



FINAL REPORT OF THE ASIA-PACIFIC REGIONAL WORKSHOP ON THE CONVENTION ON CLUSTER MUNITIONS

18 - 19 June 2019
Manila, Philippines

REPORT SUMMARY

The Asia-Pacific Regional Workshop on the Convention on Cluster Munitions (CCM) took place in Manila, the Philippines from 18 to 19 June 2019. The workshop was organized by New Zealand (CCM Coordinator for National Implementation Measures) and co-hosted by the Government of the Philippines. The workshop was funded by the generous financial contribution of the governments of New Zealand and Switzerland.

The event was attended by representatives of 13 States. Of these, 8 countries were States not Party to the CCM and 5 were States Parties. 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 Convention on Cluster Munitions Implementation Support Unit (ISU) provided logistical and technical input to the workshop.

The workshop was an opportunity to promote the universalization of the CCM to States in the Asia-Pacific region where Convention membership is still low. The workshop aimed to give States not Party present the chance to further their understanding of the Convention, discuss the challenges faced in the accession process and exchange concrete ideas on ways to address these. It was anticipated that the workshop would also help States not Party take practical steps towards accession in the lead up to the Ninth Meeting of States Parties (9MSP) of the CCM scheduled to take place from 2 to 4 September 2019 in Geneva, Switzerland.

The workshop provided an overview of the Convention's key provisions and outlined the extensive range of technical support, tools and resources available to assist States not Party in their accession process and thereafter implementation of the treaty. It also offered a platform for States Parties present to share their experiences in overcoming obstacles to joining and implementing the Convention. States not Party in attendance gave updates on the status of any plans to accede to the Convention and shared the specific obstacles and challenges faced in doing so. Resources and expert advice on the Convention's key operational obligations and on national ratification and domestication were provided to the participants throughout the two days.

The workshop ended with participants affirming their commitment to further raising awareness of the Convention in their respective countries with the aim to facilitate expedited accession. Some of the States not Party hoped that they would be able to report some progress on CCM accession in the future thereby extending universalization efforts in the Asia-Pacific and sending an important message of solidarity with affected States in the region.

BACKGROUND

As of June 2019, 120 States have joined the CCM, of which 106 are States Parties, and the remaining 14 are signatories that have yet to ratify. Europe, Africa and the Americas are the regions with the highest universalization rates while adherence to the Convention in Asia and the Pacific remains the region with lowest level of ratification and accession with only 5 and 7 States Parties, respectively.

United Nations General Assembly Resolution GA Res 73/54 of 5 December 2018 in advocating the implementation of the Convention on Cluster Munitions was supported by 144 countries. In supporting this Resolution, 30 of 55 States comprising the UN designated Asia - Pacific region voted in support of it.

The aim of the Asia - Pacific Regional Workshop was to build on past efforts such as the “Cooperating to implement the CCM: The Country Coalition Concept” Seminar held in Bangkok in March 2017, the “Pacific Conference on Conventional Weapons Treaties” held in Auckland in February 2018 in addition to other regional initiatives. The workshop provided various tools exhibiting that acceding to the Convention is achievable and several support mechanisms exist to enable States to meet this goal and thereafter to fulfil any treaty obligations.

Opening Session: Welcoming address and discussion on the goals of the workshop

The workshop opened with the delivery of statements from representatives from the co-hosting governments of the Philippines, Sri Lanka and New Zealand.

A welcoming statement on behalf of the host country was delivered by H.E. Ms. Noralyn Jubaira-Baja, Assistant Secretary of the Department of Foreign Affairs of the Philippines, followed by statements from H.E. Aliyar Lebbe Abdul Azeez, President of the Ninth Meeting of States Parties (9MSP) and Ms. Charlotte Skerten, Deputy Permanent Representative of the Permanent Mission of New Zealand in Geneva and CCM Coordinator on National Implementation Measures.

