



Kampala Conference on the Convention on Cluster Munitions
29 – 30 September 2008
Kampala, Uganda

Summary

The Kampala Conference on the Convention on Cluster Munitions was the second all-African conference on cluster munitions, and one of a series of regional conferences taking place to build support for the Convention on Cluster Munitions (CCM) Signing Conference which will be held in Oslo, Norway on 3 - 4 December 2008.

Forty-two African states participated in the Kampala Conference: Angola, Benin, Botswana, Burkina Faso, Burundi, Central African Republic, Chad, Comoros, Democratic Republic of Congo, Congo (Brazzaville), Cote d'Ivoire, Djibouti, Eritrea, The Gambia, Ghana, Guinea-Bissau, Kenya, Lesotho, Libya, Liberia, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, South Africa, Sudan, Swaziland, Tanzania, Togo, Uganda, Zambia and Zimbabwe. Ghana, Liberia, Sierra Leone, Tanzania and Zambia were represented by Ministers. Three core group countries also participated: Austria, Ireland and Norway, as well as representatives from international organisations including UNDP and the ICRC. The Cluster Munition Coalition (CMC) was represented by 80 campaigners from 26 countries, including: Algeria, Burundi, DR Congo, Djibouti, Egypt, Ethiopia, Gambia, Ghana, Kenya, Malawi, Mali, Nigeria, Rwanda, Senegal, Sierra Leone, South Africa, Sudan, Togo, Uganda, Zambia as well as from Belgium, Canada, France, Poland, UK and the USA.

The chair's outcome document from the conference, Kampala Action Plan, urges all African nations to sign the Convention in Oslo and demonstrate the continent's strong commitment to eradicate cluster munitions. Twenty-nine countries publicly announced they would sign the Convention when it opens for signature on 3 December in Oslo. Most of these states made this announcement for the first time, and included countries that were not part of the 107 countries in Dublin that adopted the Convention. The countries that announced they will sign in Oslo are: Angola, Benin, Burkina Faso, Burundi, Central African Republic, Chad, Comoros, Republic of Congo, DR Congo, The Gambia, Ghana, Guinea-Bissau, Kenya, Liberia, Lesotho, Madagascar, Malawi, Mali, Mauritania, Namibia, Niger, Nigeria, Rwanda, Senegal, Seychelles, Uganda, Tanzania, Togo and Zambia. Representatives from several other countries privately indicated that they would sign in Oslo.

On 28 September, the day before the conference opened, CMC member, the Ugandan Landmine Survivors Association (ULSA), launched the People's Treaty in Uganda collecting hundreds of signatures in support of the Convention. It was launched at a concert featuring famous musicians from Uganda and across the region including Phinato, Bobi Wine and the Firebase Crew, Sweet Kid, the Wat Mom Cultural Group, and national radio presenter Aloysious Matovu Junior. Deminers from the Uganda Mine Action Center gave a demonstration of how they carry out mine clearance.

In the lead-up to the Kampala Conference, Richard Mugisha of the Ugandan NGO People with Disabilities convened a parliamentary workshop to secure Ugandan support for the cluster munition ban. CMC campaigner from Uganda, Margaret Arach Orech, gave an interview on Radio One, with Hon. Tarsis Kabwegyer, Ugandan Minister for Disaster Preparedness in the Office of the Prime Minister and Melissa Sabatier of UNDP. Margaret Arach Orech and CMC campaigner Robert Mtonga from Zambia also appeared on UBC the national television channel raising awareness on Cluster Munitions in Africa and its impact, and echoing the CMC call for States to sign the Convention on Cluster Munitions in December in Oslo.

The CMC would like express their thanks and appreciation to the ULSA team - Margaret Arach Orech, Matt Campbell, Geoffrey Muhumuza, and Richard Mugisha from People With Disabilities, for their organizational support, coordination with the government and work to support this conference and CMC's participation, it was crucial to its success and very much appreciated.

