REPORT SUMMARY

The Convention on Cluster Munitions (CCM) Ratification Seminar took place in Kampala, Uganda on 29-30 May 2017. The seminar was organized by France and Zambia (CCM Coordinators for Universalization) together with New Zealand (CCM Coordinator for National Implementation Measures) and co-hosted by the Government of Uganda. The seminar was funded by the generous contribution of the Government of New Zealand.

The event was attended by representatives of ten (10) African States. Of these, nine (9) countries were signatories to the CCM and one (1) country was the newest State Party. Representatives of the International Committee of the Red Cross (ICRC) and the Cluster Munition Coalition (CMC) also participated in the meeting as resource persons. The Implementation Support Unit of the Convention on Cluster Munitions (ISU-CCM) provided logistical and technical input to the seminar.

The purpose of the seminar was to provide an opportunity for signatory States in Africa to discuss challenges and solutions to ratifying the CCM. It was anticipated that the seminar would also help signatory States take steps towards ratification in the lead up to the Seventh Meeting of States Parties (7MSP) of the Convention on Cluster Munitions scheduled to take place from 4 to 6 September 2017 in Geneva, Switzerland.

The seminar provided an overview of the Convention’s implementation status globally as well as its key achievements and challenges to date. Signatory States present provided updates on their current position and plans to ratify the Convention and shared the specific challenges they face in doing so. While communicating challenges, signatory States also exchanged concrete ideas on ways to address these and thus accelerate the ratification process. Resources and expert advice on the Convention’s key operational obligations and on national ratification and domestication were shared with participants.

The seminar ended with participants affirming their State’s commitment to the Convention’s objectives and undertaking to continue working in their respective countries towards the prompt ratification of the Convention. In conclusion, some signatory States voiced the hope that they would be in a position to report progress on ratification in the near future thereby extending universalization efforts further across the African continent and reaffirming the prominent role of African States in the process that led to the banning of cluster munitions.
BACKGROUND

As of June 2017, 119 States have joined the CCM, of which 101 are States Parties, and the remaining 18 are signatories that have yet to ratify. Forty-three (43) of fifty-three (53) African countries have joined the treaty, demonstrating the African continent’s strong commitment for a region free of cluster munitions. Thirteen (13) African signatory States have yet to ratify with only ten (10) African States yet to accede to the Convention.

In December 2016, a United Nations General Assembly resolution (71/45) in support of the total ban on cluster munitions was supported by 141 countries. At the time, forty-three (43) African States, including eleven (11) signatories and five (5) States not Party to the CCM voted in support of the resolution.

The aim of the Kampala CCM ratification seminar was to build on past actions such as the declarations from the Accra (2012) and Lomé (2013) meetings and the 2016 Addis Ababa Commitment on universalization and implementation of the Convention on Cluster Munitions and give African States the opportunity to be one of the first regions to be declared free of cluster munitions. The seminar showed that ratifying the Convention is achievable and support is available to enable States to meet their obligations.

Opening Session: Welcoming address & discussion on the goals of the seminar

The seminar opened with the delivery of statements from representatives from the governments of Uganda, New Zealand and France.

A welcoming statement on behalf of the host country was delivered by Ugandan Minister of State for Defence and Veteran Affairs followed by statements from the organisers, New Zealand in its capacity as Coordinator on National Implementation Measures, and France on behalf of the Coordinators on Universalization of the CCM.

In his opening statement, Honorable Minister, Colonel Charles Engola, extended a warm welcome to all participants and expressed his gratitude to the conveners of the seminar. The Minister started by reminding the meeting of Uganda’s prominent role in the Oslo process. In this regard, he explained that prior to the signing of the CCM in December 2008, Uganda had hosted a regional meeting for African States in Kampala in September 2008 with the objective of mobilizing all African States to be party to the CCM. The meeting adopted the landmark Kampala Action Plan on Cluster Munitions. Thereafter, Uganda participated at the signing ceremony and signed the CCM in December 2008 in Oslo, Norway.

