

# Convention on Cluster Munitions

23 September 2013

Original: English

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## Fourth Meeting of States Parties

Lusaka, 10–13 September 2013

### Final document

#### I. Introduction

1. Article 11 of the Convention on Cluster Munitions provides that the States Parties shall meet regularly in order to consider and, where necessary, take decisions in respect of any matter with regard to the application or implementation of the Convention, including:

- (a) The operation and status of the Convention;
- (b) Matters arising from the reports submitted under the provisions of the Convention;
- (c) International cooperation and assistance in accordance with article 6 of the Convention;
- (d) The development of technologies to clear cluster munition remnants;
- (e) Submissions of States Parties under articles 8 and 10 of the Convention;
- (f) Submissions of States Parties as provided for in articles 3 and 4 of the Convention.

2. Article 11 further provides that the Meetings of States Parties shall be convened by the Secretary-General of the United Nations annually until the First Review Conference.

3. Article 11 further provides that States not party to the Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organizations, may be invited to attend the Meetings of States Parties as observers in accordance with the agreed rules of procedure.

4. In accordance with paragraph 2 of Article 11 of the Convention, the Third Meeting of States Parties to the Convention decided to designate the Minister of Foreign Affairs of Zambia, as President of the Fourth Meeting of States Parties, assisted by the Permanent Representative of Zambia to the United Nations Office and other international organizations in Geneva, and also decided to hold the Fourth Meeting of States Parties from 10 to 13 September 2013 in Lusaka, Zambia<sup>1</sup>. The Third Meeting considered the financial

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<sup>1</sup> CCM/MSP/2012/5, para. 31.

arrangements for the Fourth Meeting of States Parties and recommended them for adoption by the Third Meeting.<sup>2</sup>

5. Pursuant to the decision taken by the Second Meeting of States Parties to convene annually, subject to review by the First Review Conference, informal intersessional meetings to be held in Geneva in the first half of the year, for a duration of up to five days, the Third Meeting further decided to convene an informal intersessional meeting for 2013 in Geneva from 16 to 19 April 2013.<sup>3</sup>

6. Pursuant to the decision taken by the Second Meeting of States Parties that an Implementation Support Unit should be established, the Third Meeting of States Parties decided to mandate its President to further negotiate, in consultation with the States Parties, an agreement on the hosting of an Implementation Support Unit, as well as its establishment and a funding model, and present these proposals to States Parties for approval. The Meeting further decided that negotiations should continue on the basis of those conducted under the mandate given to the President of the Second Meeting of States Parties with a view to establish an Implementation Support Unit as soon as possible and preferably no later than the Fourth Meeting of States Parties and otherwise following the outline for negotiations contained in the Final document of the Second Meeting of States Parties (CCM/MSP/2011/5, paragraph 29 (a) through (e)).<sup>4</sup>

7. Accordingly, the Secretary-General convened the Fourth Meeting of States Parties to the Convention and invited all States Parties, as well as States not parties to the Convention, to participate in the Meeting.

## **II. Organization of the Fourth Meeting**

8. The Fourth Meeting of States Parties was held at Lusaka from 10 to 13 September 2013.

9. The following States Parties to the Convention participated in the work of the Meeting: Afghanistan, Albania, Antigua and Barbuda, Australia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Burkina Faso, Burundi, Cameroon, Chile, Comoros, Costa Rica, Cote d'Ivoire, Croatia, Czech Republic, Denmark, Ecuador, France, Germany, Ghana, Grenada, Guatemala, Guinea-Bissau, Holy See, Honduras, Hungary, Ireland, Italy, Japan, Lao People's Democratic Republic, Lebanon, Lesotho, Luxembourg, Malawi, Mali, Mauritania, Mexico, Montenegro, Mozambique, Nauru, Netherlands, New Zealand, Norway, Portugal, Senegal, Sierra Leone, Spain, Swaziland, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Togo, United Kingdom of Great Britain and Northern Ireland, Uruguay and Zambia.

10. The following State that had ratified or acceded to the Convention, but for which it was not yet in force, participated in the work of the Meeting: Iraq.