Opening session

In the opening panel, *Berihu Mesele*, a cluster munition survivor from Ethiopia spoke on behalf of the CMC and the Ban Advocate survivors. Mesele gave his personal testimony of living through a cluster munition strike in Mekele in 1998 that killed and injured over 200 people and where he lost both of his legs, and called on all African states to sign the Convention in Oslo and assist survivors. He said, "As a survivor and a Ban Advocate, I believe that this Treaty can be the solution and this will not remain just a piece of paper, but will be concretely implemented, in order to improve our lives."

UNDP Resident Representative in Uganda, *Mr. Theophane Nikyeme*, said that the CCM is of vital importance to the safety and security of the citizens of Africa. He added that although Africa is not widely contaminated by cluster munitions, many African countries have been contaminated by landmines and unexploded ordnance from past conflicts, and that the CCM is extremely relevant for this region to prevent cluster munitions from being used on African soil. He reiterated the message from the United Nations Secretary-General Ban Ki-moon, that the Convention will "enhance the protection of civilians, strengthen human rights and improve prospects for development."

Canon Rev. Dr. Grace Ndyabahika delivered an address on behalf of *His Most Reverend Archbishop Desmond Tutu* drawing attention to the indiscriminate nature of cluster munitions and urging states to prohibit these weapons.

Prof. Tarsis Bazana Kabwegyere, the Minister for Relief, Disaster Preparedness and Refugees gave a statement on behalf of Ugandan President Museveni announcing that Uganda will sign the Convention in Oslo and calling on African nations to join Uganda and sign in Oslo too. He said "There is no excuse for using cluster munitions that cause harm to civilians.... Therefore, there is no reason to allow these weapons to continue killing and maiming days or even decades after a conflict... These weapons that cause so much harm to civilians should not be used, nor produced, transferred or sold."

Session 1. The Oslo Process and the Convention on Cluster Munitions

HE Roland Hauser, Austria, spoke about the Oslo Process, highlighting how small and medium-sized countries can make a difference, and emphasising the role African nations have played in this process and in the Mine Ban Treaty. He stressed the strength of the CCM as a Convention that prohibits an entire category of weapons and encouraged all African states to be in Oslo to sign.

HE Gjermund Saether, Norway, spoke about the CCM as a new international legal norm and paid tribute to the 'critical and constructive' role African nations had in the Oslo Process and on securing the CCM. Saether highlighted the victim assistance obligations as crucial. He emphasised the effective partnership that has been established between states, international organisations and civil society in this process and invited all states to sign in Oslo.

Ms. Sheila Mweemba, Zambia, presented on the role of Africa in this process, and noted that Africa comprises states that have been users, producers, stockpilers as well as states affected by cluster munitions. Mweemba stressed that preventing further proliferation of cluster munitions in Africa is crucial to preventing new victims. Mweemba emphasised the large number of African states involved in the process, and that despite having to make some compromises in Dublin, Africa is committed to seeing this process through. She reminded us that Zambia spoke first of all states in Dublin on behalf of group of African states to formally adopt the Convention. She echoed the appeal for all African states to sign in Oslo.

The floor was subsequently opened to general statements. **Burundi, Central African Republic, DR Congo, Gambia, Ghana, Guinea-Bissau, Liberia, Malawi, Mali, Mauritania, Niger, Nigeria, Senegal, and Zambia** all announced that they will sign the Convention in Oslo. **Angola** and **Tanzania** later confirmed to CMC that their statements should be viewed as firm indications that their governments will sign the Convention on 3 December. **Burundi, the Central African Republic, Liberia, Mali, Mauritania, Nigeria, Senegal, DR Congo, Zambia** and **Tanzania** announced that they would start working to ratify the Convention. **Zambia** said that they were working to sign and ratify at the same time in Oslo. **Tanzania** emphasised that it hoped to be among the first 30 countries to ratify the Convention. **DR Congo** also announced that they would launch a national action plan on victim assistance and start work on risk education and stockpile destruction.

