

## **Update from Santiago, Tuesday 8 June 2010**

A positive sense of momentum and engagement from States continued to build on the second day of the Conference, as discussions turned towards substantive matters such as obligations on victim assistance, clearance and stockpile destruction, along with procedural aspects of the work programme of the Convention in 2011 and its institutional dimensions, as well as reporting obligations under Articles 3 and 7.

A highlight of the day included the first intervention from a non-signatory State, Tajikistan, which delivered a very positive statement in support of the Convention, welcoming its adoption in Dublin and subsequent numbers of signature and ratification, and Lao's decision to host the 1MSP. Tajikistan stated that signature of the Convention is pending in the Tajik government which is in the process of analyzing the Convention and stated that it does not produce, stockpile or use cluster munitions. It provided an update on its progress with clearance, announcing it has found and destroyed 499 cluster munitions from 1992 to present in demining operations. It then appealed for further international assistance to complement the assistance the Tajik government is providing to victims of cluster munitions in the country, which it estimated to be nearly 200 people.

Also of particular note was the update from Afghanistan that it has completed further steps towards ratification of the Convention and hopes to finish the process before the 1MSP.

During the day, Senegal announced that it was in its final stage of ratification, as its instrument of ratification has been discussed by its Council of Ministers and transmitted to Parliament and will be completed prior to the 1MSP. Two others, Kenya and Angola, made announcements on ratification but did not indicate concrete progress. Kenya stated its ratification process was ongoing and that once national consultations on the Convention were completed the ratification would go forward, adding that its commitment to the CCM 'is as high as ever.' Angola said it hoped to ratify as soon as possible, but did not give an indication of a timeline.

### **Victim Assistance**

The session on victim assistance, chaired by Austria, focused on finding synergies between existing instruments such as the MBT and CPRD, and efforts to find the right balance between obligations set forth in the Cartagena and Nairobi Action Plans and specific measures for victim assistance under the CCM.

During discussions, Croatia, Lao PDR, Belgium, Chile, Bosnia and Herzegovina, Australia, Colombia, the UK, Switzerland, Botswana, France, Ireland, ICRC and CMC intervened, building a sense of energy in the room that States are ready to take forward work on the fundamental humanitarian aspect of the Convention.

Lao PDR proposed initiating a comprehensive pilot project on victim assistance in Lao to serve as a best practice model for other affected countries. BiH noted the particular importance of peer support initiatives in VA efforts. The UK focused on the need to build capacity in national health services and provided two concrete examples of health programs it supports: providing 35 million pounds to Cambodia over 5 years to increase primary health visits and assistance to DRC targeting 2.5 million people, with the long term aim of providing free health care services.

Turkey intervened referring to its role as Co-Chair of the Standing Committee on Victim Assistance in the MBT and mentioned its national efforts to provide assistance to civilian victims in military rehabilitation centers.

The ICRC reminded participants while it was important to build synergies, cutting and pasting from action plans was not always appropriate and recommended that the Vientiane Action Plan look at concrete actions with a shorter, 1-2 year timeline, and that affected States with victims should present a situation analysis to allow a more tailored approach.

Firoz Alizada intervened on behalf of the CMC, outlining specific steps the CMC views as critical for effective provision of victim assistance and listing a range of time bound and concrete actions to be included on victim assistance in the Vientiane Action Plan.

## **Clearance**

Australia, as Friend of the President, chaired the session on clearance, emphasizing the need to apply lessons learned from the MBT, to start clearance early and use existing expertise and all methods available in order not to reinvent clearance or establish unnecessary structures additional to those already successfully in use.

Norway focused on the use of appropriate survey methodology, cautioning against overinflating estimates of contamination and adding that strategies for land release should be given particular attention. Canada reinforced the message that States should start clearance early, as the experience of the MBT has shown that a failure to start early has resulted in States calling for extension requests. Lao PDR requested the inclusion between the broader themes of clearance and poverty eradication and long-term development plans in the discussion paper on clearance. Lao PDR also reiterated its appeal for international assistance, stating that in 15 years it has only cleared 0.2% of its territory.

Eva Veble of DanChurchAid intervened on behalf of CMC on clearance, calling in particular on states to start clearance early to avoid having to request extensions, build on existing structures to avoid duplication of effort and limiting resources, and appealed to donors for multiyear funding commitments.

Albania, which is leading the way by example, again publicly announced that it completed its clearance obligations in December 2009, even prior to the entry into force of the Convention.

### **Stockpile destruction**

During the session on stockpile destruction, chaired by Germany as Friend of the President, Montenegro announced that it was on track to complete its stockpile destruction in 2010, having destroyed 80 of its 353 stockpiled cluster munitions. Montenegro stated it had encountered challenges in selecting demolition ground but having identified a new demolition location, it expected to conclude the process to destroy all remaining 273 cluster munitions by the end of the year.

