



MINISTRY OF FOREIGN AFFAIRS
PORTUGUESE REPUBLIC

UNIVERSALISATION
CONVENTION ON CLUSTER MUNITIONS

Report by Portugal and Ghana

For the past two years, Portugal has been strongly involved in the universalisation efforts of the Convention on Cluster Munitions, after having been appointed as co-coordinator by the 2nd Meeting of States Parties, held in September 2011, in Beirut, Lebanon.

In Beirut, Portugal joined Japan in the coordination and, in September 2012, was joined by Ghana, at the 3rd MSP, which was held in Oslo.

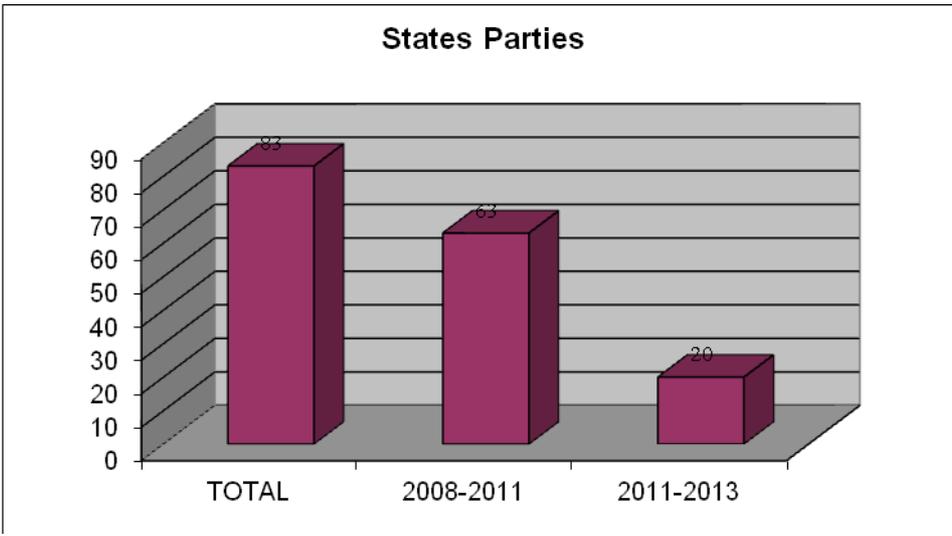
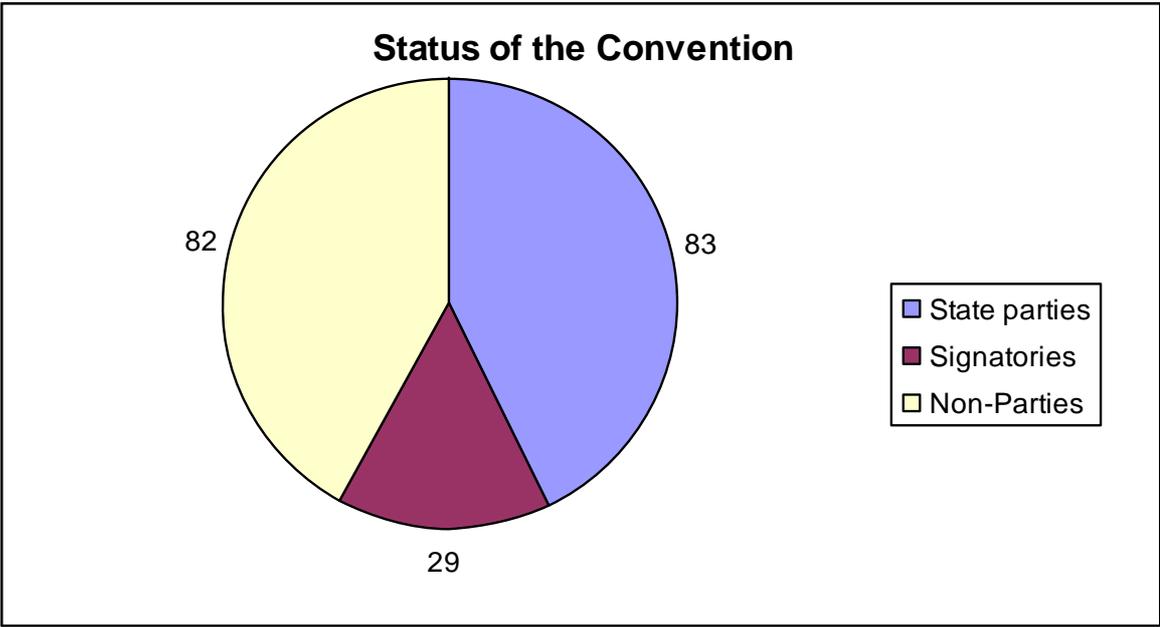
The present report gives an account of the efforts undertaken by the co-coordinators in the two intercessional periods between Beirut, Oslo and Lusaka, and is divided in four parts:

- I. Latest figures
- II. Action jointly-taken by the co-coordinators
- III. Regional outreach
- IV. Lessons learned

I. Latest figures

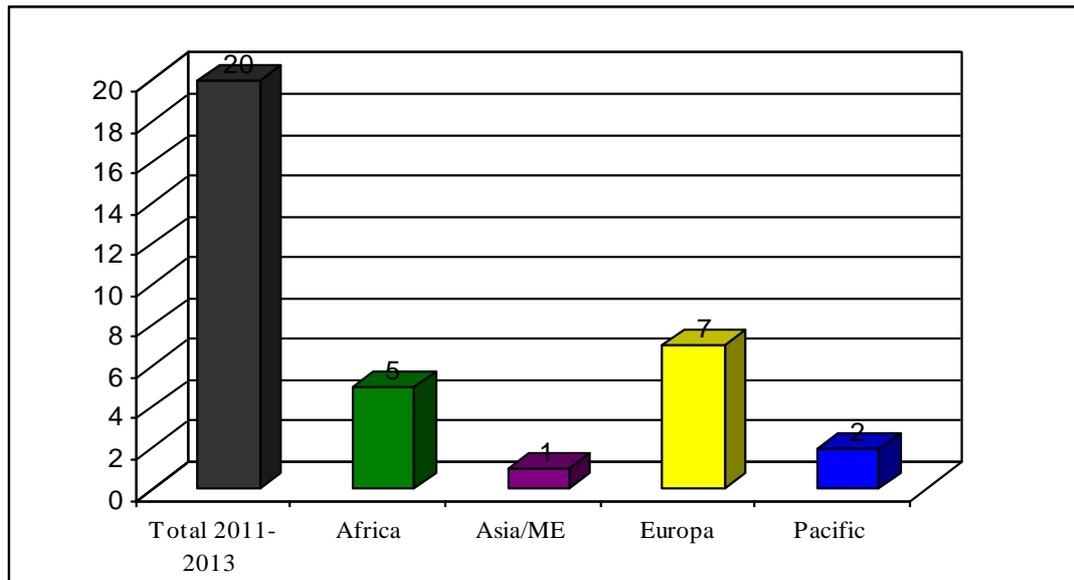
Since the 2nd Meeting of States Parties (2011), the following 20 States, that is 31,7% of the number of States that have become State-Parties so far, have ratified or acceded to the CCM, with eight of them (identified in bold) becoming States-Parties in the 2012-2013 intercessional period:

| | |
|----------------------|---------------------|
| Andorra | Nauru |
| Australia | Peru |
| Bolivia | Sweden |
| Cameroon | Switzerland |
| Chad | Togo |
| Côte d'Ivoire | Trinidad and Tobago |
| Czech Republic | |
| Dominican Republic | |
| Honduras | |
| Hungary | |
| Italy | |
| Iraq | |
| Liechtenstein | |
| Mauritania | |