With these introductory remarks as background, the Minister explained that Uganda had never manufactured, acquired, transferred or used cluster munitions. The Minister further clarified that Uganda’s participation in the CCM process was solely based on the country’s firm belief that univerzalisation of the CCM was a desired goal towards attaining lasting international peace and security. He further shared with the meeting Uganda’s concerns with regards to some United Nations Members States that continue to manufacture, transfer, stockpile, and use cluster munitions in disregard of international humanitarian law principles of humanity, distinction and limitation of suffering during armed conflict. Honorable Colonel Engola concluded his intervention by reiterating Uganda’s full commitment to ratifying the CCM and called upon all signatory States present at the seminar to ratify the instrument as soon as possible as a way of stopping human suffering caused by the use of cluster munitions.
Ambassador Bruce Shepherd representing New Zealand in its role as Coordinator on National Implementation Measures expressed his gratitude to Uganda for hosting the meeting, the Convention on Cluster Munitions Implementation Support Unit (ISU-CCM) for its excellent organisation, and to New Zealand’s fellow Coordinators Zambia and France (Coordinators on Universalization) for their vision and support. He further stated that New Zealand had been a long-time supporter of the CCM and believed that cluster munitions cause unacceptable harm and should be banned. He added that one third of all recorded cluster munition casualties were children and that 60% of cluster munition casualties were injured while undertaking normal activities. It was for these reasons that New Zealand urged those States which have not yet ratified the CCM to do so. He underscored that ratification of the Convention was 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 had achieved 101 States Parties with Madagascar’s recent accession. However, he reminded participants that much work still needed to be done to achieve the goal the CCM community set itself in 2015 of having 130 States Parties by the next Review Conference in 2020. To this end, he strongly emphasized on Africa’s role to achieve this goal.

Ambassador Shepherd explained that New Zealand had served on the Convention’s Coordination Committee since 2011, in the role of National Implementation Measures Coordinator. In this regard, he pointed out that New Zealand would speak during Session 3 about the importance of implementing the Convention’s provisions domestically, and about the sorts of assistance that were available to countries who wished to do so.

Ambassador Shepherd further explained that one of the lessons learnt over the past years was that the groundwork for implementation of the Treaty was best laid during the ratification process. He insisted on the fact that, when political interest was high and when legislative attention was already drawn on the Treaty, States were best able to determine and deliver the institutional and legal framework needed to implement the Treaty. Hence the importance of these joint seminars dealing with both ratification and implementation of the Treaty. He concluded by expressing his hope that the seminar would build on similar meetings that took place in the past and achieve real progress with respect to universalization and implementation of the CCM in Africa.

Lt. Col. Fabien Miclot, Defence Attaché of the French Embassy in Kampala, speaking on behalf of Coordinators on Universalization, expressed France and Zambia’s gratitude to the Government of Uganda for hosting the seminar and thanked New Zealand for its financial support towards the organization of the event and the ISU-CCM for its excellent organization. He then warmly congratulated Madagascar on becoming the Convention’s 101st State Party, reducing the number of signatory States to 18. He took the opportunity to also remind participants of the UN General Assembly resolution on the implementation of the Convention adopted in December 2016 by a vote of 141 to 2, with 39 abstentions. In doing so, he highlighted that the international community had stressed yet again the importance of the Convention’s full implementation and expressed strong concern regarding the use of cluster munitions in different parts of the world.

He continued his intervention by highlighting France and Zambia’s full commitment to the implementation of the CCM and explained that universalization of the Convention was a key priority in the area of humanitarian disarmament. While reminding the meeting of the devastating humanitarian consequences caused by the use of cluster munitions, he encouraged participants to take full advantage of the seminar and resources available to seek clarification on the ratification process as well as on national implementation measures. He expressed the Coordinators’ hope that the participating signatory States would hold frank and open discussions, share best practices and ultimately issue statements to demonstrate their willingness to take the next steps to ratify and implement the CCM.
Finally, he emphasized that the fulfilment of the objectives of the Convention was a collective responsibility and concluded by expressing hope that the number of States Parties would grow further through the ratification of the Convention by States participating in the Kampala seminar, gradually establishing Africa as the first region free of cluster munitions and moving towards the 2020 goal of 130 States Parties.

**Session 1: Overview of the Convention on Cluster Munitions: achievements and challenges**

The purpose of this session was to provide participants with the background to the adoption of the CCM and up to date information on the Convention’s main achievements and remaining challenges since its entry into force on 1 August 2010.

