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# Convention on Cluster Munitions

## DRAFT

(day month year)

Original: English

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**Third Meeting of States Parties**  
**Oslo, 10-14 September 2012**

**The Oslo Progress Report:**  
***Monitoring progress in implementing the Vientiane Action Plan between the Second and Third Meetings of States Parties***

**Submitted by the President of the Second Meeting of States Parties**

1. This report presents an aggregate analysis of trends and figures in the implementation of the Vientiane Action Plan (VAP) from the Second Meeting of States Parties (2MSP) in Beirut in September 2011 up to the Third Meeting of States Parties (3MSP) in Oslo in September 2012. This document is intended to facilitate discussions at the 3MSP 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 meeting in April 2012, and other open sources such as information provided by civil society, the International Committee of the Red Cross (ICRC), and the United Nations (UN). The Oslo Progress Report is submitted by Lebanon as the President of the 2MSP assisted by the Coordinators on General Status and Operation of the Convention, Zambia and the Holy See, and the Executive Coordinator (UNDP). Thematic Coordinators have provided additional information based on consultations and analysis within their respective Working Groups.

2. When referring to States parties, signatory states or observers these terms are used explicitly; the term "States not party" is used for referring to signatory states and observer states conjointly; otherwise the term "states" is used for referring to States parties, signatory states and observer states in general. The Convention on Cluster Munitions (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 April 2012 and the initial and annual transparency reports.

3. This report was finalised on 29 June 2012. Additional information captured after this date would be presented in an addendum at the 3 MSP.

## **I. Updates and general trends**

### **Universalization**

4. 75 States parties have ratified the Convention, representing an increase by 16 % of States parties since the 2MSP. Universalization and outreach actions in line with the VAP by states, the UN, ICRC, the CMC and others, have resulted in continued interest for formally joining the Convention through ratification or accession. Indications have suggested that a significant number of signatories will ratify before the end of 2012. One allegation of use of cluster munitions has been raised since the 2MSP but has been denied by the observer state concerned. The Convention community has been diligent in implementing **Actions #2-7**. Questions to discuss at the 3MSP may centre on how to continue the strong momentum in increasing the number of States parties and how to further strengthen the prohibitive norm of the CCM.

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### **Stockpile destruction**

5. All States parties that provided information regarding existing stockpiles of cluster munitions in their Article 7 reports have taken concrete steps in line with **Actions #8 and 9** of the VAP, with the majority indicating that destruction was scheduled to be completed well in advance of the eight-year deadline stipulated in the Convention. In addition, a number of states that recently completed the ratification process, as well as signatory states have already started to either physically destroy or to plan for the destruction of their stockpiles. Since some States parties and signatory states have requested technical and/or financial assistance, one key question for discussion at the 3MSP could be how to ensure adequate assistance for the completion of stockpile destruction obligations, including through cooperation with relevant organisations.

### **Clearance and Risk Reduction**

6. Almost all of the thirteen States parties and five signatory states with reported contamination from cluster munition remnants have taken action to address this contamination in line with their commitments under the VAP. The progress achieved by states has been facilitated by developments in survey and clearance technology and methodology. These advances were highlighted and discussed during the Intersessional meeting and helped demonstrate how the Convention has served as a catalyst for new approaches to the challenge of clearance of cluster munitions remnants. Thus one question that may be addressed at the 3MSP is how states with cluster munitions remnants contamination can best take advantage of the advances and improvements in techniques and methodologies for clearance.

### **Victim assistance**

7. The majority of the States parties and some of the signatories with obligations under Article 5 have made significant progress in implementing some or all relevant actions in the VAP. Increased efforts to enhance the accessibility, availability and awareness of services and projects advancing the social and economic inclusion of cluster munition victims are especially encouraging in this respect. The actively promoted inclusion of experts, partly from affected countries, during the Intersessional meeting and other working-level meetings substantially contributed to focusing the debate on the practical implications of the Convention's provisions. Thus, maximising the potential for collaboration and cooperation between States parties and civil society actors and across related international legal instruments, as well as securing sustainable funding for measures, are some of the key issues to address at the 3MSP.

### **International cooperation and assistance**

8. Half of the States parties having obligations under Article 3, 4 and/or 5 have reported assistance needs since entry into force, and four more since the 2MSP. Most assistance needs have been requested for clearance, risk reduction, and victim assistance. The number of states providing financial or in-kind contributions for implementation of the CCM, in line with **Actions #37-42** has increased significantly since the 2MSP. Questions to discuss at the 3MSP may centre on how the relevant actions in the VAP may be better implemented to ensure results from a long-term perspective as well as how to strengthen the links within the Convention community.

### **Transparency**

9. Nearly 80 % of expected annual transparency reports have been submitted so far. The submitted reports have been of varying quality and in some cases it has thus been difficult to extract relevant information. In this vein, a reporting guide is being developed by the Coordinator on Reporting to assist States parties in submitting accurate and precise information. Key issues that may be addressed at the 3MSP therefore are how to identify and overcome obstacles keeping States parties from fulfilling their

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reporting obligations and how to ensure that information is being provided in a consistent and useful manner, highlighting the utility of the reporting guide in order to achieve this.

### **National Implementation Measures**

10. More than one third of all States parties have now either adopted or are in the process of developing legislation relating to the Convention's implementation. Moreover, an increasing number of States parties have undertaken other administrative measures to secure the effective implementation of the Convention. Still, significant work remains to be done to ensure that all States parties develop and adopt the necessary legislation for the full implementation of the CCM. A key issue that may be addressed at the 3MSP thus remains how to identify and overcome the obstacles preventing States parties from greater progress in national implementation, and what assistance may be needed in this regard.

