the national level on this issue.

#### Transition periods

Some States, notably, Egypt, Finland, Germany, Japan and the UK mentioned transition periods during which states could presumably continue using cluster munitions that they have agreed to ban. Finland noted transition periods might be necessary to replace cluster munitions with other weapons systems. The UK government indicated that it would support a transition period where it could phase out different types of cluster munitions.

#### Interoperability

The issue of interoperability was raised by Australia, Canada, Japan, Poland, and the United Kingdom. The issue is the potential implications of a treaty banning cluster munitions for States Parties that may engage in joint military operations with states (such as the US) that are not party and may use cluster munitions.

#### The CCW forum

At the outset of the Lima Conference and at other times during the proceedings, a number of states emphasized the importance of potential work on cluster munitions in the Convention on Conventional Weapons (CCW). Virtually all of them stressed the "complementarity" of the two processes. While the CMC does not object to work in the CCW by those states not prepared to move quickly and comprehensively in the Oslo process, the CMC has expressed its concern that many states may be using the CCW as an excuse to avoid truly meaningful work on the issue and undermine the Oslo process. The list of vocal CCW supporters is nearly identical to those who support technical approaches and transition periods.

#### **Campaigners meeting**

CMC members met following the conference to share impressions from the conference, to report back on conversations they had with delegates, and to discuss campaigning ideas and strategies for next steps.

Discussions on campaigning were organized by geographical regions. Overall, it was considered key to do work at the regional level and to galvanise and strengthen government support through government and NGO regional meetings as well as national level advocacy.

Involvement of parliamentarians was seen as an important tool for national level campaigns and work will be done on getting parliamentarians to join a CMC parliamentary network. Parliamentarians could be important at international meetings such as the Vienna conference, but they must be given a clear platform to speak.

There is a general need to develop some more lobbying materials on key issues and to translate some of the materials that are currently only available in English.

### **Tools and materials**

A range of materials has been developed for campaigners to use, and suggestions on additional materials needed can be sent to Laura ([laura@stopclustermunitions.org](mailto:laura@stopclustermunitions.org)).

Printed materials: ‘Stop Killing Civilians – Start Banning Cluster Bombs’ posters, badges, leaflets, folders. These currently are available in English only although we will create translated versions of the design work so that these materials can be printed locally.

Online materials: CMC Lobby guide (this will be updated), CMC Treaty Principles, CMC Key Facts, CMC comments on Lima discussion text, CMC list of States in Lima, CMC Regional Fact Sheets, template letters to Ministries and Parliamentarians (these will also be updated), HRW Dirty Dozen Chart, HRW Myths and Realities, NPA/CMC Image Gallery.

Videos: Short films have been developed including a 37 minute film ‘From Lao to Lebanon’, HRW have also produced a short film.

Photo Exhibition: Landmine Action has developed photo exhibitions which CMC campaigners can use. The most recent exhibition ‘From Lao to Lebanon’ was displayed at the Lima conference and is based on the CMC Treaty Principles. Another exhibition includes pictures from Afghanistan, Kosovo, Guinea-Bissau, Eritrea, Lao and Lebanon. Please contact Laura if you want to use either of them.

A kit for campaigners to engage and inform parliamentarians will be developed in the coming weeks. There will also be translation of documents that are only available in English at present and some key lobbying papers will be developed on key issues, such as self-destruct mechanisms and failure rates, transition periods, interoperability and other issues.

### **Media coverage**

A [review](#) of the media coverage has been prepared as well as a related CMC press release issued on the final day of the conference.

### **Next steps**

The CMC network has three main challenges in ensuring state support for the Oslo Process:

- a) reaching out to involve more states in the process;
- b) strengthening the states that have committed to the process and,

- c) making sure that states already involved in the process adhere to the CMC principles.

A document showing the states involved in the process is available here.

Some immediate targets for new states are:

Algeria, Brazil, Ethiopia, Guinea-Bissau, Honduras, Kenya, Kuwait, Malaysia, Morocco, Nicaragua, Philippines, Sudan, Tajikistan, Turkey, Vietnam

Key targets for states that need to be strengthened include:

Afghanistan, Albania, Bangladesh, Bolivia, Chile, Ecuador, Greece, Jordan, Laos, Nigeria, Panama, Paraguay, Thailand, Venezuela, Yemen.

Key targets for advocacy to make sure states are adhering to the CMC principles are:

Argentina, Australia, Canada, Chile, Denmark, Egypt, Estonia, Finland, France, Germany, Italy, Japan, Latvia, Netherlands, Poland, Slovakia, South Africa, Spain, Sweden, Switzerland, United Kingdom.

CMC is working on strategies to support campaigning in each of these countries so please get in touch with Laura to discuss your plans and ideas in your country or any of the countries listed above.

### **Upcoming meetings:**

#### **CCW**

A small number of CMC member organisations will attend the CCW Preparatory Committee for the first Meeting of States Parties to Protocol V on 18 June and parts of the Group of Governmental Experts from 19-22 June in Geneva. The CMC does not plan to participate, but member organisations will give some side briefings and participate in deliberations with a low key approach.

#### **Costa Rica**

Costa Rica will host a regional meeting for Latin America on 23-24 August, with an NGO forum incorporated into the event. Aims are to build capacity of diplomats in the region, bring new states on board, develop a Latin American negotiating bloc and build momentum for a Latin American cluster munition-free zone.

#### **Cairo / Arab League**

Discussions are underway with the Arab League on a possible event on cluster munitions sometime this year. Initial reactions have been positive and details and a date will hopefully be confirmed shortly.