In her opening statement, **H.E. Ms. Noralyn Jubaira-Baja**, extended a warm welcome to all participants and expressed her gratitude to to the Government of New Zealand for sponsoring the event and commended the efforts of ISU Team for having successfully coordinated with the Department of Foreign Affairs in the realization of regional workshop. She declared that it was an honour for the Philippines to host the event and take part in the endeavours to universalize the CCM. The Philippine’s support for the CCM embodies the importance that it gives to being in solidarity with other countries and communities that have suffered or are suffering from the adverse effects of cluster munitions. It also recognizes the harmful effects of cluster munitions to military personnel, combatants, and specially to innocent civilians. The Philippines’ support for CCM also represents its view that the Convention strengthens rights of the victims of armed conflict. Ms Jubaira-Baja underscored that the Philippines remained committed to the universalization of the CCM and that as part of its implementation of the Convention, the Philippines had no intention to assist, encourage or induce any state, group or individual to engage any of the prohibited activities mentioned in the Convention. The Philippines was also committed to actively participate in the meetings of the Convention and looked forward to participating in the 9th Meeting of the State Parties to the CCM to be held in Geneva in September. She concluded by stating that she was confident that the workshop would be a fruitful endeavour and a platform for an open discussion where participants would learn from each other on how best to implement the CCM and work towards its ratification. She further hoped that the event would contribute to increasing the number of States Parties to the CCM and encouraged the delegates from States not Party to join in the cause of the Convention.



Ambassador Abdul Azeez representing Sri Lanka in its role as 9MSP President expressed his gratitude to the Philippines for hosting the meeting, the ISU for its excellent organisation, and New Zealand for its long-term vision and financial support. The Ambassador explained that Sri Lanka had been elected President of the 9MSP in September 2018 for a period of 1 year and that its presidency would culminate with the convening of the Meeting of States Parties in September 2019. He further explained that considering the tragic events that had taken place over the Easter period in Sri Lanka, the CCM regional workshop initially due to take place in Colombo could regrettably not be held there. In this context, he warmly thanked the government of the Philippines for agreeing to host the workshop in Manila at short notice. He also congratulated the Philippines on its ratification of the CCM in January 2019, thereby becoming the Convention's newest State Party.

While reminding the meeting of the devastating humanitarian consequences caused by cluster munitions, Ambassador Azeez explained that universalization of the Convention was one of the Sri Lankan Presidency's key priorities up to the 9MSP with a particular focus on Asia given that there were only 5 States Parties from the region. He explained that since 2015 the UNGA had adopted a resolution on the CCM each year and that Sri Lanka had submitted a resolution on the Implementation of the Convention at the UNGA in December 2018. The resolution was adopted with a record of 144 Yes votes, only 1 No, and 38 abstentions. In that regard, he pointed out that 6 out of the 8 States not Parties attending the workshop voted Yes while 2 abstained.

Ambassador Azeez concluded his opening by reaffirming the Presidency's availability to support participating States not yet party in finding solutions to potential obstacles in acceding to the Convention and encouraged participants to take full advantage of the workshop and resources available to seek clarification on the adherence process. He expressed the Presidency's hope that participating States not Party would hold frank and open discussions, come up with practical solutions and ultimately issue statements to demonstrate their willingness to take the next steps to accede and implement the CCM.

Ms. Charlotte Skerten representing New Zealand in its role as Coordinator for National Implementation Measures expressed her utmost gratitude to the hosts of the meeting in Manila and to other States Parties and organizations that provided their support in organizing the workshop. She echoed the 9MSP President's words by thanking the government of the Philippines for accepting to host the regional workshop at short notice.

Ms. Skerten explained that New Zealand was very pleased to have been able to participate and support similar events that took place in the African region in previous years and hoped that the Manila workshop would help build on the successes achieved in the past. She explained that New Zealand had been a long-time supporter of the CCM and believed that cluster munitions cause unacceptable harm and should be banned. She 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 had not yet acceded to the CCM to do so. She emphasized that increasing adherence to the Convention was vital to continue to reinforce the international norm against this weapon.

She went on to explain that New Zealand was very proud that the Convention had achieved 106 States Parties with the recent ratification of the Philippines in January 2019. She congratulated the Philippines for setting the example in the region and encouraged others to follow suit. In this regard, she reminded participants that much work still needed to be done to achieve the goal that the CCM community set itself at the First Review conference in 2015 of having 130 States Parties by the time of the Second Review Conference in 2020. She underscored the pivotal role of the Asia - Pacific region in moving closer to this goal.



Ms. Skerten 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, she pointed out that New Zealand would speak during Session 2 about the importance of implementing the Convention's provisions domestically, and about the assistance available to countries who wished to do so.

The New Zealand representative further described 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 or accession process. She 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 workshops dealing with both accession and practical implementation of the Treaty.