## **II. Partnerships**

11. States, the Cluster Munition Coalition (CMC) - including cluster munitions survivors and their representative organisations, the UN system, the ICRC, the International Federation of the Red Cross (IFRC) and the Geneva International Centre for Humanitarian Demining (GICHD) have again collaborated closely, which has led to substantial progress in the universalization and implementation of the CCM, and advanced the discussions on a number of thematic issues during the Intersessional meeting. The cooperative and informal nature of such collaboration was key to achieving good results.

## **III. Universalization**

12. Since the 2MSP, twelve states have ratified or acceded to the Convention.<sup>1</sup>

13. Fourteen signatory states<sup>2</sup> have announced in public statements that they have ratification underway. Amongst them, four<sup>3</sup> stating that ratification is expected before the 3MSP. In addition, two signatory states<sup>4</sup> have announced that ratification is being considered.

14. The CMC further reports that an additional 15 signatory states have ratification underway<sup>5</sup> and that 14 states<sup>6</sup> have indicated that accession is being considered. This would imply that there are prospects for an additional 30 States parties to the Convention in the very near future, and that some additional 15 states are considering ratification.

### **Actions #2-7**

15. Ten States parties<sup>7</sup> and one signatory state<sup>8</sup> have reported on actions taken to promote adherence to the CCM and encourage states to join the Convention through bilateral meetings, multilateral forums including the

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<sup>1</sup> Cameroon, Cote d'Ivoire, Czech Republic, Dominican Republic, Honduras, Hungary, Italy, Mauritania, Sweden, Switzerland, Togo, and Trinidad and Tobago.

<sup>2</sup> Australia, Angola, Benin, Canada, Central African Republic, Chad, Congo, Democratic Republic of Congo, Gambia, Kenya, Madagascar, Peru, South Africa and Uganda.

<sup>3</sup> Benin, Chad, Gambia and Uganda.

<sup>4</sup> Namibia and Tanzania.

<sup>5</sup> Colombia, Cyprus, Djibouti, Haiti, Iceland, Indonesia, Iraq, Liberia, Madagascar, Namibia, Nigeria, Paraguay, Philippines, Congo and Somalia.

<sup>6</sup> Cambodia, Eritrea, Kiribati, Malaysia, Mauritius, Nepal, Serbia, Solomon Islands, South Sudan, Tajikistan, Thailand and Vanuatu, Vietnam and Zimbabwe.

<sup>7</sup> Austria, Croatia, France, Grenada, Ireland, Japan, Lao PDR, Norway, Portugal and United Kingdom.

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Association of Southeast Asia Nations (ASEAN), the Non-Aligned Movement (NAM) or the Caribbean Community (CARICOM) and through hosting dedicated universalization workshops, in Croatia and Ghana.<sup>9</sup> A Universalization Action Plan was developed by the 34 sub-Saharan African countries participating in the Accra Regional Conference on the Universalization of the CCM (ARCU).<sup>10</sup>

16. States and the CMC have reacted to recent media reports of allegations of use of cluster munitions by Sudan in South Kordofan<sup>11</sup>. References were made to the unacceptable harm caused to civilians by cluster munitions and the imperative of protecting the norm being established by the Convention, stating that any allegations of use must be taken seriously and demand nothing short of full clarifications.<sup>12</sup> Responding to reactions, Sudan stated that the accusations were groundless, that Sudan neither produces nor stockpiles cluster munitions, and that it has not used cluster munitions in the past nor recently as alleged.<sup>13</sup>

17. Since the reported instance of use of cluster munitions on the territory of one State party in 2011, as detailed in the Beirut Progress Report (BPR)<sup>14</sup>, two separate missions to Cambodia were conducted by civil society organizations<sup>15</sup>, which confirmed that the deployed weapons were cluster munitions<sup>16</sup>.

18. The Coordinators on Universalization have reported to have cooperated with a team of eleven States parties<sup>17</sup>, the ICRC and CMC to enhance a regional approach in universalization efforts. Several states reported to have cooperated with other States parties and partners such as UNDP, CMC, ICRC, UNICEF, UNMAS and operators such as Handicap International (HI) and Norwegian's People Aid (NPA) to promote universalization and norms of the CCM.

19. The Coordinators on Universalization have also reported to have conducted a joint global demarche on universalization in the months of June and July, to 113 States not party. Through the respective foreign missions of the Coordinators, the demarche was delivered by both states or individually, according to the locations of the missions. The Coordinators will report on the results of the demarche at the 3MSP.

20. The United Nations Inter-Agency Coordination Group on Mine Action (IACG-MA),<sup>18</sup> the ICRC and the CMC have reported actions to promote the universalization of the CCM. On the occasion of the International Day for Mine Awareness and Assistance in Mine Action (4 April), the Secretary-General of the UN called for the universal adherence to the CCM and other humanitarian disarmament treaties.

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<sup>8</sup> Australia

<sup>9</sup> Oslo Convention Workshop (OCW), Bestovje, Croatia, 15-18 May 2012; Accra Regional Conference on the Universalization of the CCM (ARCU), Ghana, 28-30 May 2012.

<sup>10</sup> <http://www.clusterconvention.org/work-programme/accra-regional-conference-on-the-universalization-of-the-ccm-28-30-may-2012/>.

<sup>11</sup> BBC News, "Sudan denies attacking South Kordofan civilians," 7 March 2012, <http://www.bbc.co.uk/news/world-africa-17294210>.

<sup>12</sup> Norway, Lebanon and CMC.

<sup>13</sup> Sudan.

<sup>14</sup> See BPR (§ 21).

<sup>15</sup> Mission conducted by Cambodia Campaign to Ban Landmines and Cluster Bombs on 9 February and 12 February 2011 and by NPA on 1-2 April 2011.

