
Convention on Cluster Munitions

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General status and operation of the Convention

Draft

Beirut Progress Report

Monitoring progress in implementing the Vientiane Action Plan from the First up to the Second Meeting of States Parties

Submitted by the President of the First Meeting of States Parties¹

1. This report presents an aggregate analysis of trends and figures in the implementation of the Vientiane Action Plan (VAP) from its adoption in November 2010 up to the Second Meeting of States Parties (2MSP) in Beirut in September 2011. This document is intended to facilitate discussions at the 2MSP by monitoring progress and identifying key questions to be addressed, and does not replace any formal reporting. The content of the report is based upon publicly available information including States Parties' initial and annual transparency reports; statements made during the Intersessional Meetings in June 2011, and other open sources such as information provided by civil society. Only concrete information reported on specifically, has been included. The Beirut Progress Report is submitted by Lao PDR as the President of the First Meeting of States Parties (1MSP) assisted by the thematic Friend on General Status and Operation of the Convention. All the thematic Friends of the President have been invited to provide additional information based on their own consultations and analysis.

2. When referring to States Parties, signatories or States not Party these terms are used explicitly; otherwise the term "states" is used for referring to States Parties, signatories and States not Party in general. The CCM has not yet entered into force for some of the states mentioned that have ratified the Convention, but they are still referred to as States Parties in this document. In general the report does not separate between the information from statements given during the intersessional meeting in June 2011 and the initial transparency reports.

3. This report was finalised on 20 August 2011. Changes that have occurred after that date are not reflected in this report.

¹ Prepared by Norway in its capacity as Friend of the President on matters pertaining to General Status and operation of the Convention.

I. General trends

Universalization

4. Since 1MSP the Convention on Cluster Munitions has strengthened its significance as an international humanitarian instrument. Membership has increased by 30% to 60 States Parties. Along with the 49 signatory states, this equates to more than half of the UN member states which support the Convention and its prohibition against any use of cluster munitions. Universalization and outreach actions in line with the Vientiane Action Plan by states, the United Nations, the International Committee of the Red Cross, the Cluster Munition Coalition and others, have resulted in continued interest for formally joining the Convention through ratification or accession. Indications are that at least nine signatories will ratify before the end of 2011.

5. The provisions regarding use, production and stockpiling of cluster munitions have been strengthened through consistent formal and public statements responding to two instances of use of cluster munitions in 2011.

6. The Convention community has been diligent in implementing the Action Plan on universalization. Questions to discuss at the 2MSP may centre on how to continue the strong momentum in increasing the number of States Parties and how to further strengthen the norms.

Stockpile destruction

7. Since 1MSP, seven of the 11 States Parties with reported stockpiles of cluster munitions have started the process of either planning for or actual physically destroying their stockpiled cluster munitions. Based on their own reporting, it seems likely that all will complete destruction within the initial eight-year deadline. 15 signatories are reported to have stockpiles that will have to be destroyed in accordance with Article 3 when they become States Parties. Thus one issue that may be addressed at the 2MSP is to identify actions that may ensure that new States Parties with stockpiles follow the encouraging precedent set by current States Parties with stockpiles in starting the destruction process as soon as possible.

Clearance

8. Almost all of the 14 States Parties (7) and signatories (7) with reported contamination from cluster munitions have taken steps to address the contamination, in line with relevant actions in the Vientiane Action Plan. This positive trend is reinforced by the strong support given to the draft discussion paper on application of effective land release and clearance presented at the intersessional meetings. Thus a question that may be addressed at the 2MSP is what the implementation community can do to maintain the political will to address contamination in affected states and to continue the strong field-based approach to the issue.

Victim assistance

9. The majority of the eight States Parties and some of the five signatories reported to have victim assistance obligations have implemented some or all relevant actions in the Vientiane Action Plan. In general it seems that limited resources remains the main obstacle to develop or maintain capacities for effective life-saving first-response aid and for the full range of adequate services needed to ensure that victims of cluster munitions may enjoy all their rights.

10. Resources, availability, sustainability and integration in the broader welfare and health-care systems are some of the key issues to address at the 2MSP.

International cooperation and assistance

11. Of the 19 States Parties with operative obligations under Article 3, 4 and/or 5, only six have explicitly reported that they are in need of some sort of international cooperation and assistance. This number is probably too low when compared to the significance given to international support in the implementation of the Convention, and thus does not provide a representative picture of the needs. Those States Parties reporting needs for support, have implemented the relevant actions on the Vientiane Action Plan in a variable manner.

