

THE WORKSHOP ON ENHANCING IMPLEMENTATION OF ARTICLES 3 & 4 OF THE CONVENTION ON CLUSTER MUNITIONS IN SOUTH-EAST EUROPE: THE COUNTRY COALITION CONCEPT

12-13 June 2017, Regional Centre for Security Cooperation (RACVIAC), Rakitje, Croatia

BACKGROUND

The South-East Europe region is the location of the heaviest cluster munition (CM) contamination in Europe. It includes both States Parties and Non-States Parties to the Convention on Cluster Munitions (CCM) who are addressing issues of land contamination and CM stockpiles. The mission of RACVIAC is to foster dialogue and cooperation on security matters in South-East Europe through a partnership between the countries of the region and their international partners. Against this backdrop, the concept of establishing “country coalitions” as a means to enhance international cooperation and ownership by RACVIAC members which are State Parties to the CCM seems to have considerable potential.

REPORT SUMMARY

The RACVIAC workshop was the initiative of the Permanent Representation of Germany to the Conference on Disarmament in its role as President of the 7th Meeting of States Parties (7MSP) to the Convention on Cluster Munitions. Jointly organized by RACVIAC and the German Presidency of the CCM with the support of the Implementation Support Unit of the Convention on Cluster Munitions (ISU-CCM), the two half-day meeting was made possible through the generous contribution of the Federal Republic of Germany.

The workshop was attended by representatives of three (3) States from South-East Europe: Albania, Bosnia and Herzegovina, and Croatia, along with representatives of two (2) States from “other regions”: Cuba and Peru. During the first session, these delegates presented on the risks, threats and progress made in the implementation of the CCM in their respective States.

Participating as resource persons were the President of the 7MSP to the CCM, the Director of RACVIAC, the Director of the ISU-CCM, and representatives from Australia, the Delegation of the European Union to Bosnia and Herzegovina, the Croatian Mine Action Centre (CROMAC), Norwegian People's Aid (NPA), Cluster Munition Coalition (CMC), Mines Advisory Group (MAG) in Bosnia and Herzegovina and RACVIAC staff.

The purpose of the workshop was to discuss future developments impacting the implementation of the CCM, by focusing on the concept of establishing “country coalitions” (i.e. with a country specific focus) as a means to enhance international cooperation and ownership by all countries which are

States Parties to the CCM and thus support the implementation of specific aspects of the Convention in South-East Europe. A coordinated approach concerning destruction and clearance (including mapping and securing of contaminated areas) of CMs and assisting victims, involving donor states and operators would support States Parties to fulfil their commitments under the Convention. Furthermore, it envisioned that a country specific approach was required to help ensure progress in implementation of the CCM.

The working language of the workshop was English and the workshop consisted of four sessions. Some of the key learning points from this workshop on the country coalition concept include:

- Challenges faced by affected states include lack of funding, technical expertise and resources, and a lack of political will;
- Affected States need to take the first steps in establishing country coalitions by effectively communicating the assistance they need based on a comprehensive plan to fulfill their CCM obligations;
- Affected States need to coordinate the initiative together with partnering States and implementing organizations in order to keep the projects self-sustaining to the point of completion;
- International cooperation and assistance could be in the form of technical, material and/or financial assistance;
- Donor or partnering states also need to improve their coordination to ensure that assistance is distributed to all affected States, and not just States with higher profile problems.

WORKSHOP REPORT

OPENING SESSION

The workshop opened with welcoming addresses from the organizers, RACVIAC and the German Presidency of the CCM. This was followed by brief introductions by every attendee, highlighting their personal experience regarding the CCM and their expectations of the workshop.

Ambassador Haydar Berk, Director of RACVIAC, began the workshop by welcoming all participants to the RACVIAC workshop and extended his gratitude to the President of the 7MSP to the CCM for initiating the workshop and collaborating with RACVIAC in organizing it. Ambassador Berk reminded the participants of the purpose of the workshop, which was to discuss the concept of establishing country coalitions as a coordinated approach to enhance international cooperation and ownership of States Parties to the CCM and support the implementation of the Convention in South-East Europe. He expressed his hopes that the forum would help the participants identify their achievements and future plans in a concrete way. The Ambassador highlighted that the CCM had already brought about a definite positive impact globally and stressed that RACVIAC was proud to be able to provide the platform for cooperation and partnership between States and organizations.