<sup>16</sup> 31 August 2011, Landmine and Cluster Munition Monitor, Thailand County profile, [http://www.the-monitor.org/index.php/cp/display/region\\_profiles/theme/2244#\\_ftn22](http://www.the-monitor.org/index.php/cp/display/region_profiles/theme/2244#_ftn22).

<sup>17</sup> Japan (Co-coordinator; Asia and Pacific), Portugal (Co-coordinator; Portuguese-speaking countries), Belgium (Western Europe), Bulgaria (Eastern Europe), Canada (North America), Chile (South America), Costa Rica (Caribbean countries), Lao PDR (Asia and Pacific), Lebanon (Middle East), Zambia and Togo (anglophone and francophone Africa respectively).

<sup>18</sup> The UN system is formally coordinated under the Inter-Agency Coordination Group on Mine Action, which comprises of 14 UN entities. Informally, in some cases, members of the IACG have also been referred to as the UN Mine Action Team, even as the formal coordination mechanism is IACG-MA.

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21. Outreach efforts in line with **Action #7** have resulted in the participation of 80 States not party to the Convention at the 2MSP<sup>19</sup>, 32 States not party at the Intersessional meeting<sup>20</sup>, 20 States not party at the ARCU<sup>21</sup> and one observer state at the OCW. Four States parties<sup>22</sup> provided financial support for sponsorship programmes enabling the participation of 36 States not party at the 2MSP, 34 States not party at the Intersessional meeting and 20 States not party at the ARCU.

#### **Challenges and questions for discussion at the 3MSP**

22. While ratifications are proceeding at a regular pace, accession by non-signatories, especially those that produce and/or stockpile cluster munitions, is a particular challenge that should be addressed. Questions raised within the BPR with particular reference to 27 (c)-(d) and 28 (a)-(c) on reinforcing the norms remain the same. Further to this, given the recent regional workshop in Accra, the following questions have been identified:

- (a) With regards to sub-Saharan Africa, what steps should be taken to effectively implement the Accra Action Plan on the Universalization of the CCM, especially to bring on board non-signatories, including producers and/or stockpilers?
- (b) How could States parties further utilise regional and linguistic groups to promote the Convention among States not yet party?

## **IV. Stockpile destruction**

### **Scope**

23. A total of 13 States parties<sup>23</sup> have declared that they have on-going obligations under Article 3 of the Convention, four of those having done so since the 2MSP<sup>24</sup>. Five signatory states<sup>25</sup> are reported to have previous stockpiles of cluster munitions and seven signatory states<sup>26</sup> are reported to have existing stockpiles of cluster munitions.

24. A total of eleven States parties<sup>27</sup> have declared completion of their stockpile destruction obligations, eight of those having done so before the Convention entered into force for them. Two States parties<sup>28</sup> declared having completed the destruction of their respective stockpiles since the 2MSP.

### **Actions # 8-9**

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<sup>19</sup> See participant list, 2MSP at <http://www.unog.ch>.

<sup>20</sup> See participant list, Intersessional meeting at <http://www.clusterconvention.org/work-programme/intersessional-meeting-2012/>.

<sup>21</sup> See participant list, ARCU at <http://www.clusterconvention.org/work-programme/accra-regional-conference-on-the-universalization-of-the-ccm-28-30-may-2012/>.

<sup>22</sup> Austria, Germany, Norway and Switzerland.

<sup>23</sup> Bulgaria, Chile, Croatia, Denmark, France, FYR Macedonia, Germany, Guinea-Bissau, Italy, Japan, Netherlands, Sweden and United Kingdom.

<sup>24</sup> Bosnia and Herzegovina, Bulgaria, FYR Macedonia and Netherlands.

<sup>25</sup> Angola, Congo, Colombia, Hungary and Iraq.

<sup>26</sup> Canada, Guinea, Indonesia, Nigeria, Peru, South Africa and Switzerland.

<sup>27</sup> Austria, Belgium, Bosnia and Herzegovina, Czech Republic, Ecuador, Montenegro, Norway, Portugal, Republic of Moldova, Slovenia and Spain.

<sup>28</sup> Bosnia and Herzegovina and Slovenia.

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25. In line with **Action #8**, six<sup>29</sup> out of the 13 States parties with declared obligations under Article 3 have begun destruction of stockpiles. According to the Cluster Munition Monitor, 650,000 cluster munitions and 68.2 million explosive submunitions have already been destroyed by States parties. Of the 13 States parties with stockpiles, five<sup>30</sup> confirmed that destruction would be completed well in advance of their eight-year deadline, while the remaining eight stated they have a plan in place to meet their deadline or are in the process of developing concrete implementation plans. Between the 2MSP and 3MSP, five signatory states<sup>31</sup> provided information regarding previous, on-going or planned destruction. Nine<sup>32</sup> of the 14 States parties 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.

26. Ten States parties<sup>33</sup> and one signatory state<sup>34</sup> have declared to retain cluster munitions and explosive submunitions for the development of and training in cluster munitions and explosive submunitions detection, clearance or destruction techniques, or for the development of cluster munitions counter-measures. Between the 2MSP and 3MSP, nine of these provided information about the types and quantities of retained cluster munitions<sup>35</sup>.

27. One State party<sup>36</sup> reports that it is in the process of determining the quantities it plans to retain for permitted purposes.

28. Five States parties<sup>37</sup> reported on the consumption of retained munitions for training purposes. One State party<sup>38</sup> declared retaining only items free from explosives which are not defined as cluster munitions.

#### **Challenges and questions for discussion at the 3MSP**

29. A highlight from the 2012 Intersessional meeting was that all States parties that provided information regarding existing stockpiles have taken concrete steps in line with **Action #8** and **9**, the majority indicating that destruction was scheduled to be completed well in advance of the eight-year deadline. A key challenge is to maintain this positive momentum and ensure adequate assistance for the completion of stockpile destruction obligations, including through cooperation with relevant organizations to those states requesting such support.