She expressed her hope that the workshop would build on similar meetings that had taken place in the past and achieve real progress with respect to universalisation and implementation of the CCM in the Asia - Pacific region. She concluded by explaining that she looked forward to meeting State representatives present during the two - day workshop to discuss national circumstances in greater detail.

Session 1: Overview of the Convention on Cluster Munitions

The purpose of this session was to provide participants with the background to the adoption of the Convention and an overview of its key provisions and achievements to date.

With this in mind, **Ms. Sheila N. Mweemba, CCM - ISU 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 2. 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 (increasing adherence with the Convention) and Action 7 (National Implementation Measures) of the DAP. The Director concluded her presentation by explaining how the Convention's machinery worked, what the ISU's mandate was and highlighting information accessible on the Convention's website and other relevant online resources available to States.

Session 2: Key articles under the CCM

The objective of this session was to provide a more detailed outline 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.

In his presentation on **Stockpile destruction**, Swiss representative Mr. Laurent Masméjean, started by explaining that Article 3 of the Convention required States Parties to ensure destruction of all cluster munitions under their jurisdiction within 8 years of entry in force of the Convention for them. While highlighting States' achievements to date on compliance with Article 3, he also pointed out some of the key challenges encountered.

In line with the objective for this session, the Swiss representative outlined Switzerland's own national experience in overcoming challenges related to Article 3 implementation. He underscored that while the destruction process of cluster munitions could be more complex than those of other conventional weapons, increased implementation of the Convention had been a catalyst for the development of new destruction techniques respectful of international safety and environmental protection standards



which helped accelerate the disposal process and reduce costs. He indicated that States Parties could carry out the destruction process either on their territory or in another State Party. Thereafter, they could use the Article 3 Declaration of Compliance template to facilitate announcement of completion which had been adopted at the 8MSP.

He highlighted that Switzerland's stockpile destruction had been completed during 2018, two years ahead of the deadline set by the Convention. He also indicated that should States Parties need additional time to destroy cluster munition stockpiles, an extension request could be submitted to a Meeting of States Parties for a period of up to four years. In that regard, he described the process related to the submission of such a request and stressed that extensions should be the exception rather than the rule.

In further explaining Article 3 obligations, he clarified that the Convention allows for the retention of a limited number of cluster munitions and submunitions for the development of and the training of cluster munition and explosive submunition detection, clearance or destruction techniques which required detailed annual reporting.

He wrapped up his presentation by reminding States of the availability of the ISU and other CCM State Parties to provide tailor-made assistance to States in their accession process but also in activities related to the implementation of the Convention, including regarding stockpile destruction. Finally, he reiterated Switzerland's willingness, both as a State Party that had completed the destruction of its own stocks and as Coordinator on the Convention's Committee, to share experiences and good practices with countries wishing to get more information on stockpile destruction obligations under the Convention.

In his presentation on **Clearance**, Mr. Bounphamith Somvichith, Deputy Director General and National Programme Director of the Lao National UXO Programme, explained to participants that Article 4 of the Convention requires each State to clear its territory of unexploded submunitions within 10 years of it becoming a party to the Convention.

The Lao PDR representative further explained that if a State Party was unable to comply with the 10-year deadline for clearance, an extension request of up to 5 years could be submitted at a Meeting of States Parties or Review Conference. The presentation was followed by an interactive question-and-answer session. One of the issues raised dealt with the responsibility of States that generated cluster munitions contamination in other states as reality had shown that heavily affected states could not take on the burden of clearing their territory without international assistance.

Presenting on **Victim Assistance**, CMC representative, Mr. Yeshua Moser, started by highlighting the fact that the estimated number of global all-time casualties recorded in 33 countries and three other areas is approximately 56,000.

Mr. Moser explained that by codifying the international understanding of victim assistance and its components and provisions in Article 5, the CCM had extended the scope and understanding of the growing norm on victim assistance that had developed under the 1997 Anti-Personnel Mine Ban Convention (APMBC). He stated that the legal provisions on victim assistance in the Convention moved beyond the notion of requiring only the consideration of guidelines and good practices to a concrete list of obligations to act upon. He further highlighted the fact that the CCM is the first multilateral treaty to make the provision of assistance to victims of a given weapon a formal obligation for all States Parties with victims. In this sense, he emphasized that the Convention continues to set the highest standards for victim assistance as it requires States Parties with cluster munition victims to implement specific activities to ensure that adequate assistance is provided.