12. 15 States Parties and a number of signatories report that they have provided funding for implementation of the CCM, in line with Actions #37-42.

13. One issue that may be discussed at the 2MSP is how the relevant actions in the Vientiane Action Plan may be better implemented.

Transparency

14. While 26 States Parties have submitted initial transparency reports within the deadline, 9 States Parties have not yet submitted their transparency reports. Those reports that have been submitted have been of varying quality and sometimes hard to extract relevant information from. A key question to raise at the 2MSP therefore concerns how the reporting rate may be improved and how the reports may become better tools for providing relevant information.

II. Partnerships

15. States, civil society, UN agencies, the ICRC, the GICHD and cluster munitions survivors and their representative organisations have collaborated closely, which has led to progress on universalization and implementation of the Convention, and advanced the discussions on a number of thematic issues discussed during the intersessional meetings. The partnerships are reported to have been especially important in reacting strongly to the two cases of use of cluster munitions in the first half of 2011.

16. Challenges and questions for discussion at the 2MSP

(a) How can States Parties further promote the inclusion of partners in the work of the Convention?

III. Universalization

Scope

17. 46 states were Parties to the CCM at the time of the First Meeting of States Parties (1MSP). Since then 13 signatories have ratified and one state has acceded² to the CCM. 60 States have thus ratified or acceded to the Convention on Cluster Munition by 20 August 2011.

² Botswana, Bulgaria, Chile, Costa Rica, El Salvador, Ghana, Grenada, Guinea-Bissau, Lithuania, Mozambique, Netherlands, Panama and Portugal.

Actions #2-7

18. Six signatory states³ have declared that the ratification of the CCM is close, probably within the end of 2011. The Friend on Universalization has reported that three additional signatories have indicated in outreach activities that ratification to the CCM is imminent⁴.

19. Nine States Parties⁵ and one signatory state⁶ have reported on actions taken to promote adherence to the CCM and to encourage states to join the Convention in several forums, including the Commonwealth, the OSCE and NATO, the European Union, the ASEAN, the Non-Alignment Movement, the Arab League and relevant UN forums.

20. Eleven states⁷ have also reported on how they have encouraged States not Party to accede to the CCM through political demarches, in bilateral and multilateral meetings, workshops, issuance of a political declaration and a co-signed letter, and by encouraging States not Party to participate as observers in the formal and informal meetings of the Convention. The Friend on Universalization has reported that nearly 90 states have responded to the outreach activities undertaken by the Friend.

21. Several states have reported actions reacting to the instance of use of cluster munitions by Thailand in 2011. This includes individual and joint demarches, support for fact-finding missions and condemnation of the use in public statements. The President of the Convention has also issued a statement, stating his concern over the use of cluster munitions. States and civil society have reported on how they follow up, in terms of actions to increase the understanding and knowledge of the Convention. States and civil society have had a good dialogue with Thailand, which was followed up by a workshop on the CCM held in Bangkok in August. During the intersessional meetings, Thailand stated that they hoped the workshop would pave the way for Thailand to better prepare for accession to the Convention in near future.

22. Many states (including States Parties, signatories and States not Party), the UN and civil society have also reported actions reacting to the instance of use of cluster munitions in Libya in 2011. Human Rights Watch issued a statement on the use of cluster munitions in Libya and the CMC condemned the use. In addition, the EU issued a joint statement condemning the use of cluster munitions in Libya.

23. Several states have reported to have cooperated with other States Parties, and partners such as the CMC, the ICRC and operators, to promote the universalization and norms of the CCM. Four states⁸ have reported that they provide funding for the civil society in order for them to better advocate the CCM.

24. The UNMAT, the ICRC and the CMC have reported several and diverse actions to promote the universalization of the CCM. Relevant information material such as brochures, fact sheets and a ratification kit has been produced, and information, legal advice and support to states considering adherence to the CCM have been offered. Civil society in about 100 countries have advocated for governments to ratify and accede to the CCM and arranged briefings and meetings for states on the CCM.

³ Afghanistan, Australia, Cameroon, Czech Republic, Italy, Peru and South Africa.

⁴ Democratic Republic of the Congo, Dominican Republic and Gambia.

⁵ Belgium, Croatia, France, Japan, Lao People's Democratic Republic, Lebanon, Mexico, Norway, United Kingdom of Great Britain and Northern Ireland.

⁶ Australia.

⁷ Australia, Belgium, Croatia, France, Japan, Lao People's Democratic Republic, Lebanon, Mexico, Norway, United Kingdom of Great Britain and Northern Ireland and Uganda.