30. Another challenge is to get clarity on the size of stockpiles and concrete destruction plans from those States parties that have not presented them so far. With reference to Section IV of the BPR, all of the questions previously raised should still be considered relevant. However most notably, key questions/challenges have been identified as the following:

(a) With reference to Section IV, 37(a) of the BPR, which obstacles/difficulties have states encountered while destroying stockpiles or developing destruction plans so far, and are they being adequately addressed?

(b) How can States parties and other organizations best cooperate with states facing difficulties, including those relating to the issues of safety management of stockpiles separated for destruction, identification of cluster munitions within ammunition storage depots, and costs associated with stockpile destruction?

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<sup>29</sup> France, Germany, Italy, Netherlands, Sweden and United Kingdom.

<sup>30</sup> Germany, Denmark, FYR Macedonia, Italy and United Kingdom.

<sup>31</sup> Canada, Democratic Republic of the Congo, Nigeria, Peru and Switzerland.

<sup>32</sup> Bulgaria, Croatia, Denmark, France, FYR Macedonia, Germany, Japan, Netherlands and United Kingdom.

<sup>33</sup> Belgium, Croatia, Czech Republic, Denmark, France, Germany, Republic of Moldova, Netherlands, Spain and United Kingdom.

<sup>34</sup> Australia.

<sup>35</sup> Belgium, Croatia, Czech Republic, France, Germany, Republic of Moldova, Netherlands, Spain and United Kingdom.

<sup>36</sup> Denmark.

<sup>37</sup> Belgium, Czech Republic, France, Germany and United Kingdom.

<sup>38</sup> Croatia.

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(c) How can the Article 7 reporting mechanism and meetings of the Convention be used to ensure that the amount of retained sub munitions does not exceed the minimum number absolutely necessary?

## V. Clearance and Risk Reduction

### Scope

31. Thirteen States parties<sup>39</sup> and five signatory states<sup>40</sup> are believed to have obligations under Article 4, and thus are expected to implement **Action #10-17**. This represents the majority of the 28 States and three territories that are believed to be contaminated with cluster munitions remnants and includes one State party<sup>41</sup> and one signatory state<sup>42</sup> that are considered among the four countries<sup>43</sup> most heavily affected worldwide.

32. Seven States parties<sup>44</sup>, one signatory state<sup>45</sup> and two observer states<sup>46</sup> provided updates on the status and progress of their clearance programmes. Of those States parties, one<sup>47</sup> announced that it would complete its clearance obligations in 2013.

33. As indicated in the BPR, two States parties<sup>48</sup> had already completed clearance and fulfilled their obligations prior to the entry into force of the Convention for them.

### Action #10-13

34. Three States parties<sup>49</sup> reported having implemented measures for civilian protection from cluster munitions remnants in line with **Action #11**. Eight States parties<sup>50</sup>, one signatory state<sup>51</sup> and two observer states<sup>52</sup> provided information on the size and location of contaminated areas and/or reported to have conducted or planned some sort of survey (technical, non-technical, baseline) in line with **Action #12**. Of these, two States parties<sup>53</sup> expect to complete survey activities in 2012 and 2013 respectively. Three States parties<sup>54</sup>, one signatory state<sup>55</sup> and one observer state<sup>56</sup> reported on efforts undertaken to develop and implement a national clearance plan in line with **Action #13**.

### Action #14-16

35. Two States parties<sup>57</sup> reported on how they had informed and included affected communities as outlined in **Action #14**. With regards to **Action #15**, six States parties<sup>58</sup>, one signatory state<sup>59</sup> and one observer state<sup>60</sup>

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<sup>39</sup>Afghanistan, Bosnia and Herzegovina, Chile, Croatia, Germany, Grenada, Guinea-Bissau, Lao PDR, Lebanon, Mauritania, Montenegro, Mozambique and Norway.

<sup>40</sup>Angola, Chad, Democratic Republic of the Congo, Iraq and Uganda.

<sup>41</sup>Lao PDR.

<sup>42</sup>Iraq.

<sup>43</sup>Cambodia, Iraq, Lao PDR and Vietnam.

<sup>44</sup>Bosnia and Herzegovina, Croatia, Germany, Lao PDR, Lebanon, Mauritania and Norway.

<sup>45</sup>Chad.

<sup>46</sup>Cambodia and Serbia.

<sup>47</sup>Norway.

<sup>48</sup>Albania and Zambia.

<sup>49</sup>Bosnia and Herzegovina, Lebanon and Norway.

<sup>50</sup>Bosnia and Herzegovina, Croatia, Germany, Lao PDR, Lebanon, Mauritania, Montenegro and Norway.

<sup>51</sup>Chad.

<sup>52</sup>Cambodia and Serbia.

<sup>53</sup>Germany and Mauritania.

<sup>54</sup>Mauritania, Lao PDR and Lebanon.

<sup>55</sup>Chad.

<sup>56</sup>Cambodia.

<sup>57</sup>Lao PDR and Lebanon.

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reported on the methods applied for survey and clearance of contaminated areas. Three States parties<sup>61</sup> provided updated comprehensive information with regards to methodologies for the release of land previously considered suspected in line with **Action #16**. A panel of experts at the 2012 Intersessional meetings called affected states' attention to the importance of using reliable and context-specific survey and clearance techniques in order to obtain the most accurate estimate of remaining contamination and clearing it in the most efficient manner.

#### **Action #17**

36. Four States parties<sup>62</sup> provided updates on their efforts undertaken to develop and provide targeted risk reduction programmes and one observer state<sup>63</sup> provided details on its new concept paper discussing matters relating to risk education.