The Chair concluded the session by enthusiastically stressing the urgency and necessity for all African states to sign the Convention in Oslo, to move fast to make the Convention a reality and to abide by the terms of the Convention. He added that all the members of the international community should give their full support to this Convention.

The session ended with a screening of a video message from footballer and UNDP Goodwill Ambassador Dider Drogba from Cote d'Ivoire urging states to ban cluster munitions.

Session 2: The Convention's Commitments: Victim Assistance

Mr. Herbert Baryayebwa, Commissioner of Ministry of Gender gave a presentation on Uganda's work on victim assistance for persons with disabilities including landmine survivors, and confirmed that Uganda has just ratified the Convention on the Rights of Persons with Disabilities.

Ms. Margaret Arach Orech, Uganda, presented on victim assistance on behalf of CMC and brought to attention to the groundbreaking obligations on victim assistance in the CCM. Arach also emphasised that the CCM complements existing international instruments such as the Convention on the Rights of Persons with Disabilities and the AP Mine Ban Treaty. She called on all governments to fulfil their obligations and assist survivors in realising their full human rights.

Liberia and **Sierra Leone** welcomed the strength of the victim assistance article. **Liberia** said that the most important and groundbreaking provisions on victim assistance are a victory for African countries. **Sierra Leone** appreciated the strength of Article 5, and stated that the support for the victims should be directed to the victims and said to look at non-governmental organisations for their ideas, inspiration and support. **Mauritania** called Article 5 a fundamental element of the treaty, and highlighted the need to work with survivors on victim assistance national action plans and implementation. **DR Congo** urged countries to start working on national legislation, stockpile destruction and the development of a national plan on victim assistance.

Chad, Congo, Comoros and **Lesotho** announced their intention to sign in Oslo. **Comoros** also announced that it will work to ratify the Convention too.

Session 3: The Convention's Prohibitions

Mr. Richard Moyes, UK, Co-Chair of the CMC, presented on 'What is Prohibited?'. Moyes started by saying that the CCM is a major humanitarian success, delivered with a strong guiding hand from Africa, and for the sixth time ever has prohibited an entire category of weapons. Although there are numerous positive obligations under the Convention, these are based on a fundamental prohibition of the use, production, stockpiling and transfer of cluster munitions. It also prohibits assisting others to undertake any of these prohibited acts. The Convention also requires states parties to destroy any stockpiles of cluster munitions, sell or transfer cluster munitions and undertake clearance as soon as possible. Moyes highlighted that African nations are fortunate not to be large stockpilers of the weapon and can therefore prevent the problem, avoiding the devastation it has caused in other countries.

The Chair asked whether there is a possibility that victims who are not cluster munition victims will be discriminated against. Moyes responded that the victim assistance article is non-discriminatory and should raise standards across the board. The Chair then opened the floor to statements and comments. Tanzania asked about the monitoring of the implementation of the Convention on Cluster Munitions, there was discussion of the formal compliance mechanisms but Moyes highlighted that civil society plans to provide an informal monitoring mechanism and that CMC is working with the Landmine Monitor, an ICBL project that has monitored the Mine Ban Treaty. Sierra Leone asked about the 'interoperability' article and foreign stockpiling. Moyes encouraged states to read the CMC Briefing Paper and to make interpretive statements to make clear intentional assistance is prohibited and that foreign stockpiles should be removed. Rwanda asked about transfers to Non State Actors, Moyes responded that national legislation should prevent transfers to Non State Actors and said that the UK is putting into effect on 1 October a law prohibiting UK citizens, even if overseas, from being involved in any prohibited acts under the Convention. The Chair asked about steps being taken against producers, Moyes said that no provision can prevent manufacturing in countries that are not States Parties. Peter Herby from the ICRC stated that manufacturers will now find it difficult to sell cluster munitions now that they are being prohibited.

