



AFRICA REGIONAL WORKSHOP ON CCM UNIVERSALIZATION AND NATIONAL IMPLEMENTATION MEASURES

4 – 5 August, Addis Ababa, Ethiopia

SUMMARY

The Africa Regional Workshop on the Universalization of the Convention on Cluster Munitions (CCM) which was hosted by New Zealand (CCM Coordinator for National Implementation Measures of the Convention) together with Ecuador and Zambia (CCM Coordinators for universalization of the Convention) took place in Addis Ababa, Ethiopia, on 4 - 5 August 2016, was attended by 17 States. Of these, 8 countries are signatories to the CCM, 3 are non-signatory and 6 are States Parties. The African Union also participated in the Workshop. Participating as resource persons were representatives of the International Committee of the Red Cross (ICRC), Norwegian People's Aid (NPA) and the Cluster Munition Coalition (CMC). The Geneva-based Implementation Support Unit of the Convention on Cluster Munitions (ISU-CCM) provided logistical and technical support to the workshop.

The purpose of the Regional Workshop was to provide an opportunity for signatory and non-signatory States in Africa to discuss challenges and solutions for joining the Convention on Cluster Munitions. States Parties present shared their experiences and best practices in dealing with the challenges they faced in ratifying and implementing the CCM. The workshop provided a global overview of the Convention and its impact on the ground. Resources and expert advice on joining and implementing the Convention was shared with participants.

Furthermore, it was anticipated that the workshop would help States take steps towards ratification or accession in the lead up to the Sixth Meeting of States Parties of the Convention on Cluster Munitions scheduled to take place from 5 to 7 September in Geneva, Switzerland. Additionally, the workshop represented a key opportunity for the region to take concrete steps towards achieving the goals established in the Dubrovnik Action Plan.

The Workshop ended with participants detailing how they would take the remaining work forward in Africa through the adoption of a pledge called *"The Addis Ababa Commitment on Universalization and Implementation of the Convention on Cluster Munitions"* (Annex 1)



WORKSHOP REPORT

Opening Session – Setting the Scene

The Workshop opened with statements from the organisers, New Zealand and Zambia as well as from cooperating partners the African Union and Cluster Munition Coalition (CMC).

In his statement, Ambassador Bruce Shepherd of New Zealand and Coordinator on National Implementation Measures, expressed his gratitude to the co-convenors of the Workshop, fellow Coordinators Zambia and Ecuador (Coordinators for Universalisation), to Switzerland for its valuable financial contribution to the event and to CCM Implementation Support Unit (CCM ISU) for its excellent organisation of the workshop. He went on to say that New Zealand had been a long-time supporter of the Convention on Cluster Munitions and believed that cluster munitions cause unacceptable harm and should be banned. He added that one third of all recorded cluster munition casualties are children and that 60% of cluster munition casualties are injured while undertaking normal activities. Therefore, it is for these reasons that they urge those States which have not yet ratified the CCM to do so. As such, universalisation of the Convention is vital in order to continue to build the international norm against this weapon. He went on to state that New Zealand was very proud that the Convention family recently acquired its 100th member in April 2016 and were especially proud that this newest member – Palau – came from their own Pacific region. New Zealand was also delighted that three countries from Africa were able to ratify the Convention in 2015 and heartily congratulated Somalia, Rwanda and South Africa on this achievement.