#### **Action #18 and 19**

37. The Coordinators on Clearance and Risk Reduction announced the development of a paper building on the paper on the application of all appropriate means for the efficient implementation of Article 4 which focused on land release and was presented by Australia, then the thematic Friend on Clearance, at the 2MSP.

#### **Challenges and questions for discussion at the 3MSP**

38. A key challenge for States parties is to develop or to further elaborate on comprehensive national strategic plans that apply effective, context-specific and appropriate methods and technologies for the reduction of the area of land previously suspected of being contaminated and the clearance of land that is found to be contaminated. Thus, it will be important to maintain an on-going exchange between technical experts from the field and responsible governmental agencies of affected states. Thus the following questions may be considered as relevant for 3MSP:

- a) What steps should States parties take to develop cost-efficient and tailored plans which meet the specific problems in each affected state or territory?
- b) How can States parties increase efficiency in surveying and clearing cluster munition remnants?
- c) What additional issues, including mixed contamination with cluster munition remnants and landmines, insufficient survey data and varying environmental conditions do states and operators face in clearance operations and how might these best be addressed?
- d) How can States parties effectively mobilize resources for clearance operations and risk reduction programmes?

## **VI. Victim Assistance**

### **Scope**

39. Since the 2MSP two more States parties<sup>64</sup> and one additional signatory state<sup>65</sup> either have or are reported to have obligations under Article 5 (1), and thus ten States parties<sup>66</sup> and five signatory states<sup>67</sup> are expected to

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<sup>58</sup> Bosnia and Herzegovina, Croatia, Germany, Lao PDR, Lebanon and Mauritania.

<sup>59</sup> Chad.

<sup>60</sup> Cambodia.

<sup>61</sup> Croatia, Lao PDR and Lebanon.

<sup>62</sup> Bosnia and Herzegovina, Croatia, Lao PDR and Lebanon.

<sup>63</sup> Cambodia.

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implement **Actions #20-32**. Of these, three States parties<sup>68</sup> and one signatory state<sup>69</sup>, together with two observer states<sup>70</sup>, are considered to have the largest number of cluster munition victims, with the challenge of the responsibility to address the needs of several thousands of survivors. Three States parties<sup>71</sup> and one signatory state<sup>72</sup> provided updated information on the numbers of registered casualties and victims.

### **Actions #20- 23**

40. In addition to the five States parties<sup>73</sup> already mentioned in the BPR, two signatory states<sup>74</sup> and one observer state<sup>75</sup> have reported on the establishment of a coordinating mechanism in line with **Action #21**. The five States parties<sup>76</sup> that reported to have undertaken or started data collection in line with **Action #22** in the BPR, further declared to have undertaken steps to improve casualty data collection and/or needs assessment. Another State party<sup>77</sup> and one signatory state<sup>78</sup> were reported to have started data collection on victims.

41. Adding to the four States parties<sup>79</sup> mentioned in the BPR, three more States parties<sup>80</sup> reported to have implemented **Action #23** by integrating their victim assistance efforts with existing disability-related coordination mechanisms.

### **Actions #24-29**

42. Four<sup>81</sup> out of the five States parties<sup>82</sup> that reported to have developed plans in line with **Action #24** in the BPR and two signatory states<sup>83</sup> have developed and/or updated comprehensive national action plans in the reporting period.

43. Five States parties<sup>84</sup> and one signatory state<sup>85</sup> reported to have undertaken, or to have planned actions, to enhance the accessibility of victim assistance services in line with **Action #25** including improvements in prosthetics services, healthcare/rehabilitation services in previously contaminated areas, and free medical care and distribution of disability cards to survivors. Three States parties<sup>86</sup> reported to have conducted outreach activities to raise awareness among cluster munitions survivors about their rights and available services in line

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<sup>64</sup> Guinea-Bissau and Montenegro.

<sup>65</sup> Uganda.

<sup>66</sup> Afghanistan, Albania, Bosnia and Herzegovina, Croatia, Guinea-Bissau, Lao PDR, Lebanon, Montenegro, Mozambique and Sierra Leone.

<sup>67</sup> Angola, Chad, Democratic Republic of the Congo, Iraq and Uganda.

<sup>68</sup> Afghanistan, Lao PDR, and Lebanon.

<sup>69</sup> Iraq.

<sup>70</sup> Vietnam and Cambodia.

<sup>71</sup> Bosnia and Herzegovina, Lao PDR and Lebanon.

<sup>72</sup> Chad.

<sup>73</sup> Albania, Bosnia and Herzegovina, Croatia, Lao PDR and Lebanon.

<sup>74</sup> Democratic Republic of the Congo and Uganda.

<sup>75</sup> Cambodia.

<sup>76</sup> Albania, Bosnia and Herzegovina, Croatia, Lao PDR and Lebanon.

<sup>77</sup> Chile.

<sup>78</sup> Democratic Republic of the Congo.

<sup>79</sup> Albania, Bosnia and Herzegovina, Croatia and Lao PDR.

<sup>80</sup> Chile, Montenegro and Lebanon.

<sup>81</sup> Albania, Croatia, Lao PDR and Lebanon.

<sup>82</sup> Albania, Bosnia and Herzegovina, Croatia, Lao PDR and Lebanon.

<sup>83</sup> Uganda and Democratic Republic of the Congo.

<sup>84</sup> Albania, Montenegro, Lebanon, Lao PDR and Guinea-Bissau.

<sup>85</sup> Chad.

<sup>86</sup> Albania, Lao PDR and Lebanon.

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with **Action #27**. One signatory state<sup>87</sup> is undertaking steps aimed at increasing awareness for services available.

44. With regards to **Action #28**, four States parties<sup>88</sup> and one signatory state<sup>89</sup> reported to have undertaken steps to enhance the social and economic inclusion of cluster munitions victims in the form of trainings and income-generating projects.

