

CMC report on the Livingstone Conference

Report on the Livingstone Conference on Cluster Munitions

31 March and 1 April 2008

Summary

Thirty-nine African countries gathered in Livingstone, Zambia on 31 March and 1 April 2008 for an all-Africa Oslo Process conference on Cluster Munitions to discuss the key elements of the future Cluster Munitions Convention and determine coordinated African positions. A strong political declaration was agreed by all present except Egypt and strong positions emerged on the controversial negotiating issues. The two African producer states Egypt and South Africa proved problematic with Egypt disassociating itself from the Wellington and Livingstone Declaration and South Africa calling for exemptions for certain cluster munitions.

Participation

The participating countries were: Algeria, Angola, Benin, Botswana, Burkina Faso, Cameroon, Comoros, Congo (Republic of), Cote d'Ivoire, Democratic Republic of Congo, Egypt, Eritrea, Ghana, Guinea Conakry, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Morocco, Mozambique, Namibia, Niger, Nigeria, Senegal, Seychelles, Sierra Leone, South Africa, Sudan, Swaziland, Tanzania, Tunisia, Uganda, Zambia and Zimbabwe. Norway, Ireland, UNDP and ICRC also participated, the latter unveiling during the conference a new 15 minute film entitled "Time to act."

Eritrea, Tunisia and Zimbabwe participated in the Oslo Process for the first time. Tunisia and Zimbabwe announced support for the Oslo Process and a ban on cluster munitions, the latter being an active and vocal supporter of positive positions on the key controversial issues for negotiation. Eritrea noted that it supported banning all weapons that kill and injure indiscriminately.

Forty-seven civil society members represented the CMC from 16 African countries including mine survivor advocates from Landmine Survivors Network. Throughout the week, campaigners worked within sub-regional and linguistic groups to put forward CMC's recommendations to the Oslo Conference: 1) to support a treaty with no exceptions, no delays and no loopholes; 2) to support a treaty based on strong humanitarian principles; 3) to prevent further proliferation of cluster munitions and 4) to conclude a strong common position.

Livingstone Declaration

A key outcome of the conference was the adoption of a strong political statement, the Livingstone Declaration, committing African states to negotiate an international ban on cluster munitions at the Dublin Diplomatic Conference. The Livingstone Declaration affirmed support for the draft Cluster Munitions Convention and announced African countries' support for a prohibition on "all cluster munitions that cause unacceptable harm" and that "such prohibition should be total and immediate." Adoption of the declaration proved challenging both procedurally and substantively, with South Africa expressing dissatisfaction with the chairing of the session and refusing to endorse on the basis of the substance of the final paragraph. This paragraph was originally drafted to say that African states called for "all cluster munitions" to be the subject of the negotiations of a convention prohibiting their use. As a compromise Sierra Leone suggested retaining "all cluster munitions" but adding "that cause unacceptable harm" which South Africa agreed would be sufficient to secure its support for the declaration. Crucially, by noting the need

for the prohibition to be "immediate from the convention's entry into force" the declaration affirms a clear aspiration amongst African states that there should be no transition period for use in the new treaty. In addition the declaration notes that "all harm is unacceptable." Furthermore a very strong paragraph was added to the declaration on victim assistance. Only Egypt disassociated itself from the Livingstone Declaration.

Wellington Declaration

In addition to the adoption of the Livingstone Declaration, nine states publicly announced their commitment to formally endorse the Wellington Declaration, after clear indications from Ireland and several other delegations that this would be necessary to participate in the Dublin Conference. These states were: Cameroon, Guinea Bissau, Guinea Conakry, Lesotho, Liberia, Niger, the Republic of Congo, Tanzania and Zimbabwe. A number of other African states noted privately that they had or were in the process of endorsing the Wellington Declaration.

African Coordination

Delegates discussed the need to coordinate the work of African states in Dublin and also noted the possibility of engaging the African Union in the work on cluster munitions. Delegates broadly agreed that the priority was an informal coordination mechanism for the Dublin Conference and Zambia was appointed as coordinator of the African group for this purpose.