11. The following States signatories to the Convention participated in the work of the Meeting as observers: Angola, Benin, Canada, Central African Republic, Colombia, Congo, Democratic Republic of the Congo, Haiti, Kenya, Liberia, Madagascar, Namibia, Nigeria, Palau, Philippines, Sao Tome and Principe, South Africa, and United Republic of Tanzania.

12. Argentina, Bangladesh, Cambodia, China, Ethiopia, Finland, Gabon, Kyrgyzstan, Libya, Malaysia, Maldives, Mongolia, Morocco, Myanmar, Nepal, Oman, Poland, Qatar,

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<sup>2</sup> Ibid., para. 32.

<sup>3</sup> Ibid., para. 29.

<sup>4</sup> Ibid., para. 26.

Saint Kitts and Nevis, Saudi Arabia, South Sudan, Sri Lanka, State of Palestine, Tajikistan, Thailand, Turkey, Uganda, Viet Nam, Yemen and Zimbabwe also participated in the work of the Meeting as observers.

13. The United Nations Children's Fund, the United Nations Development Programme, the United Nations Mine Action Service, the United Nations Office for Disarmament Affairs, the United Nations Office for Project Services, the United Nations Office to African Union participated in the work of the Meeting as observers, pursuant to rule 1 (2) of the rules of procedure.<sup>5</sup>

14. The International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, the Geneva International Centre for Humanitarian Demining and the Cluster Munition Coalition also participated in the work of the Meeting as observers, pursuant to rule 1 (2) of the rules of procedure.

15. The African Union and the European Union took part in the work of the Meeting as observers, pursuant to rule 1 (3) of the rules of procedure.

### **III. Work of the Fourth Meeting**

16. On 10 September 2013, the Fourth Meeting of States Parties was opened by Steffen Kongstad, Ambassador, Permanent Representative of Norway to the United Nations Office and other international organizations in Geneva, President of the Third Meeting of States Parties to the Convention. This was preceded by an opening ceremony, on 9 September 2013, on promoting the universalization of the Convention which heard messages from the President of Zambia, Michael Chilufya Sata, and the Secretary-General of the United Nations, delivered by the Director of the United Nations Office for Disarmament Affairs, Geneva branch, Jarmo Sareva.

17. The Meeting held seven plenary meetings. At its first plenary meeting, on 10 September 2013, the Meeting elected by acclamation Wylbur C. Simuusa, Minister of Foreign Affairs of Zambia, assisted by Encyla Sinjela, Permanent Representative of Zambia to the United Nations Office at Geneva, as President of the Fourth Meeting of States Parties to the Convention.

18. At the same plenary meeting, Costa Rica, Lao People's Democratic Republic, Lebanon and Norway were elected by acclamation as Vice-Presidents of the Meeting.

19. At the same plenary meeting, Peter Kolarov of the Office for Disarmament Affairs, Geneva Branch, was confirmed as Secretary-General of the Meeting.

20. At the same plenary meeting, the Meeting adopted its agenda, as contained in document CCM/MSP/2013/1, the programme of work, as contained in document CCM/MSP/2012/2. The Meeting also adopted the financial arrangements for the Meeting, as recommended by the Third Meeting of States Parties and contained in document CCM/MSP/2012/4, and confirmed the rules of procedure, as contained in document CCM/MSP/2013/3.

21. At the same plenary meeting, message was delivered by the United Nations Resident Coordinator in Zambia, Kanny Wignaraja, the Vice-President of the International Committee of the Red Cross, Olivier Vodoz, and a representative of the Cluster Munition Coalition, Robert Mtonga.

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<sup>5</sup> CCM/MSP/2013/3.

22. The Fourth Meeting of States Parties considered documents CCM/MSP/2013/1 to CCM/MSP/2013/5/Rev.1, CCM/MSP/2013/WP.1 to CCM/MSP/2013/WP.6, and CCM/MSP/2013/L.1 to CCM/MSP/2013/L.4, as listed in annex II.