Geographically, the new States-Parties are distributed as follows:

- 5 from Africa
- 5 from the Americas
- 1 from Asia
- 7 from Europe
- 2 from the Pacific



Four of the abovementioned States acceded to Convention (Andorra, Grenada, Swaziland and Trinidad and Tobago) during the period concerned. Seven countries ratified the Convention since the 3rd MSP (Peru, Australia, Nauru, Liechtenstein, Chad, Bolivia and Iraq). However, Twenty-nine (29), which means 27%, of the Signatories States, have yet to ratify the CCM. It should be noted, however, that the number came down from thirty-six States (36), since September 2012.

Taking into account that the Convention was only signed on 3rd December 2008, we may well consider CCM a very fortunate instrument of international law for its speedy entry into force, although the full universalisation seems to drag on mostly due to some security issues. Nevertheless, it looks as if the basic concerns of the CCM are generally accepted: i) to clear affected areas; ii) to assist victims; iii) and to destroy the enormous stockpiles of these weapons, thus making CCM not only a disarmament and non-proliferation instrument but also a very relevant humanitarian law mechanism.

II. Action jointly-taken by the co-coordinators

1. As our Japanese colleagues reported last year, in a joint effort, Portugal and Japan delivered demarches in the capitals of 113 States that were not yet Parties to the CCM. Around a hundred States (100) replied, providing greater clarity on the status of the ratification/accession processes, as well as a better understanding of the difficulties that some States face when considering joining this disarmament convention.

As much as twenty-six States (26) reported in 2011/2012 that their ratification processes were ongoing or expressed their will to join the CCM in the near future. Since then one has become a State Party. The numbers reflect, however, that an extra effort is needed to bring the States that have not finish their legal ratification process to the realm of States parties. A great number has signalled their agreement with the principles and purposes of the CCM, but lacked the resources to immediately go through the process of ratification and/or accession, in face of other equally important priorities, namely concerning Human Rights and related instruments.

Also noteworthy among those States, there were concerns for the administrative burden of reporting and for the financial obligations that becoming a Party to the CCM could entail, and which are not limited to the destruction of stockpiles.

Finally, a number of States expressed misgivings about stock-destruction, stemming from their security needs. It must be recalled though, as we did in the demarches, that the CCM allows States to keep a small stock of cluster munitions for training purposes, which includes detection, deactivation, and clearance.

This initiative is in line with Action 3 of the Vientiane Action Plan, and in the demarches we have also advanced the goals foreseen in actions 5 and 6 of the Action Plan.

2. In addition, the question of the universalisation of the CCM was also discussed in numerous bilateral political consultations, which also contributed to raise not only the profile of the CCM but also the human suffering that these weapons cause. The universalisation team in Geneva also favoured a regional approach, as the CCM calls for and as it has clearly been endorsed in the Vientiane Action Plan (actions 2 and 4). We would recall here some of the initiatives led by some countries and non-State actors, without prejudice to others that may have taken place:

- A regional conference took place in Lomé, Togo on 22 and 23 May
- A workshop on the implementation of the CCM was organized in Skopje, Macedonia on 14 and 15 May 2013;
- A regional conference took place in Accra on 28 and 29 May 2012;
- Palau has stated its availability to promote CCM in the Pacific region;
- Along with the NGO *Handicap International* and other States Parties, France will develop a group of initiatives concerning the support to the CCM;
- ICRC has informed that it is generically satisfied with the ratification rhythm and it will hold workshops on the matter.

There is a clear universal widespread group of countries that have worked towards the universalisation of CCM, and as coordinators for this effort, we would like to thank all those States, as well as all non-States actors that have heavily contributed to our endeavours.

3. This year, in a letter signed by the Permanent Representatives of Portugal and Ghana to the United Nations in Geneva, the merits of the CCM were again highlighted and 74 States, which were still not Parties and had missions in Geneva, were urged to consider joining the CCM. Unlike the demarches carried out the year before, the answers were very few and inconclusive.