African champions

Zambia was strong on all aspects of the treaty. Ghana and Zimbabwe emerged as strong advocates on the definition issue. Mauritania and Sierra Leone effectively promoted victim assistance. Guinea Bissau was very strong on stockpile destruction. DR Congo, Kenya, Mali and Uganda were very strong on responsibility for past users, both on clearance and international cooperation and assistance. Liberia was strong on several key issues, including interoperability.

Parliamentary and political engagement

The Zambian Foreign Minister opened the meeting with a strong statement showing the country's commitment to the Oslo Process. The Minister of Disaster Preparedness and the Deputy Minister of Foreign Affairs of Uganda participated in the meeting and announced the Kampala meeting in September aimed at rallying African support for signature and ratification of the treaty. Parliamentarians from Sierra Leone and Tanzania also participated and there was clearly a will amongst delegates for more engagement with African parliamentarians in the process.

Substantive discussions

African states discussed the key controversial treaty issues in the international process including the definition of cluster munitions, transition periods, as well as the responsibility of past users for clearance and international cooperation and assistance in general. There was very strong support for the humanitarian elements of victim assistance, clearance and international cooperation and assistance.

General Obligations and Scope

CMC and ICRC presented the controversial issues of transition periods and interoperability. There was strong consensus that the treaty should not allow for transition periods for use and that the prohibition on providing assistance for anyone to use, produce, transfer or stockpile cluster munitions should be clear and unequivocal, including during joint military operations. Earlier

confusion from certain states between transition periods for use and deadlines for stockpile destruction and clearance was clarified over the course of the conference, with delegations making it clear that any transition period allowing for use would be entirely unacceptable.

Definitions

The Norwegian Defence Research Establishment presented on definitions, claiming that cluster munitions had limited military utility and that munitions with sensor-fuzing should not be considered cluster munitions and that these weapons represented an increasingly viable alternative to cluster munitions. The CMC critiqued the proposed technical exclusions highlighting the need to benchmark these proposals against their ability to actually mitigate the indiscriminate area effect and UXO effects of cluster munitions. The CMC emphasised the need for a categorical ban and that the burden of proof is on states to demonstrate the acceptability of any exclusions, stressing that the resolution of article 2(c) would be the critical negotiation for Dublin.

There was overwhelming support from the majority of among African states for a categorical ban on all cluster munitions arguing that only a clear and comprehensive prohibition would stigmatise the weapon and prevent all further use. In noting their conviction for a categorical ban, Ghana declared that "this is not an anti-military campaign but pro humanity" and the Deputy Minister of Uganda said that his intention is not to reduce the military capability of Uganda's army and that there are alternative weapon systems to cluster munitions. South Africa was a lone voice in Africa arguing that certain cluster munitions are legitimate weapons of war as long as they are targeted properly and have "a reliability rate of 98%". South Africa argued that such weapons should be excluded from the prohibition.

Victim Assistance

Berihu Mesele Arefaine opened this session by giving his personal experience of a cluster munition strike in his town, Mekele, Ethiopia. Aimable Rukundo from Rwanda spoke on his experience as an African survivor. The CMC presented emphasising the historic steps forward reflected in the draft convention on survivor assistance and encouraged states to include strong and obligatory victim assistance provisions, which would be the first time victim assistance is made obligatory within a disarmament treaty.

States spoke strongly in favour of the broad definition of "victim" in the treaty and promoted comprehensive provisions on assistance, arguing that the current draft article on victim assistance should be retained or even strengthened. States broadly agreed with the CMC's conviction that the new convention should set a new standard on victim assistance and human rights.

Clearance and stockpile destruction

African states found common agreement on retaining the strong text in the clearance article as well as ensuring that past user states take responsibility to clear cluster munitions where they have used them. Affected countries in particular voiced their commitment and need for the clearance process

One of the main issues of discussion was the responsibility of user states in assisting affected states. Several states affected by cluster munitions and landmines including the DRC stressed the importance of international assistance to ensure that their countries are cleared and that assistance is provided to victims.

International Cooperation and Assistance

States agreed that past users should have a particular obligation to provide assistance to affected states. It was proposed that victim assistance should be highlighted within article 6 and that the social and economic inclusion and integration of survivors is paramount. It was generally agreed that assistance should be limited to states party to the treaty.