The President of the 7MSP to the CCM, Ambassador Michael Biontino of Germany, likewise, welcomed all participants to the workshop and conveyed his appreciation to RACVIAC for their generous support in making the workshop possible. He acknowledged the critical role played by the

civil society community in the conceptualization of the country coalition concept. He highlighted that the workshop was an attempt at exploring the implementation of the CCM to enhance its humanitarian impact globally and become an integral part of International Humanitarian Law (IHL). The CCM President expressed his aim to achieve this through the “country coalitions concept” for improved international cooperation amongst donors, affected countries and other actors. He stressed that the CCM Presidency could only assist in launching certain processes and providing initial support, with the expectation that the projects would eventually be self-sustaining. Ambassador Biontino added that the first such workshop was held in March 2017 in Bangkok, Thailand, which was a considerable success as both member and non-member States of the CCM had participated to discuss questions which were most relevant to the affected countries in the South-East Asia region.

Session 1: Overview of the implementation of the Convention on Cluster Munitions

This session was chaired and moderated by ISU-CCM Director Ms. Sheila N. Mweemba who began the session with a presentation on the overview of the CCM. This was followed by presentations from a representative of participating States: Albania, Bosnia and Herzegovina, Croatia, Cuba, and Peru.

The ISU-CCM Director provided a background to the adoption of the Convention as well as a general overview of the Convention itself. After giving an outline of the key actions under the Dubrovnik Action Plan (DAP), she went into detail on Actions 2 (stockpile destruction) and 3 (clearance and risk reduction education) which correspond to Articles 3 and 4, respectively, of the Convention. Thereafter, she gave a brief indication of States Parties that had obligations in regard to Articles 3, 4 and 5 (victim assistance) with a focus on the States Parties in South-East Europe. She also elucidated both the achievements and the challenges of the CCM thus far, and the aspiration for full implementation by 2030. In closing, Ms. Mweemba explained the roles of the Coordination Committee and the ISU before pointing out that the ISU, CCM publications and website served as resources to States.

Lt. Col. Arjan Gjyla of Albania began his presentation by highlighting Albania’s commitment to the CCM by having signed the treaty in 2008 and ratified it on 16 June 2009, and completed clearance operations already in November 2009 before entry into force of the Convention for it. Next he elucidated the history and extent of landmine and CM contamination there, including the number of victims. He then proceeded to show the progression of CM clearance in Albania from 2001 to 2009 and indicated that 2.1 million square metres in 44 areas were released and 4,969 CMs were located and destroyed. Lt. Col. Gjyla stated that risk reduction education and victim assistance activities were also carried out in Albania.

Bosnia and Herzegovina representative, Cap. Mirsad Alibegovic, began his presentation by conveying that Bosnia and Herzegovina had signed the treaty on 3 December 2008 and it had entered into force for it on 1 March 2011, after the State Party completed the destruction of its stockpiles. He added that no single piece of CM had even been left for training purposes. With regards to clearance, he pointed out Bosnia and Herzegovina still had a suspected hazardous area of 7.54 square kilometres contaminated with CMs. He reported that approximately 2,000 CMs have been identified and that the country had planned 23 projects designated exclusively for operations of surface clearance of CMs. Between 2015 and May 2017, Bosnia and Herzegovina had cleared 685,507 square metres of land. He ended his presentation by indicating that there was a plan to clear 250,945 square metres of land in 2017 and had already completed 36.75% of that.

Lt. Col. Marijan Jozic of Croatia commenced his presentation by informing that Croatia's deadlines with regards to Article 3 and Article 4, were 1 August 2018 and 1 August 2020 respectively. He went on to elucidate the quantity of its stockpile and the total area of contaminated land, and Croatia's plans to destroy its stockpile and clear CM contaminated land. He added that Croatia was optimistic in fulfilling its Articles 3 and 4 by their deadlines and reported of its achievements thus far. In closing, Lt. Col. Jozic specified the number of CM victims in Croatia between 1991 and 2006, and mentioned an accident that took place on 10 July 2013 where three (3) clearing engineers were injured during recovery works, one of whom eventually succumbed to his injuries.