⁸ Australia, Ireland, New Zealand and Norway.

Challenges and questions for discussion at the 2MSP

25. A key challenge for the States Parties is to end the use of cluster munitions by States not Party and to reinforce the prohibition against all use, by reacting consistently and robustly to any reported use. A second challenge is to ensure that signatory states ratify the Convention as soon as possible. A third challenge is to ensure accessions to the Convention by other states, in particular states affected by cluster munitions and states with significant stockpiles.

26. Obstacles that seem to prevent countries from ratifying or acceding to the CCM have been identified by the Friend on Universalization and by the CMC as:

- (a) Main issues preventing states from acceding to the CCM:
 - (i) National security concerns or reluctance within Ministries of Defence or the military.
 - (ii) Concerns over the implementation of the CCM, primarily costs to carry out clearance and/or stockpile destruction.
 - (iii) Lack of priority within the government to undertake the accession process.
- (b) Main issues preventing states from ratifying the CCM:
 - (i) Lack of political will, lengthy ratification procedures, and in general low prioritization in domestic and/or foreign policy.
 - (ii) Lack of knowledge or recognition of the significance of the CCM.

Questions for discussion

27. Increasing the membership of the Convention:

- (a) What steps can be taken to encourage more signatories to ratify the Convention as soon as possible, in light of the obstacles mentioned above?
- (b) What steps can be taken to encourage States not Party to accede to the Convention, in light of the obstacles mentioned above?
- (c) What are the actual and specific resource needs for states interested in joining the Convention, but concerned about the financial and other implications, and how can international assistance and cooperation help to address such needs?
- (d) Is it feasible to develop a fast-track approach to facilitate accession by small states with no operative obligations (under Articles 3, 4 and 5) under the CCM?

28. Reinforcing the norms:

- (a) How should States Parties to the CCM, individually and as a community and represented by the President, best respond to allegations of use by a State not Party to CCM?
- (b) How can States Parties best cooperate with civil society and the UN in situations of reported use?
- (c) What are the most effective ways to discourage in every way possible all use, development, production, stockpiling and transfer of cluster munitions?

IV. Stockpile Destruction

Scope

29. In their initial Article 7 transparency reports, seven States Parties⁹ declared to have obligations to destroy stockpiles of cluster munitions in accordance with Article 3 of the Convention. Three of those States Parties¹⁰ have begun to destroy their stockpiles, three others¹¹ have reported to have a destruction plan in place or to be in the process of developing concrete implementation plans through analysing options and destruction methods, and one State Party¹² has initiated a tendering process. Eight States Parties¹³ declared to have completed the destruction of their stocks of cluster munitions, seven of those before the Convention entered into force for them.

30. Four States Parties¹⁴ where the submission of initial reports has not been due yet, have indicated to possess stockpiles of cluster munitions which will have to be destroyed. In addition one signatory state¹⁵ that provided a voluntary report has declared stockpiles of cluster munitions and provided information on the number of stocks. Five signatory states¹⁶ are reported to have previous stockpiles of cluster munitions and 15 signatory states¹⁷s are reported to have existing stockpiles of cluster munitions.

Action #8-9

31. All 15 States Parties that have declared either previous or existing stockpiles of cluster munitions have taken concrete steps in line with Action #8. All the seven States Parties¹⁸ that have declared to have obligations to destroy existing stockpiles of cluster munitions have submitted Article 7 reports that provide information on the number of cluster munitions stockpiled.

32. According to the initial Article 7 reports a total of 64,448,458 submunitions have been destroyed as a direct result of implementing the Convention on Cluster Munitions. One State Party¹⁹ reported to have benefitted from a low-cost on-site destruction process.

33. Between 1MSP and 2MSP one signatory state²⁰ reported completion of the destruction process. Three States Parties²¹ indicated that assistance will be required to meet its stockpile destruction obligation, in accordance with Action #9.

⁹ Croatia, Denmark, France, Germany, Japan, Slovenia and United Kingdom of Great Britain and Northern Ireland.

¹⁰ France, Germany and United Kingdom of Great Britain and Northern Ireland.

¹¹ Croatia, Denmark and Slovenia.

¹² Japan.

¹³ Austria, Belgium, Ecuador, Montenegro, Norway, Portugal, Republic of Moldova and Spain.

¹⁴ Bosnia and Herzegovina, Chile, Guinea-Bissau and Netherlands (which has begun to destroy its stockpiles).