Thereafter, he detailed the key components of victim assistance as including medical care; rehabilitation; psychological support; social inclusion; data collection; and laws, regulations and policies. He explained that Article 5 placed the onus on States with respect to victims and survivors in areas under their jurisdiction or control. As part of the DAP, States were required to designate a national focal point and encouraged to strengthen their national capacities and plans to provide assistance to victims on a non-discriminatory basis. States were also expected to actively involve victims and their organizations 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. Charlotte Skerten, focused on the following three key questions: *Why is national implementation so important? How does the Convention require us to implement its provisions in domestic law? What tools are available to help states implement the Convention?*

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 translating international obligations into domestic ones was crucial for the credibility of the Convention. She added that this process also enabled States to review their existing national legislation and practices, which also included the revision of military manuals, the imposition of penal sanctions and the adoption of national legislation prohibiting investment in the production of cluster munitions. She concluded this first part by stating that for New Zealand, one of the most powerful arguments for pursuing CCM national implementation related to its contribution to strengthening general understanding of the human security benefits of maintaining a high standard of compliance with International Humanitarian Law (IHL).

Regarding the second question, she underlined Article 9 as not being prescriptive on how States Parties should give effect to its legal obligations and that it is a proper recognition of the many different legal and administrative systems that exist around the world. Indeed, some countries' legal systems do not require specific implementation legislation to give effect to the Convention's provisions domestically. Others still might consider their existing laws sufficient to implement the Convention's provisions. She explained that New Zealand believes that the process of drafting, coordinating and enacting national law is in itself very important. This process plays an important role in focusing the attention of national authorities on the State Party's treaty obligations.

Finally, she noted that States Parties had agreed to take concrete steps under Action 7 of the DAP. 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.

With regards to the third question, she recognized that while States Parties faced many different challenges in their implementation efforts, 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; and (b) the simplified model of legislation for small States not possessing cluster munitions or contaminated by them (a model developed by New Zealand). Ms. Skerten 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, 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 transparency reports to be submitted by States Parties: 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 3: Addressing national ratification and domestication of the CCM

The objective of **Ms. Katerina Kappos, Head of Legal Department** of the ICRC delegation in the Philippines was three-fold: (1) share some background on the work of the ICRC; (2) recall how the CCM fits within the broader IHL framework and; (3) provide participants with tools to assist in acceding and implementing the CCM.

She started by reminding participants of ICRC's mandate and role as guardian of the Geneva Conventions. She explained that the CCM was an important addition to IHL reinforcing fundamental customary IHL rules that are applicable to all States. She explained that these rules require parties to a conflict to distinguish at all times between civilians and combatants, to direct operations only against military objectives and to take constant care to spare civilians and civilian objects. She continued her presentation by saying that based on this Convention, cluster munitions are considered as weapons prohibited under IHL.

She went on to present the different tools available to States in their accession process. These included a factsheet on the CCM, the 2008 CCM Ratification kit, the 2008 CCM Model Law for national implementation and a Model Declaration of Intent to Apply the Convention Provisionally. All these resources developed by ICRC are available on the organization's website. She further explained that to become party to the CCM a State must formally declare its consent to be bound by the agreement and that this would normally involve two principal steps: action by the national government and a notification to the depositary. She clarified that a State that had not signed the Convention would usually declare its consent to be bound by preparing an instrument of accession. She echoed what Ms. Skerten mentioned in her presentation explaining that States joining the Convention are required to adopt a set of implementing/administrative measures such as imposing penal sanctions, adjusting the military doctrine and operating procedures and notifying the arms industry.

She concluded the presentation by reiterating the ICRC's delegations in the region and its advisory services' availability to offer guidance on preparing such legislation and to provide any further information or clarification that may be required.

Session 4: International Cooperation and Assistance: available resources and how to access them

The session included presentations delivered by Swiss representative, Mr. Laurent Masméjean, and ISU Director, Ms. Sheila Mweemba aimed at highlighting the key objective of the international cooperation and assistance provisions contained in Article 6 of the Convention. The speakers also provided detailed information on existing mechanisms and tools available to States Parties on how to request the assistance and resources.

Article 6 states that "Each State Party in a position to do so shall provide technical, material, and financial assistance to States Parties affected by cluster munitions, aimed at the implementation of the obligations of this Convention. Such assistance may be provided, inter alia, through the United Nations system, international, regional or national organizations or institutions, non-governmental



organizations or institutions, or on a bilateral basis". It was also highlighted that Article 6 further 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.