#### **IV. Decisions and recommendations**

23. The Meeting was encouraged by the progress made in the implementation of the Vientiane Action Plan and warmly welcomed the “Lusaka progress report: monitoring progress in implementing the Vientiane Action Plan between the Third and the Fourth Meetings of States Parties”, as corrected, as contained in annex I.

24. Emphasizing that the strength of the Convention lies in the collective political will to put an end to the use of this horrendous weapon and create a cluster munition free world hence the importance of its universalization, the Meeting warmly welcomed the papers submitted by Zambia on “Universalization of the Convention”, as contained in CCM/MSP/2013/WP.3, and by Ghana and Portugal on “Universalization of the Convention”, as contained in CCM/MSP/2013/WP.6, and reiterated its call to all States, which have not yet done so, to consider ratifying or otherwise acceding to the Convention on Cluster Munitions as a matter of priority.

25. Recognizing the crucial role of the timely and efficient clearance of areas contaminated by cluster munition remnants for an early release of the affected territories thus alleviating the suffering of the civilian population and facilitating their return to normal life, the Meeting warmly welcomed the paper submitted by Ireland and Lao PDR on “Implementation of Article 4. Effective steps for the clearance of cluster munition remnants”, as contained in document CCM/MSP/2013/5/Rev.1.

26. Further recognizing the importance of the strict and effective implementation of the provisions of article 4 of the Convention, in particular, by undertaking every effort to identify all cluster munition contaminated areas, the Meeting warmly welcomed the paper submitted by Norway on “Compliance with Article 4”, as contained in document CCM/MSP/2013/WP.1.

27. Recognizing that transparency national reporting under Article 7 of the Convention is an obligation, as well as an important additional tool to promote the implementation of the Convention and mobilize additional resources for achieving its aims, the Meeting warmly welcomed the paper submitted by Belgium on “Transparency measures and the exchange of information in the context of the Convention. State of play and the way ahead for the better exchange of information”, as contained in document CCM/MSP/2013/WP.4, and urged all States parties to comply with their reporting obligations and to make all efforts to further enhance the quality of their national reports and to meet the deadlines for submission.

28. Recalling the right of each State party to seek and receive assistance and that each State party in a position to do so shall provide such assistance for the fulfilment of the obligations under the Convention on Cluster Munitions and emphasizing the need to improve the channels of communication between the interested States, the Meeting warmly welcomed the paper submitted by Mexico and Sweden on “Cooperation and Assistance”, as contained in CCM/MSP/2013/WP.2.

29. In accordance with the decision taken at the Second Meeting of States Parties and in order to ensure efficient and effective support for the implementation of the Convention, the Meeting decided to establish an ISU of up to 2.5 staff, funded in a voluntary manner on an interim basis and until the First Review Conference when the financial model will be finalized. The process to establish the ISU shall commence immediately and be concluded

by the Fifth Meeting of States Parties. It will be hosted at the Geneva International Center for Humanitarian Demining (GICHD).

30. The Meeting noted that it was not possible, at this stage, for the States Parties to agree on a funding model for an Implementation Support Unit (ISU). The Meeting agreed that the issue of the funding model be deferred to the 5MSP. However, consultations on the issue of the funding model will be ongoing.

31. The Meeting decided to mandate the President of the Fourth Meeting of States Parties to conclude, in consultation with the States Parties, an agreement with the GICHD on the hosting of the ISU as rapidly as possible. The President can base its efforts on the work of previous presidencies in this regard. The Meeting further resolved to mandate the President of the Fourth Meeting of States Parties to decide, in a transparent way and in consultation with the Coordinators as well as in taking into account the views of all States Parties, on the recruitment of the Director.

32. In order to ensure continued support, including to the Presidency while the establishment of the ISU is ongoing, the Meeting decided to extend the existing interim solution consisting of the Executive Coordinator based in the UNDP Bureau for Crisis Prevention and Recovery until the conclusion of the Presidency of the Fifth Meeting of States Parties. The management, decision and accountability remains with UNDP until the end of the Presidency of the 5MSP after which UNDP will handover to the new ISU. The transition from the interim solution to the newly established ISU shall commence at the 5MSP and be completed no later than the First Review Conference, at which the new ISU would completely take over the Secretariat functions. The Meeting thanked the UNDP Bureau for Crisis Prevention and Recovery for agreeing to continue to provide the function as Interim ISU.