¹⁵ Canada.

¹⁶ Australia, Colombia, Honduras, Hungary and Iraq.

¹⁷ Angola, Canada, Côte d'Ivoire, Czech Republic, Guinea, Indonesia, Italy, Nigeria, Peru, Congo, Rwanda, South Africa, Sweden, Switzerland and Uganda.

¹⁸ Croatia, Denmark, France, Germany, Japan, Slovenia and United Kingdom of Great Britain and Northern Ireland.

¹⁹ Republic of Moldova.

²⁰ Hungary.

²¹ Bosnia and Herzegovina, Croatia and Guinea-Bissau.

34. Five States Parties²² indicated that they would finish the destruction of all stockpiles well in advance of their deadline. Two States Parties²³ reported that they are ready to provide assistance on stockpile destruction to other states, and one State Party and one signatory state²⁴ reported that they are ready to share their knowledge and experience on stockpile destruction. Three States Parties²⁵ have reported that they have received technical assistance to destroy cluster munitions. Several States Parties and the civil society emphasised the importance of an early start on the destruction process.

35. In their initial transparency reports, six States Parties²⁶ have declared to retain cluster munitions and explosive submunitions for the development of and training in cluster munition and explosive submunitions detection, clearance or destruction techniques, or for the development of cluster munition counter-measures. Two signatories²⁷ have reported that they retain cluster munitions for permitted purposes under the Convention. Five States Parties²⁸ provided information about types of retained cluster munitions, four²⁹ also on the quantities.

36. Two States Parties³⁰ are in the process of determining the quantities of cluster munitions retained for permitted purposes. Three States Parties³¹ reported on the consumption of retained munitions for training purposes. None of the States Parties that did not possess stockpiles of cluster munitions at the time of submission of their initial reports declared any retained cluster munitions, or any intention to acquire cluster munitions for permitted purposes. Two States Parties³² declared retaining only items free from explosives which are not defined as cluster munitions. At the intersessional meetings States Parties and partners continued to discuss whether or not retention of live cluster munitions is necessary and the importance of reporting on their numbers and use in accordance with Article 3.8 of the Convention.

Challenges and questions for discussion at the 2MSP

37. A key challenge is to start the physical destruction of cluster munitions as soon as possible and in accordance with Action #8.

- (a) What are the main obstacles to start the destruction of cluster munitions?
- (b) How can the encouraging momentum on destruction reported by States Parties with large stockpiles be maintained?
- (c) How can States Parties and other actors best cooperate with relevant organisations to ensure adequate assistance for the completion of stockpile destruction obligations?

²² Bosnia and Herzegovina, Canada, Croatia, Germany and United Kingdom of Great Britain and Northern Ireland.

²³ Norway and Switzerland.

²⁴ Colombia and United Kingdom of Great Britain and Northern Ireland.

²⁵ Bosnia and Herzegovina, Croatia and Republic of Moldova.

²⁶ Belgium, Denmark, France, Germany, Spain and United Kingdom of Great Britain and Northern Ireland.

²⁷ Australia and Czech Republic.

²⁸ Belgium, France, Spain, Germany and United Kingdom of Great Britain and Northern Ireland.

²⁹ Belgium, France, Spain and United Kingdom of Great Britain and Northern Ireland.

³⁰ Denmark and Germany.

³¹ Belgium, Germany and United Kingdom of Great Britain and Northern Ireland.

³² Croatia and Republic of Moldova.

(d) How can States Parties most efficiently support destruction of small/limited stockpiles of cluster munitions?

(e) How can States Parties ensure that the amount of retained submunitions does not exceed the minimum number absolutely necessary?

(f) How can States Parties best make use of the reporting requirement under Article 3.8 to ensure that the possibility to retain cluster munitions does not result in de facto stockpiling?

V. Clearance

Scope

38. Seven States Parties³³ and seven signatories³⁴ are reported to have obligations under Article 4, and thus are expected to implement Action #10-17. Of these, one State Party and one signatory³⁵ are among the four countries³⁶ most heavily affected in the world. However, the Cluster Munition Coalition states that according to their own estimates, as many as 28 states and 3 territories may have cluster munition remnants on their territory.

39. All States Parties are expected to implement Action #18-19.

40. Two States Parties³⁷ have completed their obligations to clear all contaminated areas prior to the entry into force.

Action #10-13

41. Six States Parties³⁸ have reported on their priorities and progress on clearance, the size of contaminated areas and the location of these areas, varying from accurate information on the contaminated areas, ongoing clearance and survey of contaminated areas, to planned survey and clearance of contaminated areas. Five signatories³⁹ have reported on steps taken to address contamination, including survey and warning to the population.