45. Three States parties<sup>90</sup> have reported on steps taken to mobilize national and international resources in line with **Action #29**. Four States parties<sup>91</sup> and one signatory state<sup>92</sup> highlighted that funding of victim assistance measures remains a challenge.

### **Actions #30-32**

46. Seven States parties<sup>93</sup>, two signatory states<sup>94</sup> and one observer state<sup>95</sup> are reported to have actively involved cluster munitions victims and their representative organizations in the development of victim assistance plans and/or national coordination mechanisms as laid down in **Action #30**. Three States parties<sup>96</sup> and one signatory state<sup>97</sup> included victims as experts in their delegations to meetings in the context of the CCM, as envisaged by **Action #31**. In addition, representatives from organizations<sup>98</sup> working in affected states<sup>99</sup> were invited by the Coordinators as speakers in the panel during the session on victim assistance. On the national level, seven States parties<sup>100</sup> involve survivors or their representative organizations in Victim Assistance or disability coordination mechanisms. Since the 2MSP, six States parties<sup>101</sup> have also reported about the benefit of close collaboration with NGOs in implementation of victim assistance provisions at the national and local level.

### **Challenges and questions for discussion at the 3MSP**

47. The challenges and questions which have been raised in the BPR should still be considered relevant.

48. A challenge for States parties appears to be the involvement of victims and their representative organizations in the policy development and practical implementation of victim assistance measures, partly through their inclusion within state delegations at the Intersessional meetings and Meetings of States Parties, but importantly also within decision-making processes at both national and local levels.

49. A second challenge is to foster cooperation and collaboration across all related international legal instruments to ensure that survivors' rights are respected, with particular reference to the Convention on the Rights of Persons with Disabilities (CRPD) as the comprehensive international legal framework for a non-discriminatory and human-rights based approach to victim assistance.

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<sup>87</sup> Chad.

<sup>88</sup> Albania, Bosnia and Herzegovina, Lao PDR and Lebanon.

<sup>89</sup> Uganda.

<sup>90</sup> Croatia, Lao PDR and Lebanon.

<sup>91</sup> Albania, Croatia, Lao PDR and Lebanon.

<sup>92</sup> Uganda.

<sup>93</sup> Afghanistan, Bosnia & Herzegovina, Chile, Croatia, Lao PDR, Lebanon, and Mozambique.

<sup>94</sup> Democratic Republic of the Congo and Uganda.

<sup>95</sup> Cambodia.

<sup>96</sup> Albania, Bosnia and Herzegovina and Croatia.

<sup>97</sup> Uganda.

<sup>98</sup> Cooperative Orthotic and Prosthetic Enterprise (COPE), Organization of Amputees (UDAS) and Albanian Mine Action Executive (AMAE).

<sup>99</sup> Albania, Bosnia and Herzegovina and Lao PDR respectively.

<sup>100</sup> Afghanistan, Albania, Bosnia and Herzegovina, Croatia, Lao PDR, Lebanon and Mozambique.

<sup>101</sup> Bosnia and Herzegovina, Chile, Croatia, Lao PDR, Lebanon and Uganda.

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50. A third challenge is to maximise the potential for collaboration and cooperation between States parties and civil society actors on the ground, who in most cases have direct access to victims and a comprehensive understanding of their needs as well as to the extent of implementation on the ground.

51. At the national level, several issues appear to warrant discussion among partners at the 3MSP:

(a) What lessons have been learnt by those States parties that have already conducted needs assessments for their survivors? How could these experiences help to improve future evaluations and surveys relating to survivors' needs? How can age and gender-specific needs be mainstreamed into victim assistance programming, from early planning stages through to implementation?

(b) What steps should be taken by States parties to improve the economic and social integration of victims, including ensuring adequate access to education and work, a continuous exchange of good practices and experiences on private and public sector involvement, and the fostering of micro-financing initiatives?

(c) What steps should be taken by States parties to increase availability/accessibility of services for all cluster munitions victims in areas where it is known that there are few or no relevant services provided?

(d) What steps should be taken by States parties to ensure adequate and predictable support, both financial and in-kind, for the implementation of Victim Assistance provisions?

## VI. International cooperation and assistance

### Scope

52. A total of 21 States parties<sup>102</sup> reported to have obligations under Articles 3, 4 and/or 5, four of those having provided this information since the 2MSP<sup>103</sup>. A total of ten of these States parties<sup>104</sup> have reported assistance needs since entry into force.

53. Since the 2MSP, three additional states<sup>105</sup> have reported providing support to affected states. 20 States parties<sup>106</sup>, three signatory states<sup>107</sup> and one observer<sup>108</sup> have thus reported that they have provided financial or in-kind contributions for international cooperation and assistance.

### Actions # 33-36

54. Two States parties<sup>109</sup> have indicated the need for assistance with regards to **stockpile destruction**. Two signatory states<sup>110</sup> with existing stockpiles indicated a need for technical and/or financial assistance for their destruction.

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<sup>102</sup> Afghanistan, Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Denmark, France, FYR Macedonia, Germany, Grenada, Guinea-Bissau, Japan, Lao PDR, Lebanon, Mauritania, Montenegro, Mozambique, Netherlands, Norway, Sierra Leone and United Kingdom.

<sup>103</sup> Afghanistan, FYR Macedonia, Grenada and Mauritania.

<sup>104</sup> Albania, Bosnia and Herzegovina, Croatia, FYR Macedonia, Grenada, Guinea-Bissau, Lao PDR, Lebanon, Peru and Zambia.

<sup>105</sup> Italy, Lebanon and Netherlands.

<sup>106</sup> Austria, Belgium, Croatia, Denmark, France, Germany, Holy See, Ireland, Italy, Japan, Lebanon, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Slovenia, Spain, Sweden and United Kingdom.