33. The support provided by the ISU shall include implementation support to States Parties and support to the President, President-designate and the Coordination Committee as appropriate, the administration of a sponsorship programme and the organization of intersessional meetings. In fulfilling its tasks, the ISU shall conduct its work on the basis of the principles of independence, inclusiveness, transparency, efficiency, effectiveness and accountability to the States Parties.

34. The Meeting thanked Switzerland for its offer to provide in-kind contributions to the ISU (office space and other administrative support) via the GICHD and for its announcement that it will cover possible ISU budgetary shortfalls until the First Review Conference.

35. The Meeting strongly encouraged all States Parties to contribute to the funding of the ISU, in a voluntary manner, according to their financial ability, and without prejudice to the final funding model.

36. At its last plenary meeting, on 13 September 2013, the Meeting decided to convene an informal intersessional meeting for 2014 at the World Meteorological Organization in Geneva from 7 to 9 April 2014. The Meeting decided that the duration of the informal intersessional meeting will be of 2,5 days and that the informal intersessional meeting should be in English, French and Spanish supported through voluntary funding.

37. At the same plenary meeting, the Meeting welcomed new Coordinators who will work with sitting coordinators to guide the intersessional work programme, as follows:

**Working Group on the General Status and Operation of the Convention**

Netherlands (until the end of the First Review Conference in 2015) working with Costa Rica;

**Working Group on Universalization**

Norway (until the end of the First Review Conference in 2015) working with Ghana;

**Working Group on Victim Assistance**

Mexico (until the end of the First Review Conference in 2015) working with Afghanistan;

**Working Group on Clearance and Risk Reduction**

Switzerland (until the end of the First Review Conference in 2015) working with Lao People's Democratic Republic;

**Working Group on Stockpile Destruction and Retention**

Albania (until the end of the First Review Conference in 2015) working with Spain;

**Working Group on Cooperation and Assistance**

Chile (until the end of the First Review Conference in 2015) working with Sweden;

**Reporting**

Until the end of the Fifth Meeting of States Parties: Belgium;

**National Implementation Measures**

Until the end of the Fifth Meeting of States Parties: New Zealand.

38. At the same plenary meeting, the Meeting decided to designate the Minister of Foreign Affairs of Costa Rica, assisted by the Permanent Representative of Costa Rica to the United Nations Office and other international organizations in Geneva, as President of the Fifth Meeting of States Parties, and also decided to hold an up to four days Fifth Meeting of States Parties during the first week of September 2014 in San Jose, Costa Rica.

39. The Meeting considered the financial arrangements for the Fifth Meeting of States Parties and recommended them for adoption by the Fifth Meeting, as contained in document CCM/MSP/2013/4 and CCM/MSP/2013/4/Corr.1.

40. At the same plenary meeting, on 13 September 2013, the Fourth Meeting of States Parties adopted its final document, as contained in document CCM/MSP/2012/CRP.1, as amended.

## Annex I

### **Lusaka progress report Monitoring progress in implementing the Vientiane Action Plan between the Third and Fourth Meetings of States Parties**

(As warmly welcomed at the final plenary meeting, on 13 September 2013)

1. This report presents an aggregate analysis of trends and figures in the implementation of the Convention on Cluster Munitions (CCM), operationalized in the Vientiane Action Plan (VAP), from entry into force of the Convention on 1 August 2010 up to the Fourth Meeting of States Parties (4MSP) in Lusaka, Zambia, in September 2013. A special emphasis is placed on progress made since the Third Meeting of States Parties (3MSP) held in Oslo, Norway, in September 2012.