Action #14-16

42. Three States Parties⁴⁰ have reported on methods applied for survey and clearance in contaminated areas. Six States Parties⁴¹ have given information on the size and location of the contaminated areas.

43. No State Party reported on how they had included and informed affected communities in their development of national clearance plans and planning of clearance activities and land release.

³³ Bosnia and Herzegovina, Croatia, Germany, Guinea-Bissau, Lao People's Democratic Republic, Lebanon and Norway.

³⁴ Afghanistan, Angola, Chad, Congo, Democratic Republic of the Congo, Iraq and Mauritania.

³⁵ Lao People's Democratic Republic and Iraq.

³⁶ Cambodia and Vietnam in addition to Iraq and Lao People's Democratic Republic.

³⁷ Albania and Zambia.

³⁸ Bosnia and Herzegovina, Croatia, Germany, Lao People's Democratic Republic, Lebanon and Norway.

³⁹ Afghanistan, Democratic Republic of the Congo, Iraq, Mauritania and Sudan.

⁴⁰ Bosnia and Herzegovina, Lao People's Democratic Republic and Lebanon.

⁴¹ Croatia, Bosnia and Herzegovina, Germany, Lao People's Democratic Republic, Lebanon and Norway.

Action #17

44. Six of eight affected States Parties⁴² have reported on their efforts undertaken to develop and provide risk reduction programmes to their population. Two signatories⁴³ have reported on steps taken to warn the population against the risk of cluster munitions.

Action #18

45. The thematic Friend on Clearance submitted a paper on methods for expeditious land release with recommendations for implementation of Article 4 for discussion at the intersessional meetings and for consideration by the 2MSP. The paper received substantial support from other states, the UN and civil society. The CMC issued a paper reinforcing the need for efficient land release.

Challenges and questions for discussion at the 2MSP

46. A key challenge for States Parties with Article 4 obligations is to develop comprehensive national strategic plans that apply effective, context-specific and appropriate land release methods. The discussion paper on clearance and land release submitted by the thematic Friend includes a set of recommendations that states may take to this effect. Another challenge is the identification and mobilisation of resources for Article 4 implementation that some States Parties have reported to be an obstacle.

(a) Which steps should States Parties take to develop cost-efficient and tailored plans, meeting the specific problem in each affected country and area?

(b) What are the obstacles to implement the recommendations in the land release paper and what can be done to overcome them?

(c) How can States Parties best address the problem in countries with a limited contamination, where there might be no need for building a national capacity nor develop and adopt separate standards?

(d) How can States Parties, demining operators and civil society ensure that actions and recommendations for the implementation of Article 4 are coherent and coordinated?

(e) What could be done to obtain a realistic overview of the global magnitude of cluster munitions contamination?

(f) What actions can be taken to ensure clearance of cluster munition remnants in areas where jurisdiction and control is disputed?

VI. Victim Assistance**Scope**

47. Eight States Parties⁴⁴ and five signatories⁴⁵ are reported to have obligations under Article 5 (1), and thus are expected to implement Actions #20-29. Of these, two States

⁴² Albania, Belgium, Croatia, Germany, Lao People's Democratic Republic and Norway.

⁴³ Iraq and Democratic Republic of the Congo.

⁴⁴ Albania, Bosnia and Herzegovina, Croatia, Lao People's Democratic Republic, Lebanon, Montenegro, Mozambique and Sierra Leone.

⁴⁵ Afghanistan, Angola, Chad, Democratic Republic of the Congo and Iraq.

Parties⁴⁶ and two signatories⁴⁷, together with two States not Party⁴⁸, are considered to be the worst affected with responsibility for the care of several thousands of victims.

Actions #20-23 and #26

48. Five States Parties⁴⁹ have reported the establishment of some sort of coordinating mechanism for victim assistance varying from single individual focal points to coordinating inter-ministerial committees in line with Action #21, and that they have started or undertaken data collection in line with Action #22. Four⁵⁰ of these report that their victim assistance efforts are integrated with existing coordination mechanisms in line with Action #23, and that they have reviewed their national plans and policies in line with Action #26.

49. Of the eight States Parties with reported Article 5 (1) obligations, three have not reported implementation of any of the time bound actions. In addition one has not reported implementation of Actions #23 and #26.