#### **Zambia / SADC**

Discussions are underway with campaigners, UNDP and ICRC on a possible meeting on cluster munitions in the SADC region. Zambia has been identified as a possible option for this meeting since it will hold the presidency of SADC as of August.

#### Brussels

Belgium reiterated its commitment to holding a regional meeting in Brussels in autumn 2007.

#### Belgrade

Serbia noted that it is working on the idea of hosting a meeting of affected states. The CMC and partners NPA and the ICBL will work with Serbia to discuss options for this meeting and plan and organise it.

#### Vienna

Austria announced that the Vienna Conference will take place from 5-7 December 2007, with an NGO forum held the day after the Conference. Austria committed to provide all assistance that NGOs might require.

#### Wellington

New Zealand announced that the Wellington meeting will take place on 18-22 February 2008.

#### Dublin

Ireland announced a two-week Dublin meeting to take place in the second half of May or early June 2008.

## **Participation in Lima and in the Oslo Process**

67 States participated fully in the Lima conference. The 27 new states that were NOT in Oslo are bold and underlined in the list below. Many new states, African states in particular, declared their support for the Oslo declaration. Even without explicitly endorsing the declaration, those 27 new states participated fully in Lima, making a total of 75 countries participating in the **Oslo process**.

### **AFRICA (14)**

Angola, **Burundi**, **Chad**, **Ghana**, **Guinea Bissau**, **Lesotho**, **Liberia**, **Mauritania**, **Mozambique**, **Nigeria**, **Senegal**, **Tanzania**, **Uganda** and **Zambia**

### **AMERICAS (14)**

Argentina, **Bolivia**, Canada, Chile, Colombia, Costa Rica, **Dominican Republic**, **Ecuador**, Guatemala, Mexico, **Panama**, **Paraguay**, Peru and **Venezuela**

### **ASIA AND PACIFIC (8)**

**Australia**, **Bangladesh**, **Cambodia**, Indonesia, Japan, **Lao PDR**, New Zealand and **Thailand**

### **EUROPE (28)**

**Albania**, Austria, Belgium, Bosnia and Herzegovina, Croatia, Czech Republic, Denmark, **Estonia**, Finland, France, Germany, **Greece**, Holy See, Hungary, Ireland, Italy, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Serbia, Slovakia, Spain, Switzerland and the UK

### **MIDDLE EAST (3)**

Egypt, Lebanon, and **Yemen**.

### **Notes:**

Japan and Poland participated in both the Oslo and Lima meetings, and thus are participating in the Oslo process, but have stated they are not yet prepared to endorse the Oslo Declaration.

Australia, Bolivia, Ecuador, Estonia, Greece, Nigeria, Panama, and Paraguay participated in the Lima meeting, but did not explicitly endorse the Oslo Declaration.

Russia was an observer in Lima but CMC does not consider them a participant in the process.

States that did not attend Lima but were in Oslo and endorsed the Oslo declaration include: Afghanistan, Iceland, Jordan, Latvia, Liechtenstein, Slovenia, South Africa and Sweden.

### **Participating in the Oslo process we list 75 countries:**

### **AFRICA (15)**

Angola, **Burundi**, **Chad**, **Ghana**, **Guinea Bissau**, **Lesotho**, **Liberia**, **Mauritania**, **Mozambique**, **Nigeria**, **Senegal**, **South Africa**, **Tanzania**, **Uganda** and **Zambia**

### **AMERICAS (14)**

Argentina, Bolivia, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Mexico, Panama, Paraguay, Peru and Venezuela

**ASIA AND PACIFIC (9)**

Afghanistan, Australia, Bangladesh, Cambodia, Indonesia, Japan, Lao PDR, New Zealand and Thailand

**EUROPE (33)**

Albania, Austria, Belgium, Bosnia and Herzegovina, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Holy See, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland and the UK

**MIDDLE EAST (4):**

Egypt, Jordan, Lebanon, and Yemen.

**Of these 75 countries:**

**19 have produced or recently stopped production of cluster munitions:** Argentina, Chile, Belgium, Bosnia and Herzegovina, Egypt, France, Germany, Greece, Italy, Japan, Netherlands, Poland, Serbia, Slovakia, South Africa, Spain, Sweden, Switzerland and the UK

**34 stockpile cluster munitions:** Angola, Argentina, Austria, Belgium, Bosnia and Herzegovina, Canada, Chile, Croatia, Czech Republic, Denmark, Egypt, Estonia, Finland, France, Germany, Greece, Guinea Bissau, Hungary, Indonesia, Italy, Japan, Jordan, Netherlands, Nigeria, Norway, Poland, Portugal, Serbia, Slovakia, South Africa, Spain, Sweden, Switzerland, UK, Yemen.

**7 states once used cluster munitions,** non-state armed groups also used cluster munitions in two of the instances: Bosnia and Herzegovina, Croatia (NSAG), France, Netherlands, Nigeria, Serbia, UK

**11 states are affected by cluster munitions:** Afghanistan, Albania, Bosnia and Herzegovina, Cambodia, Chad, Croatia, Guinea Bissau, Lao PDR, Lebanon, Serbia, UK (Falklands / Malvinas).

**20 states are not party to the Convention on Certain Conventional Weapons (CCW):** Afghanistan (signatory), Angola, Bangladesh, Chad, Dominican Republic, Egypt (signatory), Ghana, Guinea Bissau, Iceland (signatory), Indonesia, Lebanon, Mauritania, Mozambique, Nigeria, Tanzania, Thailand, Uganda, Venezuela, Yemen, Zambia