With this in mind, Ms. Sheila N. Mweemba, ISU-CCM Director gave a presentation focusing on the current status of the CCM, its implementation thus far and on the key operational obligations of the Convention as outlined in the Dubrovnik Action Plan (DAP). She also pointed out that the key obligations of the Convention would be explained in detail in Session 3. She indicated that while there were many key actions and result areas under the DAP, during the seminar emphasis would be given to Action 1 (increasing adherence with the Convention) and Action 7 (National implementation Measures) of the DAP. She also highlighted that at the end of the 6MSP CCM States Parties adopted a political declaration through which States Parties committed to fully implement all of their individual and collective outstanding obligations as quickly as possible, with an aim to implement all before 2030. The Director concluded her presentation by explaining how the Convention’s overall machinery works, what the ISU-CCM’s mandate is and by presenting the Convention’s website and other relevant resources available to States.

**Session 2: Updates from signatory States on their position and plans to ratify the CCM**

The purpose of this session was to give all States representatives present an opportunity to provide an update on their current position and plans to ratify the CCM. It was also an opportunity for African signatory States 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 organisational representatives present.

The session was chaired by Mr. Samson Lungo, First Secretary at the Permanent Mission of Zambia in Geneva and Co-coordinator on Universalization of the Convention. Participants of the following States provided an overview of their national ratification process thus far: DRC, Kenya, Liberia, Madagascar, Namibia, Nigeria, Sao Tome and Principe, Tanzania, The Gambia and Uganda.

The State representatives shared information on their respective national processes and experiences on efforts employed to deal with the challenges related to the ratification and domestication of the Convention. In exchanging lessons learnt, Madagascar, as CCM’s newest State Party, shared with participants its experience in overcoming challenges to ratify the Convention. Most of the signatory States present reported being at varying stages of the ratification process with the most common challenges being those of lengthy bureaucratic procedures, competing priorities, general low awareness of the CCM and the lack of a dedicated focal person or institution to drive the progress consistently. Most pointed out that challenges such as the lack of intergovernmental coordination on this specific issue and the high turn-over of government employees had led to stagnation in the process. It was also noted that in some cases regional security concerns had contributed to the slow advancement on the matter. Some representatives also explained that non-affected States sometimes did not consider ratification a priority. Despite all the obstacles raised, most countries present informed that they were hopeful that their governments would ratify the Convention prior to the 7MSP in September 2017.
**Session 3: Addressing operational obligations of the CCM**

The objective of this session was to provide an overview of the Convention’s key operational obligations: 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 9 on National Implementation Measures; and Article 7 on Transparency Reporting.

The session was chaired by Mr. Samson Lungo, Co-ordinator on Universalization of the Convention.

In his presentation on **Stockpile destruction**, French representative Lt. Col. Fabien Miclot, started by reminding States of the humanitarian consequences caused by cluster munitions. He explained that Article 3 of the Convention required States Parties to ensure destruction of all cluster munitions under their jurisdiction within eight (8) years of entry in force of the Convention for them and that compliance with this provision was instrumental in preventing further proliferation and use of these inhumane weapons. While highlighting States’ achievements to date on compliance with Article 3, he also pointed out the need to ensure national ownership and to keep encouraging the greatest number of States to accede or ratify the Convention.

As per the objective set for this session, the French representative outlined France’s own national experience in overcoming challenges related to Article 3 implementation. He underscored that France had deployed significant efforts to comply with its obligations under Article 3 in a timely and transparent manner and had systematically reported on progress made through its annual transparency reports. He highlighted that while the destruction process presented substantial technical, logistical and financial challenges, France’s stockpile destruction was completed in June 2016, two years ahead of the deadline set by the Convention, thanks to close cooperation between all stakeholders involved in the process, detailed planning and adaptability to unforeseen changes. He further stressed on the fact that destruction of stockpiled cluster munitions was indeed a costly and challenging process that had to comply with international safety and environmental protection standards. Nonetheless, he explained that increased implementation of the Convention had been a catalyst for the development of new destruction techniques which helped accelerate the disposal process and reduce costs. Another key element mentioned was Article 6 of the Convention on International Cooperation and Assistance which stipulates that States Parties have the right to seek and receive assistance and those in a position to do so should provide the technical, material or financial assistance requested aimed at the implementation of the obligations of the Convention.

He wrapped up his presentation by reminding States of the ISU-CCM and other State Parties’ availability to provide tailor-made assistance to States in their ratification process but also in activities related to the implementation of the CCM, including stockpile destruction. Finally, he reiterated France’s willingness, both as one of the early States Parties to the Convention and as a State that had completed the destruction of its own stocks, to share experience and good practices with countries wishing to comply with their destruction obligations.