<sup>107</sup> Australia, Liechtenstein and South Africa.

<sup>108</sup> Cambodia.

<sup>109</sup> Croatia and FYR Macedonia.

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55. Between the 2MSP and 3MSP, one State party<sup>111</sup> completed the destruction of its stockpiles with financial assistance provided by UNDP, in line with **Action #34**. Two States parties<sup>112</sup> have not provided further updates on whether they foresee the needs regarding cooperation and assistance since the 2011 CCM Intersessional meeting. Five States parties<sup>113</sup> indicated assistance needs for **clearance and/or risk reduction**. Three of these<sup>114</sup> and one additional signatory state<sup>115</sup> reported on challenges and their foreseen needs for assistance through Transparency Reporting Form F.

56. Four States parties<sup>116</sup> have indicated assistance needs for **victim assistance**. One State party<sup>117</sup> has not provided a further update on its possible victim assistance needs since the BPR.

57. During the 2012 Intersessional meeting five States parties<sup>118</sup> reported on cooperation with civil society groups, corporations, international organisations and other States parties in line with **Action # 34** and **#35** One State party<sup>119</sup> delivered a presentation on technical cooperation and information exchange with regards to promising practices in accordance with **Action #36**.

#### **Actions # 37-42**

58. Two State parties<sup>120</sup> reported to have provided assistance for **stockpile destruction**; 24 states<sup>121</sup> provided assistance for **clearance and risk reduction**; four States parties<sup>122</sup> and one signatory state<sup>123</sup> reported to have provided financial assistance for **victim assistance**.

59. During the 2012 Intersessional meeting, two States parties<sup>124</sup> and three signatory states<sup>125</sup> emphasized their readiness to provide assistance in line with **Action #42**.

#### **Actions # 43-50**

60. Implementing **Actions #43 - #48**, the Coordinators on Cooperation and Assistance have initiated the production of a catalogue on best practices and lessons learnt in cooperation and assistance In line with **Action #46**, one State party<sup>126</sup> reported on having conducted mine risk education trainings for civilians and deminers in Libya. During the 2012 Intersessional meeting, three States parties<sup>127</sup> and two signatory states<sup>128</sup> shared their views on the practical implementation of the Convention's international cooperation and assistance provisions in line with **Action #48**.

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<sup>110</sup> Nigeria and Peru.

<sup>111</sup> Bosnia and Herzegovina.

<sup>112</sup> Cote d'Ivoire and Guinea-Bissau.

<sup>113</sup> Croatia, Grenada, FYR Macedonia, Lao PDR and Lebanon.

<sup>114</sup> Croatia, Lao PDR and Lebanon.

<sup>115</sup> Chad.

<sup>116</sup> Albania, Lao PDR, Lebanon and Zambia.

<sup>117</sup> Afghanistan.

<sup>118</sup> Croatia, Germany, Grenada, Lao PDR and Lebanon.

<sup>119</sup> Croatia.

<sup>120</sup> Austria and Sweden.

<sup>121</sup> Australia, Austria, Belgium, Cambodia, Croatia, Denmark, France, Germany, Holy See, Ireland, Italy, Japan, Lebanon, Liechtenstein, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Slovenia, South Africa, Spain, Sweden and United Kingdom.

<sup>122</sup> Austria, Belgium, Japan and Norway.

<sup>123</sup> Australia.

<sup>124</sup> Germany and Lebanon.

<sup>125</sup> Australia, Madagascar and South Africa.

<sup>126</sup> Croatia.

<sup>127</sup> Croatia, Germany and Norway.

<sup>128</sup> Australia and South Africa.

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### Challenges and questions for discussion at the 3MSP

61. As indicated in the BPR, the challenge remains for States parties with obligations under Article 3, 4 and/or 5 and with needs for international cooperation and assistance to develop comprehensive plans identifying the extent of the problem, accurate needs, priorities and timelines, and communicate these to the community of the Convention. States and other actors providing support for implementation of the Convention should engage with those states which express the need for or request assistance and discuss and structure their support according to such plans.

62. Furthermore, another challenge that has been identified is the need to maintain reliable and continuous assistance to affected states for long-term requirements and objectives, once initial goals have been completed. All of the questions previously raised in Section VII of the BPR should still be considered relevant. However most notably, key questions/challenges have been identified as the following:

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? How can the framework of the CCM be utilised to better facilitate and enable the communication of needs amongst States parties?

b) Which steps can States parties take to ensure that funding, technology, skills and experience are used to address long-term objectives, such as provision of care for affected communities?

## VII. Implementation Support

63. The President, the Coordinators and States parties consulted broadly with and included relevant organisations in consultations and thematic Working Group meetings in line with **Actions #51 and 52**. Civil society and international organisations participated actively in the 2012 Intersessional meeting and provided expert input on key thematic areas. Implementing **Action #53**, at the 2MSP States parties appointed coordinators to lead Working Groups on key thematic areas. Coordination Committee meetings have been convened on a monthly basis to exchange information on progress and consult on matters pertaining to the Presidential mandate to establish an Implementation Support Unit (ISU) and the coordination of work for the successful implementation and universalization of the Convention.

64. Building on close consultations with States parties and Coordinators, the President of the 2MSP, assisted by the Executive Coordination Team, prepared a Draft Working Paper on an ISU, Possible Elements for a Draft Decision on an ISU and background documentation for potential financing models for an ISU, in line with **Action #54**.<sup>129</sup> Fulfilling the mandate given to the President by States parties at the 2MSP<sup>130</sup>, the Presidency has held consultations with the GICHD and is preparing a proposal for consideration by States parties at the 3MSP.

65. In accordance with **Actions #55-56** synergies have been pursued in clearance activities ensuring integrated demining operations inclusive of all types of ERW. The Coordinators on victim assistance convened meetings addressing operational aspects across conventions of victim assistance on the ground.