50. Two signatories⁵¹ reported that they have started data collection on victims.

Actions #24, 25, 27, 28 and 29

51. Five States Parties⁵² have reported to have developed and/or adapted plans and/or budgets in line with Action #24 with three of those building strongly on plans already in place under the Mine Ban Convention.

52. As a general trend, a key critical factor for increasing the capacity in matters of developing and delivering the full range of victim assistance services and elements from first life-saving response to full social inclusion is the availability of resources. All affected states, and in particular those with the highest numbers of victims, report lack of sufficient resources for Victim Assistance.

53. No states reported to have included survivors into their delegations at the Intersessionals in line with Actions #30 and #31. Five States Parties⁵³ reported on strong and close cooperation with cluster munition survivors and their respective organizations in their national implementation efforts.

Challenges and questions for discussion at the 2MSP

54. The key challenge for States Parties is to ensure the full realisation of the rights of all cluster munition victims and their economic and social inclusion.

55. A second challenge is to ensure a needs-based approach which takes priorities on the ground into account, but also to ensure the most efficient use of resources.

56. A third challenge is sustainability, as victim-assistance often means life-long services. National ownership and capacity building are needed, as non-governmental organizations cannot guarantee services in the long-run and as barriers affect all persons

⁴⁶ Lao People's Democratic Republic and Lebanon.

⁴⁷ Afghanistan and Iraq.

⁴⁸ Cambodia and Vietnam.

⁴⁹ Albania, Bosnia and Herzegovina, Croatia, Lao People's Democratic Republic and Lebanon.

⁵⁰ Albania, Bosnia and Herzegovina, Croatia and Lao People's Democratic Republic.

⁵¹ Angola and Iraq.

⁵² Albania, Bosnia and Herzegovina, Croatia, Lao People's Democratic Republic and Lebanon.

⁵³ Albania, Bosnia and Herzegovina, Croatia, Lao People's Democratic Republic and Lebanon.

with disabilities, regardless of the cause of their disability. The wider society benefits from Victim Assistance efforts and advocacy.

57. A fourth challenge is the integration of Victim Assistance efforts into the wider development and disability spheres and maximizing the opportunities of a holistic approach towards various instruments of IHL that deal with victims of conventional weapons, while ensuring that the specific obligations under the CCM are met.

(a) What progress has been made on specific actions with explicit timelines of the VAP?

(b) Which barriers prevent access to services for cluster munition victims and what plans are being developed to remove them?

(c) What are national endeavors to develop/or adapt national plans and budgets, linking activities to other applicable VA related instruments of the IHL, to enhance practicality and effectiveness?

(d) How could States Parties better include survivors in the planning, priorities and implementation of victim assistance?

(e) How could States Parties report on their implementation of the time bound Action #26 and its review of national laws and policies, and the steps taken to ensure that by the Review Conference, all national laws and policies meet the needs and protect the human rights of victims, without discriminating on the basis of the victims disabilities' or the cause of it?

(f) What steps have States Parties taken to begin reviewing the availability, accessibility and quality of different services to victims, in order to identify and address any barriers preventing access to these services for cluster munitions victims?

(g) Where are victim assistance synergies reasonable and practical?

VII. International cooperation and assistance

Scope

58. A total of 19 States Parties⁵⁴ are reported to have obligations under Article 3, 4 and/or 5. Based on statements held during the intersessional meetings in Geneva in June 2011 and the submitted initial Article 7 reports, six States Parties⁵⁵ have reported that they are in need of some sort of international assistance to fulfil these obligations.

59. Three States Parties⁵⁶ and one signatory⁵⁷ have reported assistance needs for Stockpile Destruction, three States Parties⁵⁸ and two signatories⁵⁹ have reported assistance needs for Clearance and/or Risk Reduction and three States Parties⁶⁰ and one signatory⁶¹ have reported assistance needs for Victim Assistance.

⁵⁴ Albania, Bosnia and Herzegovina, Bulgaria, Chile, Croatia, Denmark, France, Germany, Guinea-Bissau, Japan, Lao People's Democratic Republic, Lebanon, Mozambique, Montenegro, Netherlands, Norway, Sierra Leone, Slovenia and United Kingdom of Great Britain and Northern Ireland.

⁵⁵ Albania, Bosnia and Herzegovina, Croatia, Guinea-Bissau, Lao People's Democratic Republic and Lebanon.

⁵⁶ Bosnia and Herzegovina, Croatia and Guinea-Bissau.

⁵⁷ Côte d'Ivoire.

⁵⁸ Croatia, Lao People's Democratic Republic and Lebanon.