Mr. Samson Lungo, First Secretary – Consular Services at the Permanent Mission of Zambia in Geneva, also speaking on behalf of Ecuador and Zambia as Coordinators on CCM universalization, stressed that they welcomed commitments made against use, production and transfer of cluster munitions by States not parties to the Convention on Cluster Munitions, but that they could only have full confidence of a future world free from cluster munitions through universal adherence to the Convention and its provisions which have become part of international humanitarian law. He further stated that despite the overwhelming stigma attached to cluster munitions, they remained extremely concerned by the ongoing conflicts and the use of cluster munitions in current conflict areas. He informed the participants that the coordinators had worked in partnership with other African States - States parties, Signatory States and non-signatory States - and adopted the Accra declaration (2012) and the Lomé Strategy (2013) on the Universalisation of the CCM. They were confident the workshop would record the same success. He emphasized that regionally and globally, States were stronger in partnership, working together towards a common goal to protect civilians from this detestable weapon, and mutually reinforcing the varied global efforts towards peace and security. He also encouraged an open and frank exchange of any challenges and best practices on how to make Africa the first cluster munition free continent. He concluded by expressing hope that this noble goal would triumph against any political considerations.

The representative of the African Union, Ms. Einas Mohammed, in her statement stated that the African Union (AU) has remained deeply concerned over the devastating impact of landmines, cluster munitions and explosive remnants of war on civilians, as well as on socio-economic development, post-conflict reconstruction and regional integration. As such, the African Union holds a strong and principled position against weapons that are deemed to be excessively injurious or to have indiscriminate effects. She further informed the participants that at its 584th meeting held on 29 March 2016 the Peace and Security Council of the AU adopted a communiqué under the theme “*disarmament, arms control and non-proliferation*” in which it called upon Member States that have not yet done so to ratify or accede to the CCM and appealed to States Parties to spare no effort in meeting their respective obligations. She emphasized that the workshop provided the participants with an ideal opportunity to be reminded of the critical importance of this regime, take stock of the progress made, and assess the gaps and challenges to its universality and full implementation. She



encouraged the participants to take advantage of the presence of the workshop facilitators to seek clarification, voice perspectives, and experiences.

She stated that from the perspective of the African Union, the universality of any regime was critical to its authority and the confidence building measures it was meant to provide. Furthermore, that it was important that all States recognized that while the Convention requires them to abide by a set of obligations, it also provides them with a framework to seek and acquire technical and operational assistance in meeting these obligations, including in the areas of stockpiles destruction, clearance of contaminated areas and victims assistance. In this respect, reporting becomes an important tool as it not only served the goal of transparency but also allowed the Implementation Support Unit and other international partners to identify needs and channel assistance. On its part, the AU, working through its Strategic Framework on Mine Action and Explosive remnants of War (2014-2017), would continue to work towards promoting the universality of the Convention and assisting Member States in meeting their obligations, including through providing the necessary training and capacity building, as well as through mobilizing, coordinating and channelling international assistance.

In a statement delivered on behalf of the CMC, Mr. Bekele Gonfa, Executive Director of SRaRO (Survivors Recovery and Rehabilitation Organisation) noted the harm that cluster munitions inflict on civilian communities and that at least 14 countries in Africa have been affected by cluster bombs. He commended Africa for its continued commitment and action to eradication of hideous weapons such as landmines and cluster munitions. He called on all peace loving African countries, including his country Ethiopia, that remain outside of the Convention on Cluster Munitions to not hold back anymore, join the Convention as soon as possible to take Africa a step closer to a region free of cluster munitions. He reminded African States not party that by joining the CCM, they could help stop violations of international humanitarian law, help reinforce the growing stigma against cluster munitions and help eradicate the weapon. He also encouraged African States Parties to the CCM to stay committed in achieving objectives of the Convention and the Dubrovnik Action Plan.

Session I – Overview of the Convention on Cluster Munitions

Two presentations were given on the Convention on Cluster Munitions. The purpose of the presentations was to provide participants with the background to the adoption of the CCM as well as to provide them with information on how it had progressed since its entry into force on 1 August 2010 and what work remained to be done to fully universalize and implement the Convention.

CCM ISU Director Sheila N. Mweemba provided a background to the adoption of the Convention as well as a general overview of the Convention itself. The presentation focused on the current status of the CCM, its implementation thus far and on the key thrust of the Convention as elaborated in the Dubrovnik Action Plan (DAP). She also pointed out that the key obligations of the Convention would be explained in detail during the presentation during Session III. She indicated that while there were many key actions and result areas under the DAP, during the workshop emphasis would be given to Action 1 (Universalization) and Action 7 (National implementation Measures) of the DAP.