### Challenges and questions for discussion at the 3MSP

66. With reference to Section VIII of the BPR, both of the questions previously raised should still be considered relevant. However most notably, key questions/challenges have been identified as the following:

a) What steps should be taken by the Coordination Committee to ensure that the technical and financial resources made available from states in a position to do so, international organizations and civil society are applied in the most suitable manner?

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<sup>129</sup> <http://www.clusterconvention.org/work-programme/intersessional-meeting-2012/>.

<sup>130</sup> See IV § 29, Final Report of the Second Meeting of States Parties.

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b) Considering long-term objectives, especially with regard to stockpile destruction, clearance and victim assistance, how should States parties best utilise the ISU to ensure universal adherence to the Convention's norms in the most timely and effective manner possible? What should be the role of a future ISU in support of the implementation and universalization of the CCM?

## VIII. Transparency

67. 66 States parties<sup>131</sup> had or have Article 7 reporting deadlines in the time period up to the 3MSP. Since the 1MSP, 42 States parties<sup>132</sup> have, as of 29 June 2012, submitted their Initial Article 7 transparency reports. Two<sup>133</sup> Initial Article 7 reports have also been submitted on a voluntary basis. 29 States parties<sup>134</sup> have not yet submitted their initial transparency reports and of these, 12 States parties' submissions are not yet due.

68. 41 States parties<sup>135</sup> were required to submit an annual Article 7 report by 30 April 2012 in accordance with **Action #59**. Of these, 32<sup>136</sup> reports have been submitted and two signatory states<sup>137</sup> have provided updated annual Article 7 reports on a voluntary basis.

69. The Coordinator on Reporting has reported that letters have been sent to remind States parties on their obligations to report. Implementing **Action #62**, the Coordinator has informed that a draft reporting guide is currently being consolidated for presentation at the 3MSP and an informal Contact Group on reporting has been established to exchange lessons learnt from reports existing in other disarmament conventions. Discussions have also been initiated around the opportunity of integrating practical presentations on reporting within the other thematic sessions during the 2013 Intersessional meeting.

### Challenges and questions for discussion at the 3MSP

70. A key objective and challenge is to ensure that those States parties that are late in submitting their initial Article 7 report or annual update quickly do so. Another challenge remains to improve the varying quality of the Article 7 reports and ensure that particularly information pertaining to the implementation of States parties' obligations under Article 3, 4 and 5 is being provided in a consistent and useful manner. Questions remain largely the same as those identified in the BPR. In addition, the following questions might be raised:

- (a) What are the obstacles keeping States parties from fulfilling their reporting obligations? How can these be overcome and how can States parties facing difficulties be assisted?
- (b) How can States parties find a consistent way of reporting technical details on their obligations under Article 3, 4 and 5 so that progress in clearance, stockpile destruction and victim assistance can be conclusively established to support lessons learned and best practices that can be further shared amongst States parties?

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<sup>131</sup> See Annex A.

<sup>132</sup> See Annex A.

<sup>133</sup> Canada, Democratic Republic of the Congo.

<sup>134</sup> See Annex A.

<sup>135</sup> See Annex A.

<sup>136</sup> See Annex A.

<sup>137</sup> Canada, Democratic Republic of the Congo.

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## IX. National Implementation Measures

### Action #63

71. With five more States parties<sup>138</sup> reporting to have adopted legislation relating to the Convention's implementation since the 2MSP, the number of States parties with legislation specifically aimed at the implementation of the CCM now stands at 15<sup>139</sup>. An additional four States parties<sup>140</sup> have indicated that their existing legislation is considered adequate, increasing the number of States parties considering their legislation as sufficient to a total of 12. The number of States parties developing legislation now stands at eleven, as six more States parties<sup>141</sup> stated that they are in the process of developing implementation legislation during the reporting period. The number of signatory states that reported to be in the process of adopting legislation remains at three<sup>142</sup>.

72. Five States parties<sup>143</sup> reported to have undertaken other administrative measures such as adapting the armed forces training curriculum<sup>144</sup>, ordering to decommission all cluster munitions and the establishment of an interim National Authority to coordinate obligations under the Convention<sup>145</sup>, as well as Prime Minister's decrees<sup>146</sup>.

### Actions #64-65

73. Three more States parties<sup>147</sup> reported on how they have informed other relevant state agencies about the prohibitions and requirements of the Convention.

### Challenges and questions for discussion at the 3MSP.

74. The questions raised within the BPR, with particular reference to 77 (a) and (b), regarding obstacles to the swift adoption of legislation to give effect to the Convention's provisions remain extant:

- 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?

## X. Compliance

75. No serious issues of non-compliance by a State party have yet been raised, but one may note that the number of States parties having adopted or initiated new legislation remains low and 28 States parties are late with their Article 7 transparency reports. Especially when considering the progress made in stockpile destruction and clearance, the general impression is that States parties and signatory states are showing great

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<sup>138</sup> Cook Islands, Czech Republic, Ecuador, Portugal and Sweden.

<sup>139</sup> See Annex A.

<sup>140</sup> Denmark, FYR Macedonia, Netherlands and Nicaragua.

<sup>141</sup> Bulgaria, Burundi, Ghana, Guatemala, Lebanon and Sierra Leone.

<sup>142</sup> Australia, Canada and Democratic Republic of Congo.

<sup>143</sup> Bulgaria, Croatia, Denmark, Lao PDR and FYR Macedonia.

<sup>144</sup> Croatia.

<sup>145</sup> Bulgaria.

<sup>146</sup> Lao PDR.

<sup>147</sup> Denmark, Lebanon and Croatia.

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determination to implement the Convention rapidly and thoroughly. 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 3MSP are largely the same as those identified in the BPR.