With respect to interpretative statements, Herby also noted that the obligation to destroy stockpiles should be understood as referring also to "bomblets".

Kenya announced that they will sign the Convention in Oslo.

Session 4: The Convention's Commitments: Stockpile destruction, risk education and clearance

Lt. Col. Jim Burke, Ireland, presented on clearance obligations. He stressed that Article 4 on clearance builds on existing obligations under the Mine Ban Treaty and Protocol V to the CCW: Article 4 places the primary responsibility on affected states, puts a strong emphasis on international cooperation and assistance, and places a particular responsibility on past users.

Mr. Rob Wensley, South Africa, gave a presentation on the main obligations on states for stockpile destruction and storage. Article 3 on stockpile destruction allows 8 years to complete stockpile destruction

with the possibility of extension periods of 4 years. He said that this article emphasised the disarmament pillar of the CCM and emphasised that states should only retain the minimum number of cluster munitions absolutely necessary.

Mr. Abu Osama Abdallah Mohamed, Sudan, gave an intervention on behalf of CMC and stated that clearance and risk education are fundamental to the protection of civilians. States should provide all information possible on contaminated areas, and reminded states that the obligation is to complete clearance as soon as possible but within the 10 year deadline.

UNDP reminded states that they are able to seek and receive assistance to fulfil the obligations under the Convention.

Ms. Mimidoo Achakpa, Nigeria, gave an intervention on behalf of CMC, and urged states to make available information on types and quantities of cluster munitions in stockpiles and urged states to destroy them as soon as possible. Achakpa commended the government of Nigeria for committing to destroy its stockpiles.

Burkina Faso, Madagascar, Namibia, Rwanda, and Togo announced they will sign in Oslo. **Madagascar** also announced it would work to ratify without delay. **Eritrea** stated that as an affected country it knows the problems of cluster munitions and fully supports the prohibition of these weapons.

Session 5: The Way Forward

Dr. Robert Mtonga, Zambia, gave a presentation on behalf of CMC. He urged all states in Africa to sign the Convention and save humanity, as it will make a difference on the ground. He called on all states to continue to promote the CCM as the new international norm, work on domestic national legislation to ratify the CCM, as Zambia is, and to develop national action plans on stockpile destruction, clearance and victim assistance.

H.E Nana Obiri Boahen, Ghana, delivered Ghana's views on areas of the treaty that require common understandings. He highlighted that states must not intentionally assist other states in using cluster munitions and in other acts prohibited by the Convention; that states should not allow states to transit cluster munitions through their territory; that states parties should remove stockpiles of foreign cluster munitions from their territory; and that states should retain the minimum number required for training purposes which could be in the hundreds or thousands but not the tens of thousands.

Mr. Peter Herby, ICRC, spoke on the creation of a new international norm that can be even stronger than what is on paper, as demonstrated throughout history and notably with the example of the Mine Ban Treaty where the use by non states parties has been severely restricted if used at all. He said that most cluster munitions have outlived their shelf-life which is an opportunity to influence practice and rethink policy. He said that the political price of using cluster munitions has already increased since Dublin and will increase further after Oslo, so that no one can ever use these weapons again unaware of the effects on civilians and humanitarian costs. He encouraged everyone to work towards getting a high number of states in Oslo to sign and stressed that the Convention on Certain Conventional Weapons (CCW) will not solve the problem and that States should not adopt a lower legal standard having already agreed to the higher standard.

Zambia and Burkina Faso agreed with the position of **Ghana** on interpretive statements. The **Seychelles** affirmed they will sign in Oslo and highlighted that the transit of cluster munitions is also prohibited. **Djibouti**, participating for the first time in the Oslo Process, reassured that it will do its utmost to join the process by signing and ratifying.

In response to a question from the CMC, Peter Herby highlighted that the strongest mechanism for making interpretative statements was to deposit a document containing these interpretations with the UN along with the States' instrument of ratification.