Dr. Robert Mtonga of the CMC gave a presentation on the overview of the Role of Africa in the Oslo Process. He then went on to review the implementation of the CCM in Africa. He focused on what has been achieved so far, what remained to be done and how Africa could effectively act to get the desired results. Dr. Mtonga urged all African signatories and non-signatories to accelerate ratification/accession process

During the question and answer session, it was suggested that the AU, CMC, ICRC and other stakeholders should engage Heads of States to remind them of the importance of joining the Convention and increase political will. The AU representative informed the gathering that in April 2016 the AU Peace and Security Commission has taken a high decision and that as such a decision at



the highest political level had been adopted. This decision would see increased interaction and implementation of humanitarian disarmament legal instruments.

Session II – A cluster munition free Africa

The purpose of this session was to give all the representatives of the States present an opportunity to provide an update on the progress made either to ratify or accede to the CCM. It was also an opportunity to share challenges encountered, lessons learnt, best practices and also to learn from the experience of others as well as seek clarification and/or advice from the various States and organisational representatives present.

Each participant gave an overview of the national ratification/accession/implementation process thus far. Most of the Signatory States reported being at varying stages of the ratification process with the most common challenges being those of lengthy bureaucratic procedures and lack of a dedicated focal person or institution to drive the progress consistently. In some cases non-agreement on which national institution was to take the lead had led to stagnation in the process. It was also noted that low awareness of the CCM amongst politicians and parliamentarians also contributed to the slow advancement. For some States, the strategy was to address multiple conventional weapons instruments simultaneously to avoid having several legal instruments. While this approach was efficient in some cases, it also contributed to the sluggish progression of the process. However, this could be addressed by adapting already existing legislation to address the obligations under the CCM.

States not party identified similar reasons on why not much had been done to accede to the CCM. However, they all expressed commitment towards the ideals of the CCM and promised to bring the matter to the relevant authorities in their capitals.

States Parties shared their experiences and offered possible solutions based on their own challenges and how they had overcome them. It was noted that the ICRC and its tools had been a great resource to some of them.

Session III – Major implementation obligations under the CCM

During this session, each presenter gave an overview of a specific Convention Article and of the related obligations, especially as it related the Dubrovnik Action Plan. The articles looked at included Article 3 on Storage and stockpile destruction, Article 4 on Clearance and destruction of cluster munition remnants and risk reduction education, Article 5 on Victim Assistance, Article 7 on Transparency Reporting and Article 9 on National Implementation Measures.

In his presentation on Clearance, Mr. Robert Iga Afedra Programme Manager with Norwegian People's Aid (NPA) in Mozambique highlighted the work currently being done as well as previously done by NPA in several African countries. He emphasised that if all State Parties to the CCM are to be successful in clearing and destroying all cluster munitions remnants in time, it was important that States Parties maximized limited resources through the following of a strict land release approach with strong focus on information management. This way States are only clearing areas where it is necessary thus ensuring better resource utilisation at minimal cost while saving time.

On Stockpile destruction, the NPA representative informed participants that NPA had supported many countries with the destruction of their stockpiles. He noted that stockpile destruction was necessary if cluster munitions contamination was to be dealt with conclusively. He added that the only way to be sure that no cluster munitions are ever used again is to ensure destruction of each and every cluster munition in stock. He also introduced the NPA "Self-Help Ammunition Destruction Options Worldwide" (SHADOW) which is a programme that provides expert assistance to lower-economy nations seeking non-industrial solutions in fulfilling their obligation to destroy cluster munition stockpiles under the CCM.