Reference was made to Action 5 of the DAP which emphasizes the strengthening of partnerships at all levels, communication of challenges through seeking assistance which is evidence-based, enhanced national ownership of CCM obligations and the use of existing tools for cost efficiency and effectiveness. It was further explained that Action 5.5 also encouraged those in a position to provide assistance to do so and to respond constructively to such requests thereby facilitating the necessary support for Convention implementation.

States Parties requiring international cooperation and assistance are encouraged to share clear information on challenges and requirements for the implementation of their national CCM obligations through the timely submission of national Article 7 reports and/or at formal and informal Meetings of the Convention. It was reported that many States that regularly did so benefited from enhanced partnerships, cooperation and assistance to meet their CCM obligations.

With regards to existing mechanisms and available resources, the two speakers explained that States with obligations could initiate the establishment of a Country Coalition under their lead to support the implementation of CCM commitments. It was made clear that such an approach offered an effective framework for ensuring national ownership and long-term commitment by donors/partners and was adaptable to the particular needs of the State needing assistance. To illustrate this strategy, it was reported that 3 States with obligations were currently leading Country Coalition initiatives with the financial support of donor States and the technical assistance of international NGOs.

To conclude this session, panellists reminded States of the existence of multiple resources for States including the ratification/accession toolkit, model legislation, reporting templates and other CCM related publications that could be found on the Convention's website (www.clusterconvention.org).

Session 5: The experience of the Philippines, Sri Lanka and Lao PDR in adhering to and implementing the CCM

The aim of this session was to share the practical experience of States Parties in joining and implementing the Convention as a means to encourage and support States not Parties present to join the Convention.

Colonel Fernando V Felipe, Commander at the Armed Forces of the Philippines (AFP) Munitions Control Center, shared the experience of the AFP and its pivotal role in building support towards the ratification of the CCM. The Colonel further explained that the Philippines' participation in formal and informal meetings of the Convention allowed to raise awareness of the Convention internally and build momentum within the country's institutions which led to the deposition of its ratification instrument on 3 January 2019.

He stated that as a manifestation of its support and commitment to the objectives of the CCM, the AFP took the decision to prohibit the inclusion of cluster munitions in its operational requirements and instead acquire a safer and reliable weapon to ensure effectiveness and minimal risk of non-combatant casualties. In concluding his presentation, the Colonel shared recommendations on the way forward: develop a common narrative against cluster munitions; strengthen domestic support and national implementation and; enhance international cooperation (i.e. development of a national capacity). Finally, he offered the support of the Philippines in finding solutions to potential obstacles faced by States not Party participating in the Workshop to joining the Convention.



Ambassador Aliyar Lebbe Abdul Azeez speaking on the experience of Sri Lanka recounted Sri Lanka's commitment from the beginning of the process that led to the adoption of the CCM and enthusiastically encouraged States not Party present to accede to the Convention as soon as possible. He explained that for Sri Lanka, the idea of acceding to the APMBC and the CCM germinated together as provisions of both treaties were very similar. The Ambassador highlighted key elements that allowed the country to ratify the Treaty including: national ownership, control and execution of the process by the Ministry of Defense in close collaboration with the Ministry of Foreign Affairs, political commitment and sustained assistance and cooperation. In his presentation, he also emphasized on the importance of strengthening inter-ministerial and stakeholder dialogues as well as stock-taking of the country's capacity to fulfill all the obligations.

He further explained that in the process of advancing peacebuilding and reconciliation, renewed efforts were made to re-engage with government stakeholders and civil society partners to strengthen efforts towards accession to both treaties. He stated that the visit of HRH Prince Mired Raad Al Hussein, Special Envoy for the APMBC, to Sri Lanka in March 2018 provided an opportunity for enhanced focus also on the CCM. As a result of stakeholder consultations, a Cabinet Memorandum was submitted to accede to CCM. Cabinet approval was received on 27 February 2018 and the instrument of accession was deposited with the UN on 1 March 2018, with the Convention coming into effect for Sri Lanka from 1 September 2018. He finally noted that Sri Lanka had received ICRC's support for the domestication of the CCM through a technical workshop organized in its capital.

With a view to sharing its national experience with regards to the practical implementation of Article 4 of the Convention **the Lao PDR representative, Mr. Bounphamith Somvichith**, provided an overview of the UXO problem in Lao PDR. He then focused on national initiatives, key achievements, existing challenges and solutions to overcome these.

