



Report from the Sofia Regional Conference on the Convention on Cluster Munitions – The Way Forward

**18-19 September 2008
Sofia, Bulgaria**

Summary

The Sofia Conference was the first of a series of regional meetings designed to increase awareness and promote the Convention on Cluster Munitions (CCM). Eleven States from the region attended – Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Macedonia (FRY), Moldova, Montenegro, Romania, Serbia, and Turkey. Donor and core group State representatives from Austria, France, Ireland, Norway also participated, along with representatives from UNDP, UNMAS, ICRC, Bulgarian Red Cross, Council of the European Union, NAMSA, and CMC campaigners from 15 countries including 7 countries in the region. The Conference provided participants with a positive, informal atmosphere and succeeded in focusing governments' attention on the importance and timely issue of preparing national policies to sign, ratify, and implement the CCM.

During the Conference, Albania, Bulgaria, and Croatia publicly announced that they will sign the CCM in Oslo in December and Bosnia and Herzegovina and Serbia both made positive statements about their commitment to the Oslo Process. Other States confirmed privately that they will sign in Oslo. Greece, Romania and Turkey did not make any indication during the Conference that they would sign in Oslo.

Opening

As Ambassador Todor Churov, Deputy Minister, Ministry of Foreign Affairs of Bulgaria, announced in his opening address to the Conference, the Conference was intended to provide participants with an open forum for discussion on the CCM and its relation to South East Europe, and provide expert advice on issues of national implementation.

Mr. Raymond Johansen, State Secretary, Ministry of Foreign Affairs of Norway, provided participants with a background on the history of the Oslo Process and welcomed all to come to Norway to sign the treaty on 3 December 2008.

Mr. Henry Jackelen, Resident Representative of UNDP, Bulgaria, emphasized the importance the CCM will have to the region, as South Eastern Europe is still suffering from the impacts of cluster munitions, which continue to slow development and deny land use. The CCM is extremely relevant to the South Eastern European region as it transforms itself from one that is mired in war to one that is growing and dynamic, and is an important aspect of regional ownership of actions and solutions, Mr. Jackelen stated. In light of the recent use of cluster munitions in the conflict in Russia and Georgia, the urgency and relevancy of the CCM is even more important, he added.

Session I - The CCM as a new legal international norm

The first session presented an in-depth legal history and analysis of the CCM treaty and the negotiations in Dublin. Panelists noted the success of the outcome in the Dublin Diplomatic Conference as a historic step forward for international humanitarian law and for humanitarian action on the ground. It was also noted that the CCM would stigmatize the weapon even amongst those outside it.

Ambassador Daithi O'Ceallaigh, President of the Diplomatic Conference in Dublin, candidly discussed political compromises resolved in the Dublin negotiations and explained significant Articles and treaty obligations under the Convention. He was optimistic that the Convention would enter into force in 2009 and will stigmatize cluster munitions, as the Mine Ban Treaty has stigmatized anti-personnel mines. Dr. Gro Nystuen, Professor of International Humanitarian Law at the University of Oslo, explained why a separate treaty prohibiting cluster munitions was necessary, when cluster munitions have already been

deemed an indiscriminate weapon under IHL. Thomas Nash, Coordinator of the CMC, concluded discussions on legal and normative aspects of the CCM, highlighting the normative and standard setting aspects of the new Convention: the categorical ban; the effects based definition; the precautionary approach where the burden of proof rests with those seeking a weaker standard; and the strong victim assistance standard.

Session II – Humanitarian Aspects

Kicking off the second day of the Conference, Dejan Dikic, cluster munitions survivor from Serbia, introduced a film screening of “Time to act”, a new documentary from the ICRC which explains the problem of cluster munitions and outlines the key provisions of the new treaty. Following the film’s visual description of the impacts of cluster munitions, Dr. Dijana Plestina, Advisor to the MFA and European Integrations on Mine Issues of Croatia, Mr. Stan Brabrant, Head of Policy Unit for Handicap International Belgium, and Mr. Chris Clark, Program Manager of UNMACC South Lebanon, UNMAS, spoke on the humanitarian response to cluster munition use, including victim assistance, risk education, and clearance.

Dr. Plestina delivered a concrete and powerful message to participants. Victim assistance, is not about charity, she said. Victim assistance is a matter of human rights and our obligation to make those rights available and accessible to all. Furthermore, social and economic reintegration of survivors is a matter of economic rationality for any society, as productive citizens add to the GNP rather than drain it. She urged her fellow representatives participating in the Conference to be proactive with colleagues at higher levels. She concluded her remarks with a positive announcement that Croatia will certainly sign in Oslo and urged all countries in the region – a region torn by war and in a transition to democracy – that signing in Oslo is a very important step. For those States playing hard to get, she said, “we’ll get them too.”

Mr. Brabrant then provided a detailed background on the genesis and evolution of the provisions on victim assistance within the text of the CCM and throughout the Oslo Process. These provisions, while described by many as a monumental triumph, historic and ground-breaking, are in fact very practical and achievable, he said.