Presenting on Victim Assistance, Ms. Margaret Arach Orech, Head of the Uganda Landmine Survivors Association and Ambassador of the International Campaign to Ban Landmines, described Article 5 of the CCM on Victim Assistance (VA) as a legal obligation for States Parties to the CCM that have cluster munition victims on their territory. However whereas the other Convention obligations have specified a time frame for implementation, VA does not have a time frame for its implementation as survivors will need VA for life. She detailed the components of VA as including medical care; rehabilitation; psychological support; social inclusion; data collection; and laws, regulations and policies. She explained that Article 5 of the CCM places the onus on States with respect to victims and survivors in areas under their jurisdiction or control. As part of the Dubrovnik Action Plan, States are encouraged to strengthen their national capacities to provide assistance to victims on a non-discriminatory basis. States are also expected to involve victims and their organizations actively in policy making in a gender sensitive manner. Furthermore, States should also support organizations of survivors and help build their capacity for sustainability and as a way of demonstrating ownership and responsibility. Victims should be included in the decision making process on issues that affect them as well as in program planning and implementation and monitoring. She shared an example of best practice in Uganda where survivors are represented at all levels in the decision making process so that there is a representative at national, district and sub county level.

Coordinator on National Implementation Measures New Zealand made a presentation on CCM Article 9 - national implementation measures. In her presentation, Ms. Nicole Robertson, Deputy Head of Mission/Counsellor of New Zealand, provided some insights into the importance of national implementation measures while recognizing that there exist many different challenges States Parties face in their implementation efforts but that a number of tools have been developed to assist States Parties in overcoming them. She further explained that once a country had joined the Convention, it was obliged to implement its provisions domestically. This translation of international obligations into domestic ones is crucial for the credibility of the Convention. She also stated that New Zealand firmly believed that both universalisation and implementation of the Convention are essential to achieve its fundamental purpose. Furthermore, increased knowledge among the general public, the military, and at the highest levels of government are essential in achieving strict implementation of international humanitarian law.

The presentation also highlighted the main Convention objectives as elaborated in the Dubrovnik Action Plan aimed to have all States Parties in full compliance with Article 9 by the next CCM Review Conference in 2020. She also acknowledged that for many States Parties, competing priorities, resource constraints and lengthy domestic procedures are some of the barriers to the enactment of legislation. In light of these challenges a number of tools are available to assist States Parties in their implementation of the Convention. These include the comprehensive model legislation developed by the ICRC and aimed in the main at common law countries, the simplified model of legislation for small States not possessing cluster munitions or contaminated by them (a model developed by New Zealand), and the recently drafted model specifically for African States governed by whether civil or common law (drafting work lead by Ghana). Ms. Robertson concluded her presentation by assuring participants that her country was ready to provide assistance to States to facilitate national implementation.

Mr. Matthieu Laruelle, Implementation Support Specialist with the CCM ISU, made a presentation on the importance of CCM Article 7 which obligates States Parties to submit Transparency Reports. He provided a practical overview on reporting obligations with a thorough explanation on the two types of reports expected (initial and annual). To this end, States were guided through the standard reporting formats and provided with information on the support available to facilitate this obligation. The presentation further focused on the importance of timely and qualitative reporting as an indication of a State Party's commitment to the Convention. He emphasised that reporting was also an opportunity to access available resources through international cooperation and assistance.



Session IV - Existing tools to support implementation of the CCM

Dr. Eve Massingham, Regional Legal Adviser, ICRC Nairobi, gave a presentation on available ICRC tools. These included the 2008 Convention of Cluster Munitions Factsheet, 2008 Convention of Cluster Munitions Ratification kit and the 2008 Convention of Cluster Munitions Model Law.

The session was interactive with participants divided into groups to discuss amongst themselves the challenges they faced in implementing the treaty obligations. To assist the discussion and to ascertain the underlying nature of these challenges participants were encouraged to explore whether these were as a result of the following elements:-

1. Convention Content related: where there objections to particular provisions? Or there was need for more in-depth understanding?
2. Procedural – constraints related to national capacity, resources or time.
3. Level of Interest – was implementation a priority?
4. A combination of the mentioned challenges

Dr Massingham outlined various ICRC CCM related activities such as regional workshops/meetings for governmental representatives and experts, on CCM promotion and implementation; advice to States on implementing legislation (Legal Advisory Service) as well as programs to increase respect for IHL: training of armed forces and armed groups, programs on missing.