We should note in particular that since 2011, if Africa has made a huge step regarding universalisation of CCM, we regret to conclude that in Asia and the Pacific region results have been minor. We thus appeal to the countries that are still no State Parties to the Convention to consider once again their position by joining the CCM.

4. Following the path initiated in 2012, we herewith present a summary of the answers the co-coordinators received during the last two years to their initiatives.

The division on four types of countries made by Zambia in its universalisation paper (para.10) is accurate. However, as coordinator we have tried to reduce the number of groups and to make it more in line with the reasons expressed by the different countries. We would note, like Zambia does, that it is regrettable that a large number of the countries that have not signed the Convention are indeed the major producers.

In addition, we States Parties of CCM need to continue a dialogue with the main producers and possessors of Cluster Munitions to bring them to join the Convention. Most of these main producers countries have supported the concept of restricting the use of cluster munitions under the CCW process, which indicates that they are open to discuss this issue.

Even the largest possessors understand the humanitarian concerns caused by cluster munitions. Some States have indicated that armament stocks are being renewed taking in considerations the humanitarian consequences of cluster munitions. . Although we recognise that the efforts made by some states to significantly reduce the failure rate of cluster munitions, to 1% or even less, efforts must continue to bring all countries to the CCM and to achieve the major goal of a world rid of cluster munitions.

We have divided the countries into three groups: Category I, those who have expressed their willingness to join the CCM; Category II, comprised of 31 countries that have expressed interest in the CCM or understand the humanitarian objectives of the CCM but whose ratification or accession may take time due to specific obstacles; and Category III, comprised of 21 Countries that are unlikely to join CCM in the near future. In some cases, namely countries in category II could become States Parties in the near future, but that would require a greater national effort and the support and tenacity of the international community due to identified constraints. We should also note that on the renewed demarches this year, some countries reconfirm they will not ratify the CCM in the near future.

- Category I : 25 States

Countries in this category¹ expressed interest in joining CCM. Some have provided information about ongoing preparations or their intention to join in the future. Some countries expressed great interest in becoming Party to the CCM, however, they are concerned about implementing the Conventions obligations, for example the clearance deadline, and may need international assistance or some kind of reassurance in this area. Another difficulty expressed has to do with administrative procedures, to which assistance, upon request, could be granted.

¹ Angola, Brunei, Cambodia, Colombia, DR Congo, Gabon, Haiti, Iceland, Jamaica, Kenya, Libya, Madagascar, Nigéria, Oman, Palau, Philippines, Qatar, Serbia, Slovak Republic, South Africa, Tanzania, Uganda, Vietnam.

For those countries that are considering becoming Party to the CCM, it seems that the Convention status in their region may also have much influence on their policy change. When the majority of states in a particular region join the CCM, the remaining Non State Parties will be inclined to consider joining the Convention as well. This is why we believe that a regional approach to universalisation is important, and that a regional universalisation coordination team should be set by future Co-ordinators of universalisation.

- Category II: 31 States

There were 31 countries² that expressed interest or understand the humanitarian objectives of CCM but may take time due to specific obstacles: for internal reasons it is not a priority issue; there are concerns on the regional membership and reciprocity between neighbours; the costs that alternative weaponry may imply.

A notable number of countries expressed that they have been supporting the regulation on cluster munitions under the CCW, and the main reason for this was that the main producers and possessors of cluster munitions were part of the negotiations, although some regrets have been raised for the fact that the main producers did not joined CCM. Some countries expressed doubt regarding the effectiveness of CCM, because the main producers and possessors of cluster munitions are not State Parties of the CCM.

Regarding countries that are of this view, States Parties need to continue to approach them with the strong conviction that the CCM is an effective framework and that their participation would only make the Convention stronger and its ultimate goal even more effectively attainable. On the other hand, the fact that not all major producers and possessors of cluster munitions are not State Parties should not be used as an excuse for countries will not support the cause of prohibiting cluster munitions through this already established framework.