Afghanistan stated that it had destroyed nearly all of its cluster munition contamination from decades of war and stated that it has no cluster munitions in its stockpiles.

Norway reiterated the importance of starting stockpile destruction early, along with early transparency reporting. Norway stressed the importance of not inflating the difficulties of stockpile destruction in either its technical or financial aspects, citing the availability of low cost programs and options.

Ecuador, Bulgaria, and Kenya mentioned the importance of international cooperation and assistance in completing stockpile destruction and the imperative to start destruction as early as possible.

Lebanon was vocal in calling for political will as the key to stockpile destruction over technical considerations but focused its intervention on issues of international accountability and compensation related to Israeli military operations in Lebanon.

Steve Goose intervened on behalf of CMC, in particular to urge States at a minimum to have a plan in place for stockpile destruction within 1 year and to start physical destruction in 2 years. Steve emphasized the technical and economic feasibility of stockpile destruction, and arguments against the retention of cluster munitions for training or other purposes. He called on donors to make funding for stockpile destruction an integral part of assistance and called on States to disclose information on their stockpiles at the earliest stage, noting that only 12 signatories have provided information on their stockpiles (containing a collective total of 144 million submunitions), while 23 signatories with stockpiles have not yet disclosed information on the quantities or even the types of cluster munitions they possess.

### **National Implementation Measures**

There was a brief discussion on national implementation legislation chaired by the New Zealand Friend of the President, who outlined obligations to be included in national legislation and tools available to assist States. New Zealand included many

of the key messages presented by Bonnie Docherty in a well-attended lunchtime briefing on HRW's new report, "Fulfilling the Ban: Guidelines for Effective National Legislation to Implement the Convention on Cluster Munitions," urging States to set the bar high in creating their national implementing legislation to incorporate both the negative and positive obligations of the Convention within their national legislation. Bonnie also intervened on behalf of CMC to provide a comprehensive summary of elements for inclusion in national legislation and urged States to prioritize joining the Convention but also to pass strong and comprehensive national legislation to implement its provision no later than the 2<sup>nd</sup> MSP.

### **Work Program for 2011 and Framework for Implementation**

Canada presented its draft Friend of the President's Paper on a proposed work programme for 2011 and concepts for the development of a framework for the implementation of the Convention. A number of States, including Lao PDR, Belgium, France, Switzerland, Norway, Australia, Ireland, and the ICRC and CMC participated in discussions, which showed some divergence of views but broad agreement for the need for an intersessional meeting in 2011, possibly back to back with the MBT interessionals. There was also agreement on the need for implementation structures, although without agreement on whether these structures should take the same shape of the MBT Standing Committees. There was also broad general support for the establishment of some kind of implementation support office, although with recognition that such an institution is a potentially contentious issue that will need to be resolved at a later date, likely to be deferred to the 2<sup>nd</sup> MSP.

### **Article 7 Reporting**

The day concluded with discussions on reporting obligations, chaired by Belgium as Friend of the President. Panelists included Peter Kolarov, UNODA, Jackie Hansen, Landmine and Cluster Munition Monitor and CMC, Daniel Eriksson, GICHD, and Major Dewaegheneire, Belgium MoD. Collectively they emphasized the importance of transparency reporting as a confidence building measure, for resource mobilization and the facilitation of international cooperation and assistance, and as an overall indicator of compliance with the Convention.

Several delegations contributed input into discussions, including Australia, Austria, Germany, New Zealand, Chile, Croatia, France, and Botswana, with wide agreement on the need to build synergies across existing reporting obligations. Germany announced that it was preparing a draft guide to national reporting to be presented at the September preparatory committee meeting. France suggested that the CCM and MBT reporting formats might share some common forms and New Zealand supported ideas for electronic report submission and the establishment of a web-based depository in the longer term. Austria raised concerns about whether all states would be able to meet the initial reporting deadline for States Parties on 27 January 2011.

Chile and Botswana emphasized the phenomenon dubbed reporting fatigue, with Chile noting difficulties in generating support for fulfilling reporting obligations within responsible government ministries. Croatia, on the other hand, stated in its experience as an affected State reporting under other instruments, the exercise of reporting was a useful tool in aiding the establishment of coordination mechanisms internally.

During the session Belgium presented its draft Article 7 reporting format, closely mirroring the format of the MBT Article 7 reports, and stated that it would draft a report in July with input from the Santiago Conference and hold consultations at the end of August, in order to submit a final draft report at the September preparatory committee meeting.

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