The film 'Unacceptable Harm: 40 years of cluster munitions' by Chris Anderson was screened.

The Chair concluded, "*Distinguished Delegates I don't think there is much more that can be said ... the film shows the devastating physical and psychological and cross-generational effects of this weapon. Let us all re-double our efforts to ensure that the CCM enters into force and that States Parties and States not Parties alike recognize the importance of banning these cluster munitions forever.*"

Closing ceremony

The Kampala Action plan was tabled by the Chair and met with acclamation and applause.

Launch of the People's Treaty, Uganda

28 September 2008

The People's Treaty was launched in Uganda on 28 September 2008. Landmine survivor and ICBL Ambassador Margaret Arach Orech welcomed campaigners, survivors and government delegates to Uganda at the Kyadondo Rugby Grounds, inviting them to sign the People's Treaty. Members of the public also attended the event, signing the People's Treaty petition and allowing Ugandans to have their voices heard in Oslo this December.

Delegates arrived in the early afternoon following the CMC campaign workshop at the Imperial Royale Hotel. Hundreds of signatures were collected throughout the afternoon, calling on the Ugandan government to sign the Convention in Oslo. The signatures were placed on display as campaigners engaged with the locals, many of whom sought refuge from the bright sun in the shade.

Zambian campaigner Bob Mtonga acted as Master of Ceremonies, rallying the crowd and introducing popular Ugandan musical artists Bobi Wine, Butcherman and Nubian Lee of the Firebase Crew, Sweet Kid, Matovu Jr, and Phinato. Matovu opened the live concert, performing some of his well known songs and a poem written for the occasion. The musicians gave a strong endorsement of the treaty, asking Ugandans to reach deep into their hearts and support the cause. "We all have the right to life and the right to live," said headliner Bobi Wine. "We must ban cluster bombs!" he declared to a boisterous crowd. The performers also signed the People's Treaty,

Francis Karangwa, a Rwandese participant from Survivor Corps, shared his testimony with the crowd and encouraged those affected not to think of themselves as victims, but rather survivors. He asked them not to be limited by their disability, but liberated.

Following this, ICBL Advocacy Advisor Susan B. Walker gave a brief history of the Cluster Munition Coalition, speaking about her 15 years of field experience with survivors in South East Asia and with the 1997 AP Mine Ban Treaty, drawing on parallels between it and the Convention on Cluster Munitions. And in full demining attire, Ugandan Deminers Alfred Tumusiime and James Baguma gave a demonstration of how fields are demined in Northern Uganda.

As the event drew to a close, traditional dancers from the Watmon cultural group entertained the audience with performances based on dances from Northern Ugandan, a region where most have been living in IDP camps for two decades.

**Parliamentary Forum:
Bringing the Convention on Cluster Munitions into force
30 September 2008**

Members of Parliament (MPs) from 10 countries participated in the Kampala Conference on their countries' delegation to the conference from Burundi, Djibouti, Congo, Ghana, Mali, Malawi, Senegal, Seychelles, Tanzania and Uganda.

Ms. Mimidoo Achakpa, Nigeria, CMC, chair of the parliamentary forum, opened the event by announcing that the main objective of this forum and of the work of national parliaments now is to ensure that the Convention on Cluster Munitions enters into force quickly and before the end of 2009.

Hon. Ibrahim Sorie, Member of Parliament in Sierra Leone and ECOWAS parliamentary representative, spoke on the role of parliamentarians in the Oslo Process so far. He said that after the signing of the Convention, parliamentary events on cluster munitions will cease to be side events, but enter into the forefront of our work to ensure that we implement and provide oversight into responsible lawmaking. Sorie explained how parliamentarians have been actively involved in the process taking part in forums on the fringes of the international conferences in Oslo, Norway in February 2007; in Vienna, Austria in December 2007; and in Dublin, Ireland in May 2008, and have produced parliamentary declarations at these forums in support of a comprehensive prohibition.