In her presentation on **Clearance**, the Director of the ISU-CCM explained to participants that Article 4 of the Convention required each State to clear its territory of unexploded submunitions within ten (10) years of its becoming a party to the Convention. She pointed out how Action 3 of the Dubrovnik Action Plan on clearance provided concrete and measurable actions to be taken by States Parties in order to facilitate rapid implementation of the Convention. She went on to provide an overview of the Convention’s status with reporting at only one (1) African State out of the ten (10) States Parties having reported to date to have obligations under Article 4.

In illustrating CCM implementation specifically in Africa, the Director shared some updated facts and figures. She concluded her presentation by highlighting a series of recommendations to address Article 4 implementation challenges and ensure rapid fulfilment of clearance obligations. The key
recommendations related to the need for timely reporting, targeted resource mobilization, enhanced cooperation and partnerships, increased coordination and improved awareness on the Convention at all decision making levels.

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 placed 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 were encouraged to strengthen their national capacities to provide assistance to victims on a non-discriminatory basis. States were 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.

Coordinator on National Implementation Measures New Zealand made a presentation on CCM Article 9 on National Implementation Measures. In her presentation, Ms. Belain Gebremedhin, Research and Policy Advisor at the New Zealand Embassy in Addis Ababa, focused on the following three (3) key questions: Why is national implementation so important; What does the national implementation article require of us? What tools are available to assist countries wishing to implement the Convention’s provisions domestically?

In responding to the first question, she provided some insights into the importance of national implementation measures. She explained that once a country had joined the Convention, it was obliged to implement its provisions domestically. She added that while translating international obligations into domestic ones was crucial for the credibility of the Convention, it also enabled States to review their existing national legislation and practice, including military manuals.

Regarding the second question, she underlined that States Parties had agreed to take concrete steps under Action 7 of the Dubrovnik Action Plan. Against this backdrop, she explained that States Parties were encouraged to enact national legislation to implement the CCM, highlight challenges, request assistance and raise awareness of national implementation measures. The presentation also underlined the main Convention objectives as elaborated in the Dubrovnik Action Plan aimed at having all States Parties in full compliance with Article 9 by the next CCM Review Conference in 2020.

In regard to the third question, she recognized that while States Parties faced many different challenges in their implementation efforts due to competing priorities, resource constraints and lengthy domestic procedures, a number of tools were available to assist States Parties in their implementation of the Convention. These included (a) the comprehensive model legislation developed by the ICRC; (b) the simplified model of legislation for small States not possessing cluster munitions or contaminated by them (a model developed by New Zealand); and (c) the draft model specifically for African States governed by either civil or common law (drafting work lead by Ghana).

Ms. Gebremedhin concluded her presentation by reiterating New Zealand’s readiness to provide assistance to States to facilitate national implementation and domestication.
Mr. Matthieu Laruelle, Implementation Support Specialist with the ISU-CCM, 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 as described under Article 6 of the Convention. He concluded his presentation by showcasing all the resources and guidance documents available on the Convention’s website.

Session 4: Addressing national ratification and domestication 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 Ratification kit and the 2008 Convention of Cluster Munitions Model Law. The session was interactive with participants divided into four (4) groups to discuss amongst themselves the challenges they faced in ratifying the CCM and implementing the treaty obligations. To assist the discussion and to ascertain the underlying nature of these challenges participants were encouraged to use the following guiding questions:

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 5: Working Groups – Exchange of ideas on how to best overcome obstacles to ratification

Participants were divided into three groups to discuss in detail the individual challenges that they faced in the ratification process and to thereafter identify possible ways to counter these. Participants were divided into the following groups: (1) The Gambia, Tanzania and Uganda; (2) Liberia, Namibia and Nigeria; (3) DRC, Madagascar, Sao Tome and Principe. Each group was supported by two (2) facilitators (France, Zambia, ICRC and/or the ISU-CCM).

