

CMC Statement on Transparency
Second Meeting of States Parties, Convention on Cluster Munitions
Beirut, Lebanon
15 September 2011



Mr. President,

The Cluster Munition Coalition is a strong believer in comprehensive and regular reporting by States Parties. The provision of information on their current treaty status and implementation efforts is not just a legal obligation. It also helps states communicate to others about their progress, any needs for assistance, as well as building confidence among states. The time and effort we invest into producing an annual Cluster Munition Monitor report is testament to the importance the CMC places on transparency and monitoring.

States have two essential duties regarding transparency – reporting on time every year and providing clear and comprehensive information.

States Parties have a legal obligation to submit an initial report within 180 days of their entry into force date and to provide annual updates by 30 April each year.

So far, a total of 36 States Parties have submitted an initial transparency report as required by Article 7 of the convention, which represents three-quarters of States Parties whose deadline has arrived. This is a good indication of the political will that exists to implement the convention. One State Party, Norway, has submitted both an initial transparency report and an annual transparency report covering 2010. Three signatories, Canada, DR Congo, and Palau, have submitted voluntary initial transparency reports. However, 10 States Parties are late in submitting their initial transparency report and should turn them in without further delay.¹ Another 15 States Parties' initial reports are due between now and the end of July 2012.²

While providing initial and annual reports should be a straightforward task, it has proven to be a challenge in other treaties, especially among smaller states such as in my own Pacific region. While we acknowledge the different contexts and challenges faced by some States Parties in fulfilling reporting duties, we would like to reiterate that the obligation to report applies to *all* states, even if they have never been affected by cluster munitions or if they have finished all their major treaty obligations. For such states, however, reporting can be very simple. They will have limited information to fill in for their initial report and can then use a very short form in future years to signal that there has been no change under each of the required reporting areas.

¹ Antigua and Barbuda, Comoros, Fiji, Lesotho, Macedonia FYR, Mali, Niger, Samoa, Seychelles, and Tunisia.

² Cape Verde, St. Vincent and the Grenadines, Panama, Guinea-Bissau, Chile, El Salvador, Netherlands, Ghana, Mozambique, Costa Rica, Bulgaria, Botswana, Grenada, Senegal, and the Cook Islands.

Providing high quality information is also essential for the transparency provision to be effective. The CMC is concerned about the wide variation in quality among the reports submitted. Too many states are stating “not applicable” instead of providing definitive statements about their status on the relevant treaty obligation.³ For example, states should clearly state that they never produced cluster munitions or have no cluster munition stockpiles instead of simply putting “N/A” in the form. Several states that stockpile cluster munitions did not clearly indicate if they intend to retain cluster munitions or submunitions, either leaving the space blank or reporting only that the number is still to be determined. Few States Parties that indicated they will retain cluster munitions or submunitions have provided details on planned and actual uses, as required by Article 3. Very few States Parties used voluntary Form J to report voluntary measures, such as actions to promote universalization, or positions on interpretative issues.

The reporting forms approved by States Parties at the 1st Meeting of States Parties in Lao PDR in November last year are quite detailed, but states agreed to them because they provided a clear way to present all of the information legally required by the convention. States in need of international assistance will find that providing comprehensive information can help communicate not just their accomplishments, but also their funding, technical or other gaps. This is an area that small member states should take note of.

In order to facilitate reporting, states can make use of information they may already be collecting for similar conventions, although the CCM generally has the highest reporting standard. They should also disaggregate whenever possible the data that relates to the Convention on Cluster Munitions versus other treaties. In our own monitoring, we are finding it very difficult to identify how much money States Parties are devoting to implementation of the Convention, whether it be for clearance, victim assistance, universalization, or other activities.

Regular and high-quality reporting should also be assisted by Belgium’s proposals to develop guidelines and other tools to accompany the reporting forms. The CMC and Cluster Munition Monitor welcome this initiative and would be pleased to contribute to this effort.

Thank you.

³ For example, states should include a short narrative statement on Form E on conversion of production facilities, i.e., “Country X never produced cluster munitions” instead of simply putting “N/A” in the form.