⁵⁹ Iraq and Afghanistan.

⁶⁰ Albania, Lao People's Democratic Republic and Lebanon.

60. In the initial Article 7 reports, 15 States Parties⁶² reported that they have provided funding for international cooperation and assistance, while three States Parties⁶³ have reported to have received dedicated funding to the implementation of the CCM. A number of signatories⁶⁴ have also reported that they have provided dedicated funding to support implementation of the Convention.

Actions #33-36

Stockpile destruction

61. Of the three States Parties with assistance needs for stockpile destruction, one⁶⁵ has applied Actions #33-36 by having in place a national plan for stockpile destruction, identifying a civil society partner for the destruction and communicating its resource needs to implement the plan. Another⁶⁶ has reported to have identified a partner for the destruction of their stockpiles.

62. One State Party⁶⁷ reported to have assistance needs for their destruction of what is probably a limited stockpile of cluster munitions, but they had not been able to develop a national plan yet. The State Party had identified partners for implementation, and in line with Action #35 had identified another State Party with practical experience relevant for their task.

63. Civil society offered assistance for the destruction of stockpiles in a cost-efficient matter. The UNMAT also offered their assistance for destruction of stockpiles.

Clearance and risk reduction

64. Of the three States Parties with reported assistance needs to implement Article 4, one State Party⁶⁸ reported to have taken steps that are all in line with Actions #33-36 of the VAP.

Victim Assistance

65. Of the three States Parties with reported assistance needs to implement Article 5, two States Parties⁶⁹ reported to have taken steps that are all in line with Actions #33-36 of the VAP, by having in place a national plan for victim assistance and engaging with civil society groups and other States Parties.

Challenges and questions for discussion at the 2MSP

66. One challenge is that States Parties with obligations under Article 3, 4 and/or 5 and with needs for international cooperation and assistance should develop comprehensive plans identifying accurate needs, extent of the problem, priorities and timelines, and communicate these to the Convention community. States and other actors providing support

⁶¹ Afghanistan.

⁶² Austria, Belgium, Denmark, France, Germany, Holy See, Ireland, Japan, Lithuania, Luxemburg, New Zealand, Norway, Slovenia, Spain and United Kingdom of Great Britain and Northern Ireland.

⁶³ Albania, Lao People's Democratic Republic and Republic of Moldova.

⁶⁴ i.a. Australia and Switzerland.

⁶⁵ Croatia.

⁶⁶ Bosnia and Herzegovina.

⁶⁷ Guinea-Bissau.

⁶⁸ Lao People's Democratic Republic.

⁶⁹ Albania and Lao People's Democratic Republic.

for implementation of the Convention should engage with those states with needs and structure their support according to such plans.

(a) How could the partnerships between donor countries, affected countries and the mine action community improve, in order to increase efficiency and ensure an integrated and results-focused approach to stockpile destruction, clearance and victim assistance?

(b) Which steps can States Parties take to ensure a broad and long-lasting engagement on international assistance and cooperation which is not only limited to funding, but also may include exchange of equipment technology, skills and experience (e.g. south-south cooperation)?

(c) How can States Parties ensure that gender and diversity issues are mainstreamed in order to secure efficiency and effectiveness?

(d) What can be done to better take advantage of lessons learned and best practices, both among donor and affected countries?

(e) As all States Parties could potentially be in a position to provide support in accordance with Article 6 of the Convention, how could a larger number of States Parties be mobilised to implement Actions #37-42?

VIII. Implementation Support

67. The President, the Friends and the States Parties consulted broadly with and included relevant organisations in consultations regarding all aspects of the Convention in accordance with Actions #51 and #52. Civil society and international organisations participated actively in the intersessional meetings of the Convention and provided expert input on key thematic areas.

68. The President of the First Meeting of States Parties, assisted by the Friend on Work plan Architecture 2011, prepared a President's Discussion Paper on Implementation Architecture and Intersessional Work containing proposals relevant to Actions #53-56. Based on the Discussion Paper and discussions amongst all States Parties, the President-Designate presented draft decisions on convening annual intersessional meetings, on the establishment of thematic Working Groups, on the appointment of Coordinators as well as on the establishment of a Coordination Committee. Two States Parties⁷⁰ presented a separate joint proposal and draft decision on the establishment of an Implementation Support Unit which was thoroughly discussed amongst the States Parties. The draft decisions were to be presented to the Second Meeting of the States Parties for adoption. Several States Parties argued in favour of promoting practical cooperation with representatives of other relevant international instruments.