She ended her presentation by providing participants with a contact list of ICRC legal advisors available in each African region and by reminding States to make contact with their National IHL Committees, if any. These bodies are inter-departmental committees tasked with promoting and implementing IHL and a good platform for States to move forward with the CCM

Session V - Working Groups - Challenges and best practices

The participants were divided into three groups to discuss in detail the individual challenges that they faced in the ratification/accession process and to thereafter identify possible actions and solutions to counter these. The groups were also required to make recommendations on how to take the common objectives further. To facilitate these exercises, the groups were provided with guiding questions to consider in their discussions.

Guiding questions for consideration by the working group

1. What are the challenges facing your country to ratify/accede the Convention on Cluster Munitions?
2. What would be the top three actions that you will take to resolve the challenges and ratify/accede to the Convention?
3. What types of supports do you need?
4. What are your recommendations for regional bodies, such as the African Union and other actors?

The participants in using the guidance questions were encouraged to consider the following elements:

- Identify the **challenges**,
- Propose solutions/**actions to overcome challenges**,
- List the types of **support each country needs** in completing ratification/accession process or achieving the Convention/Dubrovnik Action Plan's goals and
- Make **recommendations for regional bodies** and other actors to achieve a cluster munition free Africa.



Session VI - Report back from the working groups

From the working group exercises, (participants were divided into English and French language groups), the following were the key challenges identified and best practices/actions recognized for possible replication.

Challenges

1. Lack of political will
2. Little understanding of the CCM
3. Bureaucracy/lengthy procedures in government
4. Security concerns
5. Limited resources
6. Poor coordination between various stakeholders (lack of clarity on lead agency)
7. Competing national priorities
8. Lack or poor institutional frameworks
9. Change in leadership and /or focal persons
10. Lack of interest

Recommended Actions

1. Involvement of Civil society organisations
2. Establishment of implementation agencies at national level
3. Sensitization/awareness building at decision making levels (politicians, parliamentarians and technicians in stakeholder ministries)
4. Engage regional and sub-regional entities more
5. Incorporate the CCM into the Agenda of different meetings

The participants noted that it was important that there were many challenges that were common to several States but that there were also numerous ways that these had been overcome by other States and which could be employed by those facing similar challenges.

Session VII – Next steps to achieve universalization and implementation of the CCM

During this session, the participants discussed the most practical and attainable way forward on Universalization and National Implementation Measures in Africa. The basis of this debate was a draft commitment paper earlier circulated by the Universalization Coordinators and feedback from the group discussions. It was agreed that the commitment should be strong and include concrete actions as identified by the participants that had to be undertaken by States.

After various comments were taken on board by the drafting group, the African Common Commitment on CCM was adopted. Participants agreed to bring the commitment to the attention of the relevant decision makers back in their capitals.

Summary and Closing remarks

The AU representative in her closing remarks thanked the organizers and sponsors for organizing the important workshop and the participants for engaging openly and constructively during the two day



event. She hoped that the document developed at the workshop would not be the end result but another step in the collective efforts towards the universality and full implementation of the CCM. Participants were encouraged to spare no effort and to continue to work on sensitizing their counterparts and superiors at the national level to ensure that the proposal and commitments made at the workshop are fulfilled. She further stated that while the universality of the CCM was critical, it was only one step towards realizing the objectives of the CCM. Therefore, there must be genuine political commitment at the national level strengthened by sufficient national capacities and resources for implementation. The AU would continue to engage on the CCM through sensitization and mobilization of assistance.