Many Category II countries also mentioned that they could not join CCM before other countries join from their own region. Some of these countries do not stockpile, use or produce cluster munitions and agree

² Algeria, Argentina, Armenia, Bahrain, Benin, Djibouti, Estonia, Ethiopia, Finland, Guinea, Jordan, Indonesia, Kyrgyzstan, Latvia, Micronesia, Mongolia, Nepal, Maldives, Mauritius, Myanmar, Paraguay, Solomon Islands, Papua New-Guinea, Romania, Rwanda, Saudi Arabia, Thailand, Tonga, Turkey, Uzbekistan, Zimbabwe.

with the concepts of the CCM, and the only reason that holds them back is regional adherence.

Again, the importance of regional universalisation should be reiterated, and we call on Observers to this Conference to take a regional initiative. We believe that a regional discussion on the adherence to the CCM would be a useful opportunity for regional confidence building.

- Category III: 21 States

21 Countries³ in this category are unlikely to join CCM in the near future. Responding to our joint demarche, they have answered that a major improvement in their security environment or a major transformation in their domestic political circumstances would have to take place before it considers signing CCM. Most of these countries do not deny the inhumane consequences associated with cluster munitions, however, they have a tendency to emphasize that major possessors need to join CCM first, while they themselves possess cluster munitions. Instead of waiting for change to happen, we call upon all of these countries to lead an example first so that others will follow.

At this stage the status of membership to the Convention is as follows:

³ Bangladesh, Belarus, Brazil, China, Cuba, Egypt, Georgia, Greece, India, Iran, Israel, Malaysia, Morocco, Pakistan, Poland, Singapore, South Korea, Sri Lanka, Russia, United Arab Emirates, United States of America.

| States | Signature | Ratification/ Accession |
|----------------------------------|------------------|------------------------------------|
| Total: | 108 | 83 |
| Afghanistan | 03.12.2008 | 08.09.2011 |
| Albania | 03.12.2008 | 16.06.2009 |
| Andorra | | 09.04.2013 |
| Angola | 03.12.2008 | |
| Antigua and Barbuda | 16.07.2010 | 23.08.2010 |
| Australia | 03.12.2008 | 08.10.2012 |
| Austria | 03.12.2008 | 02.04.2009 |
| Belgium | 03.12.2008 | 22.12.2009 |
| Benin | 03.12.2008 | |
| Bolivia (Plurinational State of) | 03.12.2008 | 30.04.2013 |
| Bosnia and Herzegovina | 03.12.2008 | 07.09.2010 |
| Botswana | 03.12.2008 | 27.06.2011 |
| Bulgaria | 03.12.2008 | 06.04.2011 |
| Burkina Faso | 03.12.2008 | 16.02.2010 |
| Burundi | 03.12.2008 | 25.09.2009 |
| Cameroon | 15.12.2009 | 12.07.2012 |
| Canada | 03.12.2008 | |
| Cape Verde | 03.12.2008 | 19.10.2010 |
| Central African Republic | 03.12.2008 | |
| Chad | 03.12.2008 | 26.03.2013 |
| Chile | 03.12.2008 | 16.12.2010 |
| Colombia | 03.12.2008 | |
| Comoros | 03.12.2008 | 28.07.2010 |
| Congo | 03.12.2008 | |
| Cook Islands | 03.12.2008 | 23.08.2011 |
| Costa Rica | 03.12.2008 | 28.04.2011 |
| Côte d'Ivoire | 04.12.2008 | 12.03.2012 |
| Croatia | 03.12.2008 | 17.08.2009 |
| Cyprus | 23.09.2009 | |
| Czech Republic | 03.12.2008 | 22.09.2011 |
| Democratic Republic of the Congo | 18.03.2009 | |
| Denmark | 03.12.2008 | 12.02.2010 |
| Dominican Republic | 10.11.2009 | 20.12.2011 |
| Djibouti | 30.07.2010 | |
| Ecuador | 03.12.2008 | 11.05.2010 |
| El Salvador | 03.12.2008 | 10.01.2011 |
| Fiji | 03.12.2008 | 28.05.2010 |
| France | 03.12.2008 | 25.09.2009 |