While highlighting strategic decisions such as the adoption of Lao PDR's own SDG 18, called "Lives safe from unexploded ordnance (UXO)", Mr. Somvichith also stressed on the importance for affected States to carry out a national survey to identify the full extend of cluster munitions contamination. He then described some of Lao PDR's main challenges such as the lack of financial resources, the development of national technical capacity, ownership, and donors-beneficiaries alignment. He concluded his presentation by sharing some of Lao PDR's plans to overcome these challenges: move planning systems for UXO interventions to a sector approach; focus more on capacity development of national staff and organizations; improve organizational structure and personnel of the UXO Sector; explore new mechanism for resource mobilization; develop legislation and laws related to CCM; and improve working relationship with all key stakeholders (donor community, development partners, operators and international organizations).

Session 6: Updates from States not Party on their position and plans to accede to the CCM

The purpose of this session was to give State representatives present an opportunity to provide an update on their current position and plans to accede to the CCM. It was also an opportunity for States not Party from the Asia - Pacific region to share challenges encountered, lessons learnt, best practices and to learn from the experience of others as well as seek clarification and/or advice from the various resource persons present. In this context, the representatives of Bhutan, Mongolia, Myanmar, Papua New Guinea, Vanuatu, Viet Nam and Tuvalu shared information on their respective national processes related to the accession to the Convention.

States not Party present reported being at varying stages regarding the accession with the most common challenges being those of general low awareness of the CCM, lack of inter-ministerial/agency coordination, ongoing legislative reforms, lengthy bureaucratic procedures, competing priorities and financial resources and technical capacity to dispose of cluster munitions. It was also noted that in



some cases regional security concerns had contributed to the slow advancement on the matter. Some representatives informed of their State's support to the mission and spirit of the Convention and assured the meeting of their government's commitment to the CCM process as part of their active non-proliferation and disarmament policy.

Session 7: Working Groups – Exchange of ideas on how to best overcome obstacles to ratification

Participants were divided into two groups to discuss in detail the individual opportunities and challenges that were faced in the accession process and to thereafter identify possible ways to overcome these. Participants were also asked to provide feedback on the content of the workshop and possible issues that could be included at similar events in the future.

Participants were divided into the following groups: (1) Papua New Guinea, Vanuatu and Tuvalu; (2) Bhutan, Mongolia, Myanmar and Viet Nam. Each group was supported by two (2) facilitators (the Philippines and New Zealand with the support of Switzerland and the ISU). Each working group was encouraged to consider the following elements:

1. What challenges - if any - have you encountered, or do you expect to encounter in acceding to the Convention?
2. What in your opinion would help move accession in your specific context?
3. What issues were not covered during yesterday's sessions that you think would address your specific challenge(s)?
4. Is there any other issue you would like to raise?

Session 8: 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. Competing priorities among various national actors, and therefore divergent views on accession
2. Shortfalls in national budgets
3. Concerns from militaries
4. Concerns by stakeholders about possible external inspection of weapons
5. Lack of no mention in the Convention of the responsibilities of countries that had caused cluster munition contamination in affected countries
6. Lack of awareness of the CCM in government
7. Poor coordination between various stakeholders
8. Lack of clarity on lead agency, roles and responsibilities
9. Limited human resources

Recommended Actions were outlined as follows

1. Organize a regional conference of senior representatives with decision-making capability, with sponsorship through the ISU
2. Organize military to military events at country or regional level
3. Incorporate the CCM into the agenda of different meetings
4. Receive training on CCM accession and implementation by the ISU in country
5. Organize a stakeholders' consultation workshop to develop a better understanding of the Convention (with ISU and ICRC support)



6. Ask States Parties to engage actively with States not Party in their regions to share experiences and help overcome obstacles
7. Ask the CCM Presidency to reach out to political leaders in the region directly regarding accession
8. Employ celebrity personalities to approach political leaders and encourage accession
9. Use other platforms such as the Human Rights Council Universal Periodic Review (UPR) to encourage states to join the Convention
10. Facilitate adherence by explaining that States can deposit their instrument of accession and start working on their national legislation when they were in a position to do so

Additional issues that were not covered during the workshop

1. The lack of Civil Society Organization engagement to push for states to join the Convention in the region
2. Representatives attending CCM workshops could benefit from having tailor-made briefing packages and talking notes to engage their counterparts in capital

Sessions 9 and 10: Next steps to achieve universalization and implementation of the CCM and closing remarks

The seminar was concluded with final thoughts provided by H.E. Mr. Aliyar Lebbe Abdul Azeez, 9MSP CCM President, DFA-UNIO Executive Director Mr. Roberto G. Manalo and Ms. Charlotte Skerten, CCM Coordinator for National Implementation Measures.