In her presentation, Ms. Claudia Morgade Donato, representing Cuba, informed the participants that Cuba acceded to the CCM, on 6 April 2016, and entered into force for it on 1 October 2016. She communicated that even though Cuba had no CM production centres or contaminated areas or victims, it had free, high-quality health care and social services for people with disabilities and that civilians were also educated on the topic. Ms. Morgade Donato reported on the stockpiles Cuba had and the destruction process being used. She notified that Cuba was on track in destroying its stockpiles and would not retain any CMs as authorized in Article 3.6. In closing, she spoke on Cuba's position on the CCM, clarifying that it called for a total ban and elimination of CMs and asserted that the definition of CMs in the CCM was problematic and therefore allowed for the production and use of certain types of CMs.

The final presenter of the session, Mr. Alejandro Beoutis of Peru, emphasized Peru's commitment to banning CMs, which was demonstrated by its ratification of the Convention on 26 September 2012 and participation in most of the Convention's meetings, amongst other things. He stated that Peru had previously imported CMs, and had intended to destroy them before the treaty deadline of March 2021 and would not retain any CMs for research or training purposes. He highlighted Peru's current cooperation with NPA in the destruction of its stockpiles following an eight-stage process and that Peruvian specialists would be trained by NPA in August 2017 to begin stockpile destruction. Mr. Beoutis ended his presentation by outlining the risks and threats for implementation of Article 3, which included climate conditions, budgeting issues, accidents that could attenuate the project and the absence of life insurance of operators.

Session 2: Cooperation and assistance by introducing the country coalition concept

The session focused on cooperation and assistance by introducing the country coalition concept, discussing and refining this approach. The session was chaired by Mr. Hugh Watson, First Secretary/Legal Adviser of the Australian Permanent Mission to the UN in Geneva. The speakers were the President of the 7MSP to the CCM, Ambassador Michael Biontino and Acting Director of the CMC, Ms. Amélie Chayer.

Ambassador Biontino introduced the country coalition concept by explaining that it was a new coordinated approach to assisting affected states though other such initiatives had already existed in various contexts. He outlined that such coalitions would bring together all relevant actors under one umbrella, and the coalition would be coordinated by the affected country together with a partner country to promote a comprehensive approach to the country's specific challenges in implementing CCM objectives. He explained that the series of seminars being held were expected to function as platforms for building the country coalitions and that South-East Europe was chosen due to the relevance and urgency of the issues of CMs in the region. He added that selected countries from other regions were invited to this workshop to profit from it and hopefully form synergies between regions and expressed his hope that country coalition projects become self-sustaining. The Ambassador ended his presentation by giving recognition to demining workers who risk their lives to

reclaim lost land and emphasized the importance of mobilizing resources for relevant actors to work safely and effectively.

In her presentation, Ms. Chayer stated that all countries were in a position to participate in country coalitions. She stressed that for affected states, national ownership was critical in such a partnership and it could be a way to ensure resources are mobilized effectively to help as many people as possible. She laid out the CMC's views on what successful country coalitions should include, provided some brief examples of strong country-specific partnerships, and encouraged States to consider how their country could contribute to the concept as these collaborations lead to more efficient use of resources and invention of new approaches in the implementation of the CCM.

Session 3: The connection between affected countries and donor countries and explore the practical implications of the country coalition concept on the challenge of Articles 3 & 4 obligations

The session sought to address the issue of the connection between affected countries and donor countries. It was chaired by Mr. Hrvoje Debač, the Acting Director of the Office for Mine Action Croatia. The panel of speakers comprised of Lt. Col. Arjan Gjyla, Staff Officer for WMD, Engineering and Field Artillery of the Albanian Army; Mr. Hugh Watson, First Secretary/Legal Adviser of the Australian Permanent Mission to the UN in Geneva; Mr. Goran Ždrale, Senior Officer of the Mine Action Center (MAC) of Bosnia and Herzegovina; and Mr. Darvin Lisica, Regional Director for Southeast Europe of NPA.