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|----------------------------------|------------|------------|
| Gambia | 03.12.2008 | |
| Germany | 03.12.2008 | 08.07.2009 |
| Ghana | 03.12.2008 | 03.02.2011 |
| Grenada | | 29.06.2011 |
| Guatemala | 03.12.2008 | 03.11.2010 |
| Guinea | 03.12.2008 | |
| Guinea-Bissau | 04.12.2008 | 29.11.2010 |
| Haiti | 28.10.2009 | |
| Holy See | 03.12.2008 | 03.12.2008 |
| Honduras | 03.12.2008 | 21.03.2012 |
| Hungary | 03.12.2008 | 03.07.2012 |
| Iceland | 03.12.2008 | |
| Indonesia | 03.12.2008 | |
| Iraq | 12.11.2009 | 14.05.2013 |
| Ireland | 03.12.2008 | 03.12.2008 |
| Italy | 03.12.2008 | 21.09.2011 |
| Japan | 03.12.2008 | 14.07.2009 |
| Jamaica | 12.06.2009 | |
| Kenya | 03.12.2008 | |
| Lao People's Democratic Republic | 03.12.2008 | 18.03.2009 |
| Lebanon | 03.12.2008 | 05.11.2010 |
| Lesotho | 03.12.2008 | 28.05.2010 |
| Liberia | 03.12.2008 | |
| Liechtenstein | 03.12.2008 | 04.03.2013 |
| Lithuania | 03.12.2008 | 24.03.2011 |
| Luxembourg | 03.12.2008 | 10.07.2009 |
| Madagascar | 03.12.2008 | |
| Malawi | 03.12.2008 | 07.10.2009 |
| Mali | 03.12.2008 | 30.06.2010 |
| Malta | 03.12.2008 | 24.09.2009 |
| Mauritania | 19.04.2010 | 01.02.2012 |
| Mexico | 03.12.2008 | 06.05.2009 |
| Monaco | 03.12.2008 | 21.09.2010 |
| Montenegro | 03.12.2008 | 25.01.2010 |
| Mozambique | 03.12.2008 | 14.03.2011 |
| Namibia | 03.12.2008 | |
| Nauru | 03.12.2008 | 04.02.2013 |
| Netherlands | 03.12.2008 | 23.02.2011 |
| New Zealand | 03.12.2008 | 22.12.2009 |
| Nicaragua | 03.12.2008 | 02.11.2009 |
| Niger | 03.12.2008 | 02.06.2009 |
| Nigeria | 12.06.2009 | |

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|--|------------|------------|
| Norway | 03.12.2008 | 03.12.2008 |
| Palau | 03.12.2008 | |
| Panama | 03.12.2008 | 29.11.2010 |
| Paraguay | 03.12.2008 | |
| Peru | 03.12.2008 | 26.09.2012 |
| Philippines | 03.12.2008 | |
| Portugal | 03.12.2008 | 09.03.2011 |
| Republic of Moldova | 03.12.2008 | 16.02.2010 |
| Rwanda | 03.12.2008 | |
| Saint-Vincent and Grenadines | 23.09.2009 | 03.11.2010 |
| Samoa | 03.12.2008 | 28.04.2010 |
| San Marino | 03.12.2008 | 10.07.2009 |
| Sao Tome and Principe | 03.12.2008 | |
| Seychelles | 13.04.2010 | 20.05.2010 |
| Senegal | 03.12.2008 | 03.08.2011 |
| Sierra Leone | 03.12.2008 | 03.12.2008 |
| Slovenia | 03.12.2008 | 19.08.2009 |
| Somalia | 03.12.2008 | |
| South Africa | 03.12.2008 | |
| Spain | 03.12.2008 | 17.06.2009 |
| Sweden | 03.12.2008 | 23.04.2012 |
| Swaziland | | 13.09.2011 |
| Switzerland | 03.12.2008 | 17.07.2012 |
| The former Yugoslav Republic of Macedonia | 03.12.2008 | 08.10.2009 |
| Togo | 03.12.2008 | 22.06.2012 |
| Trinidad and Tobago | | 21.09.2011 |
| Tunisia | 12.01.2009 | 28.09.2010 |
| Uganda | 03.12.2008 | |
| United Kingdom of Great Britain and Northern Ireland | 03.12.2008 | 04.05.2010 |
| United Republic of Tanzania | 03.12.2008 | |
| Uruguay | 03.12.2008 | 24.09.2009 |
| Zambia | 03.12.2008 | 12.08.2009 |