69. Several States Parties and signatories contributed to the sponsorship programmes that encouraged broader participation at the intersessional meetings in June and at the 2MSP in accordance with Action #57.

70. Challenges and questions for discussion at the 2MSP

(a) How could States Parties better allow for new partnerships, for example with the private sector?

⁷⁰ Norway and Switzerland.

(b) How should States Parties best implement the decisions made on implementation architecture and intersessional work in the most effective manner?

IX. Transparency

71. 47 States Parties have reporting Article 7 deadlines up to the 2MSP. Since the First Meeting of States Parties, 32 States Parties have submitted their initial Article 7 reports (by 20 August). Two⁷¹ initial reports have also been submitted on a voluntary basis. Nine States Parties have not submitted their initial transparency reports within their deadline, and the reports are still to be submitted.

72. The Friend on Transparency has reported that letters have been sent on a regular basis to remind States Parties on their obligations to report. In addition, measures to improve the reports and ensure a high level of quality have been taken. A reporting guide has been proposed to assist States Parties in preparing their transparency reports. All stakeholders are welcome to provide input.

Challenges and questions for discussion at the 2MSP

73. A key challenge is to improve the varying quality of the reports, which have ranged from highly detailed and comprehensive to lacking in required information or difficult to extract information from.

(a) What steps should be taken for States Parties to ensure that high quality information is given? How to ensure a coherent understanding of the reporting measures?

(b) How to use the reporting as a tool for assisting and cooperating in implementation, particularly where States Parties have obligations under Articles 3, 4 and 5?

(c) How to ensure that the reporting effectively communicates the extent of the remaining challenges on clearance and stockpile destruction?

X. National Implementation Measures

Action #63

74. 19 States Parties⁷² have reported having adopted legislation or have stated that they consider their existing legislation to be sufficient. 11 States Parties have reported having specific Cluster Munitions laws⁷³. Eight States Parties⁷⁴ have reported that their existing legislation is adequate. Six States Parties⁷⁵ and three signatory states⁷⁶ have reported that they are in the process of adopting legislation.

75. The Friend on National Implementation Measures has submitted two guides: a very short model legislation to implement the Convention in small states unaffected by cluster

⁷¹ Canada and Democratic Republic of the Congo.

⁷² Austria, Belgium, France, Ireland, Japan, Germany, Holy See, Lithuania, Luxemburg, Malta, Mexico, Montenegro, New Zealand, Norway, Republic of Moldova, San Marino, Slovenia, Spain and United Kingdom of Great Britain and Northern Ireland.

⁷³ Austria, Belgium, France, Germany, Ireland, Japan, Luxemburg, New Zealand, Norway, Spain and United Kingdom of Great Britain and Northern Ireland.

⁷⁴ Holy See, Lithuania, Malta, Mexico, Montenegro, Republic of Moldova, San Marino and Slovenia.

⁷⁵ Albania, Burkina Faso, Croatia, Lao People's Democratic Republic, Malawi and Zambia.

⁷⁶ Australia, Canada and Democratic Republic of the Congo.

munitions – as well as a checklist of measures which may be necessary to ensure full compliance with the Convention.

Action #65

76. Two States Parties⁷⁷ have reported on how they have informed other relevant state agencies about the prohibitions and the requirements of the Convention.

Challenges and questions for discussion at the 2MSP

77. The main challenge under national implementation measures is to ensure that all states swiftly develop and adopt whatever legislation is required for the effective implementation of the Convention.

(a) What are the factors preventing greater progress in national implementation and what assistance might States Parties need to facilitate their adoption of implementing legislation?

(b) Which steps can a State Party take to inform all relevant national actors, including its armed forces, and in the context also of joint military operations with States not party, about its obligations under the Convention on Cluster Munitions?

XI. Compliance

78. No serious issues of non-compliance have yet been raised, but one may note that nine States Parties are late with their Article 7 transparency reports. The general impression is that States Parties and signatories are showing great determination to implement the Convention rapidly and thoroughly.

79. In the spirit of the Convention, any serious compliance concerns in the future should be addressed in a cooperative manner, where States Parties help other States Parties to resolve any potential compliance issue.

Challenges and questions for discussion at the 2MSP

80. A key challenge under compliance is how States Parties and the President should deal with future compliance concerns.

(a) How should States Parties address the issue of non-compliance in the future?

(b) Which steps could States Parties take to better promote compliance with the norms established by the CCM?

⁷⁷ Ireland and Norway.