Lt. Col. Gjyla reiterated how Albanian land had become contaminated with CMs and more than 8000 people in 13 villages affected. He indicated that the Albanian government had responded to the challenge by establishing a mine action centre (MAC) and an explosive ordnance disposal (EOD) team that were assisted by many partnering States and organizations so that well-coordinated programmes could take place. He shared how poverty drove the locals to interact with munitions even though they were aware of the risks involved, which resulted in a number of injuries and death of people and livestock. He stated that that meant that a more rigorous risk reduction education programme was needed together with victim assistance, and the Albanian government received support for these through several international organizations. He summed up by saying that strong political will combined with close cooperation and transparency with the international community had led Albania to become a mine and CM free country in late October 2009 after a decade of clearance operations.

Mr. Watson's presentation focused was on the lessons learned by the CCM Coordinators on International Cooperation and Assistance regarding connecting affected or States with obligations and donor countries. He reminded the participants that CCM Article 6 gave affected States the right to seek and receive assistance and States with capacity the obligation to provide technical, material and financial assistance to affected States. He explained that the CCM Coordinators facilitate communication between States Parties and therefore affected States effectively communicating their needs was the first step towards establishing successful country coalitions. He proceeded to share what he had learned from informal meetings between affected States (or States with obligations) and donor States, such as the major obstacles faced by affected states, key areas donors could assist in, and the importance of building capacity for national ownership. He added that there was a need for better coordination amongst donors to ensure that assistance was equitably distributed to all States in need.

In his presentation, Mr. Ždrale spoke about the CM stockpile Bosnia and Herzegovina had and how it had been completely destroyed owing to the cooperation between the Ministry of Defence and

UNDP, and the generous contribution of the European Union. He reported that with regards to land clearance, the Bosnia and Herzegovina Mine Action Center (BHMIC) had cooperated with NPA to develop the standard operating procedures (SOPs) for general survey and had conducted the first phase of general survey with NPA in 2011. He added that since 2012 government organizations (GOs) had been partnering with nongovernmental organizations (NGOs) in conducting numerous technical and non-technical surveys and clearing almost 4.1 million square metres of land. Mr. Ždrle also indicated that the government conducted risk reduction education and victim assistance projects with the support of NGOs.

Mr. Lisica gave an overview of the history and work of NPA globally. He went on to highlight NPA's work with CCMs in South-East Europe which included stockpile destruction in Moldova, FYR Macedonia, and Serbia; and land release in Serbia, Croatia, Bosnia and Herzegovina, Montenegro, and Kosovo. Mr. Lisica also elaborated on NPA's regional approach on assisting governments fulfil CCM obligations, which included politically advocating for the Convention and prioritizing close cooperation with MACs. He concluded his presentation by acknowledging that NPA's contribution in the implementation of CCM in South-East Europe had been supported by several countries and GOs.

Session 4: Wrap up and recommendations

The wrap up session was chaired by Ms. Amélie Chayer, and consisted of a presentation by Mr. Hrvoje Debač, and concluding remarks by Ambassador Michael Biontino.

Mr. Debač gave a presentation on the impact of the 2014 floods on the mine-suspected areas in South-East Europe to demonstrate the process and value of regional cooperation. He informed the participants on the immediate emergency responses the CROMAC undertook right after the floods. He went on to describe that the CROMAC joined forces with the Serbian Mine Action Centre (SERMAC), BHMIC and the Regional Centre for Underwater Demining in Montenegro (RCUD) to establish a Regional Expert Team (RET). Mr. Debač reported that the RET collaborated with academics and the Royal Military Academy of Brussels to provide support to urgent actions of MACs through conducting surveys and establishing a regional database for this purpose. Together, they developed initial models for spatial estimation of the shifting of UXOs to other areas, and established SOPs for mine action after a natural disaster.

Ambassador Biontino concluded the workshop by providing a summary of the discussions that had been had and conveyed his gratitude to every participant and the organizing team for making this workshop a productive and successful one.

Some of the highlights made by Ambassador Biontino included:-

- A comprehensive and holistic approach that includes affected and donor states is required, as the CCM does not have a dedicated implementation mechanism to promote the implementation of Articles 3 and 4 in States Parties needing assistance;
- A coordinated approach might also contribute to the aim of universalization by assisting Non States Parties to accede to the Convention;
- "Country coalitions" are informal frameworks of relevant actors that do not need elaborate and costly coordination structures;
- Completion of States Parties obligations requires more than political engagement, which is a top-down approach, and there is a need for this work to be at the grassroots level that is a bottom-up initiative.

+++++