III. Regional outreach

Representatives from 35 African states were outspoken in calling for a ‘concerted and accelerated effort’ towards an Africa-wide ban on cluster bombs at a meeting in Lomé Togo from May 22 and 23 2013.

African States adopted the “Lomé Universalisation Strategy on the Convention on Cluster Munitions” at the meeting, which sets out concrete steps states will take to achieve continent-wide membership of the 2008 Convention on Cluster Munitions and a commitment to the full, effective, rapid implementation of the treaty. These include: establishing a regional working group on universalisation, an expert meeting on the elaboration of model legislation to be convened by Ghana and an initiative to engage parliamentarians to ensure their support in joining the CCM.

IV. Lessons learned

After consulting with interested States, including many States that have yet to become Party to the CCM, we came to the conclusion that universalisation efforts have greater impact when three different lines of action are taken: 1) regional approach; 2) target approach; 3) the landmark features of this legally binding instrument that is equally relevant to disarmament, non-proliferation and Humanitarian law. The efforts regarding universalisation must continue and we should take the moment of the 4th MSP to promote it and to appeal to non Parties to adhere to this major instrument of International Law.

A group of initiatives should be kept, starting with the regional approaches, which have so far proved to be a very effective means, but also because it may contribute to confidence building between countries. This regional approach should be assumed in the more flexible way, so that the goal of universalisation can be put forward.

In addition, the promotion among political groupings has translated into a positive result. From our side, we can inform that efforts within the Portuguese Speaking Countries have proven to be very useful, and we assume that other, like the EU, ASEAN, APEC, Arab League, Islamic Conference, commonwealth, the francophonie, just to name a few, may have an identical result.

It is of equal importance to continue to fully engage with the main producers and stockpilers, underlining the lethal indiscriminate character of these weapons. The Humanitarian nature of the CCM (action 7 of Vientiane Action Plan) should continue to be highlighted in these discussions.

The strategy of prioritization of countries as a result of demarches so far made, may contribute to a faster pace of universalisation, as well as to a more precise idea on the reasoning behind countries’ positions on the CCM. The

differentiation. is of analytical nature, and intends only to be a reference in order to have a more guided or targeted approach.

Taking into account the motives presented by the different States, we consider that:

- i) the benefits and merits of the CCM, both at political and at administrative level, should continue to be highlighted;
- ii) Further clarification of the advantages of the CCM and differences between the CCM and a Protocol to the CCW should be provided; ;
- iii) technical expertise on clearance and destruction of stockpiles must continue to be provided in order to assist those countries that may require help, thus overcoming one of the greatest obstacles identified to universalisation of the CCM;
- iv) an extra effort may be made in order to facilitate the adoption of the CCM into internal law by some States;
- v) we should develop confidence building measures at regional level that would foster an environment in which the promotion of the Convention could be more effective;
- vi) the CCM site could be updated on all regional events regarding the Convention, which will also require from the organisers to inform the Secretariat (UNDP Geneva).