In summarizing the work done at the workshop, Zambia on behalf of the workshop organisers conveyed its gratitude for the active participation of States and Civil Society during the proceedings. She reiterated the importance of ensuring that the Convention was fully universalised and expressed hope that each delegation would endeavour to bring the contents of the Addis Ababa Commitment document to the attention of the decision makers in their countries. Whilst she acknowledged the various challenges being faced as expressed in the breakaway sessions, she voiced her hope that the exchanges across the table would assist in overcoming some of the challenges. She also stated that the Coordinators looked forward to receiving reports of ratification/accesion and domestication of the Convention from the countries represented at the workshop.

In closing the Coordinator conveyed her gratitude to the Ethiopian government for the facilitation of visas for the participants and also thanked the workshop moderators, the ICRC, CMC and NPA for their useful contributions. She thanked the CCM - ISU for all the preparation work undertaken before and during the workshop.

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ANNEX 1

THE ADDIS ABABA COMMITMENT ON UNIVERSALIZATION AND IMPLEMENTATION OF THE CONVENTION ON CLUSTER MUNITIONS

Highly concerned at the continued use of cluster munitions and the undesirable humanitarian consequences thereof particularly on civilian populations; and building on the Accra and Lomé Declarations of 2012 and 2013 respectively, 17 African States¹ met in Addis Ababa, Ethiopia on 4 and 5 August 2016 to recommit to the objectives of attaining a Cluster Munitions free Africa with universal adherence to the Convention on Cluster Munitions as well as with increased implementation of the Convention.

Taking note of the communique of the 584th Meeting of the Peace and Security Council of the African Union on disarmament, arms control and non-proliferation calling for the universality of the CCM and other international instruments and requesting the AU Commission to assist member states with their clearance activities as well as facilitate the exchange of expertise and resources among them.

Acknowledging the renewed political commitment at the First Review Conference at which States expressed their support for cooperative efforts in the following actions in line with the Dubrovnik Action Plan:

To universalize the Convention on Cluster Munitions

We the States commit to increase adherence with the Convention and to promote the universalization of the Convention through continued outreach and engagement with States not parties in all appropriate fora.

We will endeavour to take every opportunity at national, regional, continental and global fora to reinforce the norms being established by the Convention so that there is a marked decrease in reported alleged and confirmed instances of use, with the objective to bring to an end the suffering and adverse humanitarian costs caused by cluster munitions.

To advance cooperation and assistance

We reaffirm our commitment to strengthen partnerships at all levels by communicating challenges and seeking assistance and by responding promptly to requests for assistance from those in need. We further undertake to identify and mobilize the necessary technical, material and financial resources and means of cooperation and assistance, at the community, the national and international level to enhance the implementation of the Convention.

At the country level, we commit to demonstrate a high-level national ownership in fulfilling the Convention's obligations and to this end empower and provide relevant state entities with the necessary human, financial and material capacities and resources to efficiently implement these obligations.

To promote Convention compliance

We will endeavour to participate more fully in the work of the Convention speaking out to condemn incidences of documented use of cluster munitions and to discourage production and transfer of cluster munitions, as agreed in the Dubrovnik Action Plan.

¹ Angola, Botswana, Cameroon, Djibouti, Ethiopia, Gabon, Gambia, Ghana, Madagascar, Mauritania, Namibia, Nigeria, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe



To ensure national implementation

We commit to prioritize the enactment of new legislation or the review of existing national legislation.

Also acknowledging the common challenges transcending African States in ratifying/acceding and implementing the obligations of the Convention, participants present expressed their support for the recommendations below to enhance universalization and effective implementation of the Convention goals:

1. Sensitization on importance of ratification of CCM at all levels domestically (especially the high levels), including Parliament
2. Establishing implementation agencies and designate national focal point at national level to coordinate the implementation of the CCM
3. Improving coordination amongst national stakeholders
4. Engaging the African Union as well as the regional economic communities (RECS) and the regional mechanisms for conflict prevention, management and resolution (RMS)
5. Mobilization of resources at national, regional and international levels