Mr. Clark described the humanitarian impact of cluster munitions from his first-hand experience as a military and clearance expert. He detailed the ways in which cluster munitions fail from a technical perspective, with concrete examples of cluster munition types and conflicts where they caused large-scale and unacceptable humanitarian harm. One such example was the BL755 – a cluster munition which has been used in the South Eastern European region – and the British decision, in light of its massive failure rates and attrition rates for its own forces, to withdraw the weapon.

Session III – Preventing Proliferation

The final session of the Conference addressed stockpile destruction and measures to prevent the proliferation of cluster munitions. Mr. Simon Conway, CMC, mentioned the destructive effects of past proliferation and how time and again, transferred cluster munitions ultimately are used against civilians. He emphasized that in order to meet their stockpile destruction deadline under the CCM, States should start planning now. “Stockpile destruction is like filling out your tax returns, it’s best not to leave it until the last minute,” he said. He urged States to begin taking inventory of their stockpiles, make records public if possible, separate cluster munitions from operational stocks and prepare plans for how and when to destroy them. While States will have 8 years, with the possibility of extensions, to destroy their stockpiles under the CCM, Mr. Conway noted that Austria, Belgium, Spain, and Germany – all possessing substantial stockpiles have pledged to complete destruction in 3 years. Mr. Conway also noted the economic opportunity of becoming involved in a new and potentially profitable industry of cluster munitions disposal.

Peter Courtney-Green of NATO’s Ammunition Maintenance and Supply Agency (NAMSA) and Mr. Colin King, EOD expert, gave a joint presentation on options for stockpile destruction. Mr. Greene, who has overseen the destruction of more than 65 million submunitions during the past 10 years, discussed the challenges ahead to comply with stockpile destruction deadlines in terms of technical difficulties, expense, and facilities, while giving positive examples of successful destruction projects in Norway and Albania. Mr. Greene also mentioned the role of NATO’s Partnership for Peace and its trust fund to provide financial assistance to stockpiling countries in the region.

Mr. King described various methods of destruction, emphasizing the need for safe practices and compliance with environmental regulations. For countries with limited resources, Mr. King provided encouragement that new options for low-cost destruction programs were currently being developed. The explosive harvesting project underway in Cambodia, run by the Golden West Humanitarian Foundation, was one example of an inexpensive, low-technology program involving the harvesting and recycling of explosives to offset costs. Discussions on the cost of stockpile destruction prompted significant interest from participants, including a question from Croatia on the specific cost of destroying BL755 cluster munitions – which was around 400 EUR per bomb for NAMSAs based on the recycling of materials.

Mr. Lou Maresca of the ICRC added that in addition to its stockpile destruction obligations, the CCM will play a critical role in preventing proliferation by stigmatizing cluster munitions around the world. Using the examples of the Mine Ban Treaty and Chemical Weapons Conventions, he demonstrated the power of an international treaty to stigmatize and prevent use of certain weapons, through the joint mechanisms of legality and public perception. This would not only help prevent future use but also prevent production and transfer of the weapons as the market would be significantly reduced and eventually eliminated.

Country statements

Following the informative but somewhat daunting panel discussions on the challenges of stockpile destruction, several State representatives made brief statements on their national positions and were positive towards the CCM. Albania stated it had never used, transferred or stockpiled cluster munitions, but was affected from use during the Kosovo conflict in 1999. While Albanian territory is still contaminated by cluster munitions, initiatives on risk education and victim assistance have resulted in preventing any new casualties since 2005. Albania concluded saying that it will sign in Oslo and strongly supports the ratification of the CCM.

Bulgaria affirmed that it has never been a producer of cluster munitions but does possess a stockpile of RBK cluster munitions. Bulgaria announced that it will sign in Oslo and plans to begin its stockpile destruction after December. Currently, Bulgaria is creating a system for management of the process of neutralizing ERW and developing a doctrine on destruction of explosive ordnance.

Serbia made positive remarks on the CCM, recalling its hosting of the Belgrade Conference of Affected States and emphasizing that victim assistance is among its highest priorities. CCM implementation will take a great effort, Serbia stated. Serbia estimated that 23 square kilometers of its territory remained contaminated and would require an additional 20 million euro for clearance, which is already underway with support from UNDP and Norway. Serbia will hold a meeting in conjunction with the launch of the Ban Bus public awareness raising initiative on 1 October. The Ban Bus will then tour through southeast and eastern Europe, with a stop in Geneva, then through the Baltic States, Finland and Sweden to arrive in Oslo on 2 December.

Bosnia Herzegovina made a similarly positive intervention, relating that it has learned important lessons as a country affected by both mines and cluster munitions and would be willing to share its experiences with others. Bosnia Herzegovina said it was hopeful that it would be able to sign the CCM in December.

Closing the meeting, Ambassador Steffen Kongstad of Norway reiterated the call to governments to sign in Oslo. Chair of the Conference, Dr. Petio Petev, Director, Security Policy Directorate, Bulgarian MFA, emphasized the importance and relevance of the CCM to the South Eastern European region, and to the many victims of the region, a number of which, like Mr. Branislav Kapetanovich, Mr. Sladan Vuckovic, and Mr. Dejan Dikic, continued their work as Ban Advocates during the Conference.

– Katie Harrison, 23 September 2008