The participants were encouraged to consider the following elements:
1. Identify the challenges;
2. Propose solutions to overcome challenges;
3. List the types of support each country needs in completing ratification.
Session 6: Report back from the working groups

From the working group exercises, 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. Lack of interest in the CCM - in particular in non-affected States
4. Bureaucracy
5. Regional security concerns
6. Poor coordination between various stakeholders
7. Lack of clarity on lead agency, roles and responsibilities
8. High turnover of government employees and limited information sharing
9. Limited human resources
10. Shortfalls in national budgets
11. Competing national priorities

Recommended Actions were outlined as follows

1. Facilitate administrative procedures
2. Designate a focal point
3. Set up a multi-disciplinary CCM task force or committee to improve coordination amongst national stakeholders
4. Organize broader consultations domestically with members of the civil society, the academia, scientists and the local communities
5. Increase awareness on the CCM among a wider audience
6. Sensitize at all levels domestically on the importance of CCM ratification
7. Incorporate the CCM into the agenda of different meetings
8. Use national IHL Committees - if any - to promote the CCM
9. Engage regional and sub-regional entities (AU, ECOWAS, SADC etc.) to raise awareness on the Convention and mobilize resources
10. Explore the possibility of regional ratifications
11. Receive training on CCM implementation by the ISU-CCM in country to facilitate the process immediately after ratification
12. Ask the German Presidency of the Seventh Meeting of States Parties (7MSP) to reach out to Ministry of Foreign Affairs of some African signatory States through diplomatic representations

Session 7: Next steps to achieve universalization and implementation of the CCM

During this session, Ms. Belain Gebremedhin, from the New Zealand Embassy in Addis Ababa, provided a detailed summary of all the input submitted by State representatives during the previous session.

Ambassador Shepherd then invited each participant to explain the most practical and attainable way forward in their respective countries and to make any final comments. Some signatory States reiterated that they expected their government to ratify the Convention prior to the 7MSP while others explained that the process still required more consultation and time. Nonetheless, most participants confirmed the strong national political will towards ratification of the Convention and agreed to bring the need to commit to ratify the Convention to the attention of the relevant decision makers back in their capitals. It was noted that the different areas covered during the seminar, the
exchanges on challenges and solutions and the tools presented had been useful resources to most of them.

**Summary and Closing remarks**

The seminar was concluded with final thoughts provided by Ugandan State Minister for Relief and Disaster Preparedness and Mr. Samson Lungo, CCM Coordinator on Universalization.

Before opening the floor to Honorable Musa Ecweru, State Minister for Relief and Disaster Preparedness, Mr. Lungo, read a statement on behalf of the African Union (AU). In the statement, the Commission of the AU expressed its thanks and appreciation to the Coordinator on National Implementation Measures (New Zealand) and the Coordinators on Universalization (France and Zambia), as well as the ISU-CCM for their continued efforts to promote the universality and effective implementation of the CCM in Africa. The AU Commission also expressed its sincere thanks and appreciation to the Government of the Republic of Uganda for graciously supporting and hosting the seminar. The AU Commission commended all attending Member States for their continued commitment to multilateral efforts to eliminate the threat caused by cluster munitions.

It was further stated that the AU had 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. Participants were reminded 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. A short outline was also provided on the AU Commission Mine Action and Explosive Remnants of War Strategic Framework for the period 2014 to 2017 and the AU Mine Action Survey aimed at facilitating inter-African cooperation in the field of mine action, both initiatives launched respectively in April 2014 and in February 2017. In its closing written statement, the Commission reiterated its commitment to continue working with the ISU-CCM and international partners to ensure that Member States are provided with the necessary assistance and support towards the universal and effective implementation of the CCM.

**State Minister for Relief and Disaster Preparedness, Honorable Musa Ecweru,** recounted Uganda’s commitment from the beginning of the process that led to the adoption of the CCM and vividly encouraged signatory States present to ratify the Convention as soon as possible. While providing a thorough analysis on Uganda’s current political priorities, he assured the meeting of the commitment of the Ugandan Government to take the necessary steps to ratify the Convention in the near future.

In summarizing the work done at the seminar, Zambia on behalf of the workshop organisers conveyed its gratitude for the active participation of States and civil society during the proceedings. He 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 discussions and tools available to the attention of the decision makers in their countries. Whilst he acknowledged the various challenges being faced as expressed in the breakaway session, he voiced his hope that the exchanges across the table would assist in overcoming some of the challenges.
As the seminar aimed at encouraging signatory States in the region to ratify and implement the CCM and to provide them with information and assistance to do so, he also stated that the Coordinators looked forward to receiving reports of ratification and domestication of the Convention from the countries represented prior to the 7MSP.

In closing, the Coordinator conveyed his gratitude to the Ugandan Government for hosting the seminar and also thanked the seminar moderators, the ICRC, CMC and the ISU-CCM for their useful contributions. He especially thanked the ISU-CCM for all the preparation work undertaken before and during the workshop as well as the Government of New Zealand for its financial contribution.

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