Sorie appealed to all parliamentarians to ensure that their countries will sign the Convention at the highest level of representation – by Presidents and Ministers, and urged all parliamentarians to take away the literature available and work nationally to start the ratification process. He invited all participating parliamentarians to sign the People's Treaty in support of the Convention on Cluster Munitions.

Mr. Peter Herby, ICRC, spoke on the ratification procedure and Entry Into Force (EIF) of the Convention. Herby said that although signature is a political act, it has legal implications as states are obliged to abide by the object and purpose of the treaty once signed. Thirty ratifications are needed to bring the Convention into force, EIF will occur six months after the thirtieth ratification. States are required to develop national legislation to ratify the Convention and at a minimum must make any criminal actions included under Article 1 on the prohibition illegal, including the prohibition to assist in-country or overseas. Another element of preparing legislation includes designation of national ministries responsible for reporting.

Herby announced that the ICRC has produced ratification and national legislation kits, which will be available in Oslo and a fact sheet.

Hon. Onyango Kakoba, a Member of Parliament in Uganda and Chairperson of the Ugandan parliamentary group on cluster munitions explained the work of the Ugandan parliament on this issue. Kakoba stated that as a country affected by conflict, Uganda is working towards peace and stability and is committed to seeing through the speedy ratification of the Convention on Cluster Munitions. He announced that the parliamentarians in Uganda have been meeting to develop national legislation and be sensitised on the issue.

Mr. Richard Mugisha, Uganda, CMC. Mugisha highlighted the partnership that civil society has formed with parliamentarians and commitment of civil society in Uganda and in many other countries across the world where CMC is active, to work with parliamentarians to ensure the Convention is ratified. Mugisha invited all parliamentarians present to join the Parliamentary Network on Cluster Munitions coordinated by the CMC. He also announced that CMC is working with the Norwegian parliament to work towards hosting a parliamentary forum in Oslo. Mugisha reiterated the invitation to all parliamentarians to sign the People's Treaty and view their profile as community leaders advocating for the Convention on the website: www.stopclustermunitions.org/peoplestreaty

Hon. Joe Hackman, MP from Ghana urged all parliamentarians to join the cause to prevent the harm we have heard about in survivor testimonies from happening again by making it a criminal act.

Hon. Abdi Mohammed, MP from Djibouti said that the President of the National Assembly is in favour of signing the Convention, and that he has no doubt that the government of Djibouti will sign in Oslo.

Hon. Abdou Abdoulale Sidibe, MP from Mali said that all parliamentarians from Mali including the President of the National Assembly, have signed the People's Treaty and are committed to Mali being in Oslo to sign and to ratify as soon as possible.

Hon. Lingson Belekamwanya, MP from Malawi, said that upon his return a meeting for parliamentarians will be organised on this subject.

Hon. André Clifford, MP from the Seychelles, said that the Seychelles will do their utmost to ratify the Convention and be among the first thirty countries to show our commitment.

Hon. Emilien Hakizimana, MP from Burundi, stated that as a war-affected country, was thankful that cluster munitions were not used but expressed that landmines have had a visible impact states the need to get producer and stockpiling states onboard.

Hon. Abdi Sané, MP from Senegal, reaffirmed that Senegal will sign in Oslo, and said that even before coming to Kampala has been working with the Ministry of Foreign Affairs and Defence on this issue.

Hon. Raphael Chegeni, MP from Tanzania stated that Tanzania is a country of peace, and would like to have Africa as a 'Cluster Munition Free Zone'. He said that Tanzania will be in Oslo to sign and will ratify as soon as possible.

Hon. Rebecca Amongi Otenga, MP from northern Uganda, a conflict-affected part of Uganda that has been at war for 22 years said that we fully support the Convention and that 93 signatures had been collected in support of it. She expressed thanks to the CMC and assured that Uganda will sign and ratify as soon as possible.

The session closed with the signing of the People's Treaty by 18 members of parliament.