In his closing statement, **H.E. Mr. Aliyar Lebbe Abdul Azeez**, reiterated his commitment to continue working with States in the region and international partners in his capacity as CCM 9MSP President to ensure that States not Party were provided with the necessary guidance and support towards their accession.

In summarizing the work done at the workshop, Sri Lanka on behalf of the workshop organisers conveyed its gratitude to participants for the active involvement of States and civil society during the proceedings. He reiterated the importance of ensuring that the Convention was fully universalized 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 these.

As the workshop aimed at encouraging States not Party in the Asia-Pacific region to accede and implement the CCM and to provide them with information and assistance to do so, he also stated that the Presidency looked forward to receiving reports of accession of the Convention from the countries represented prior to the 9MSP in September 2019.

In closing, the 9MSP President conveyed his deep gratitude to the Government of the Philippines for hosting the seminar and to the workshop moderators, the ICRC, CMC and the ISU for their useful contributions. He especially thanked the government of the Philippines and the ISU for all the preparation work undertaken before and during the workshop as well as the Government of New Zealand for its financial contribution. Finally, he emphasized that the fulfilment of the objectives of the Convention were a collective responsibility and concluded by expressing hope that the number of States Parties would grow further through accession to the Convention by States participating in the Manila workshop.



In his closing statement, **DFA-UNIO Executive Director, Mr. Roberto G. Manalo**, expressed his appreciation to his team for organizing the workshop. He also extended his gratitude to co-organizers and supporters, the government of New Zealand and the ISU.

The Executive Director stated that by attending the workshop he had learned more about weapons and the CCM. While highlighting the devastating impact of weapons on civilians, he brought a question to the audience: should the United Nations be preventing war and conflict between countries and in countries, or reducing damage done by weapons in wars and conflicts? In trying to provide an answer Mr. Manalo encouraged States to consider this *convention by convention*, including the CCM.

In this context, he reminded participating States that the CCM membership was currently at 120 with 106 States Parties and 14 signatories and that the target set by States Parties by 2020 was to have 130 States Parties. To this end, the Executive Director appealed directly to the 8 States not Party present to follow the lead of the Philippines and to join the Convention as a matter of priority. He took the opportunity to stress that accession was not an end in itself as it needed to be followed by the practical implementation of CCM obligations. He encouraged States to learn from the Philippines' experience in advocating in favor of adherence to the Convention and step up efforts in that regard with other countries in the region.

In his parting words, the Executive Director reiterated the Philippines' support and commitment to the CCM and ensured that together with concerned agencies in the Philippine government, the country would endeavor to establish mechanisms for successful implementation.

Ms. Skerten expressed New Zealand's sincere thanks to the government of the Philippines for graciously supporting and hosting the workshop. She commended all attending States representatives and organizations present for their commitment and frank and open discussions.

She reiterated that the CCM is an issue close to the hearts of many new Zealanders as the country played an early role in promoting the norm contained in the Convention and hosted one of the negotiating conferences. She added that although New Zealand is a nation far removed from conflict, it has a deep appreciation for the importance and value of IHL and is determined to continue to deploy efforts to strengthen it.

While recognizing the many challenges faced by States not Party in the Asia-Pacific region in joining the Convention, she explained that the workshop provided a forum to brainstorm solutions and identify concrete next steps and that this alone was already a valuable contribution to efforts to universalize the CCM. She encouraged all participants in the workshop to keep the momentum going and follow-up swiftly with relevant stakeholders in capital with a view to take concrete steps towards accession. She expressed her hope that the workshop including all the resources and the experiences shared would trigger and reinvigorate efforts to achieve the urgent accession to the Convention.

She concluded by encouraging participating States not Party to attend the upcoming 9MSP to be held from 2 to 4 September in Geneva and by reiterating New Zealand's readiness in its capacity as CCM Coordinator for National Implementation Measures to provide any additional assistance that may be required.

+++++