2. This document is intended to facilitate discussions at the 4MSP by monitoring progress and identifying key questions to be addressed. It does not replace any formal reporting. Nor does it provide a complete overview of all progress made in implementing the VAP's 66 Action Points. The list of challenges and questions to be discussed is not meant to be exhaustive. The content of the report is based upon publicly available information, including States Parties' initial and annual transparency reports, statements made during the intersessional meetings in April 2013, and other open sources such as information provided by civil society. The Lusaka Progress Report (LPR) is submitted to the 4MSP by Norway as President of the 3MSP. All thematic Coordinators have been invited to provide additional information based on their own consultations and analysis. A draft version was made available to all States and other stakeholders for review and factual corrections.

3. When referring to States Parties, signatories or States not Party, these terms are used explicitly; otherwise the term "States" is used for referring to States Parties, signatories and States not Party in general. The CCM has not yet entered into force for some of the States mentioned that have ratified the Convention, but they are still referred to as States Parties in this document. In general the report does not distinguish between the information from statements given during the Intersessional Meetings, Meetings of States Parties, or the initial and annual transparency reports.

4. This report was finalised on **28 June 2013**. Changes that have occurred after that date are not reflected in this report.

## **I. General trends**

### **Universalization**

5. The number of States Parties to the CCM continues to grow. By 28 June 2013, there are 83 States parties and 29 signatories to the CCM. This means that more than half of the Member States of the United Nations have joined the ban on all use, production, transfer and stockpiling of cluster munitions. Eight States have ratified or acceded since the 3MSP. Universalization and outreach actions in line with the VAP by States, the United Nations, the International Committee of the Red Cross (ICRC), the Cluster Munition Coalition (CMC) and other organizations, have resulted in continued interest by States not Party in formally joining the CCM through ratification or accession.

6. The norm against the use of cluster munitions has been strengthened since entry into force of the CCM. There have, however, been a few instances of confirmed use of cluster munitions by States not Party to the CCM since entry into force. A large number of States Parties and States not Parties have condemned or otherwise expressed concern with the use of cluster munitions in Syria in 2012 and 2013.

#### **Stockpile destruction**

7. Since the entry into force of the CCM, 32 of the 34 States Parties with reported stockpiles of cluster munitions have either completed their stockpile destruction obligations, started the destruction process, or started developing plans for such destruction. 15 States Parties have completed their stockpile destruction obligations, one since the 3MSP. It seems likely that all will complete destruction well within the initial eight-year deadline. According to the Cluster Munition Monitor 2012, five signatories have stockpiles that will have to be destroyed in accordance with Article 3 when they become States Parties.

8. 13 States Parties have reported that they retain or have retained cluster munitions and explosive submunitions for permitted purposes in accordance with Article 3 (6).

#### **Clearance**

9. Almost all of the 13 States Parties and the one signatory with reported contamination from cluster munitions have taken steps to address the contamination, in line with relevant actions in the VAP. Three States Parties have completed their clearance obligations, including two States Parties that cleared all contaminated areas under its jurisdiction or control prior to the entry into force.

#### **Victim assistance**

10. The majority of the 11 States Parties and the two signatories reported to have victim assistance obligations have implemented some or all relevant actions in the VAP. States with such obligations report that limited resources remains the main obstacle to developing or maintaining capacities for effective life-saving first-response aid, and to establishing the enabling environment necessary to ensure that victims of cluster munitions may enjoy their full rights.

#### **International cooperation and assistance**

11. 13 States Parties have explicitly reported that they are currently in need of international cooperation and assistance. 22 States Parties and two signatories have reported that they have provided funding for implementation of the CCM.

#### **Transparency**

12. 26 States Parties have not yet submitted their initial transparency reports, including ten that have not yet reached their deadlines.

13. A number of States Parties have moreover been late in the submission of subsequent annual reports. The reports that have been submitted have been of varying quality and sometimes hard to extract relevant information from.

14. 19 States Parties have not yet submitted their annual transparency report for 2013. This represents an increase from 2012 when nine States Parties failed to submit their annual transparency report.



### **National Implementation Measures**

15. Three States Parties have adopted national implementation measures since the 3MSP. A growing number of States Parties have reported on efforts being undertaken to develop national legislation specifically aimed at the implementation of the CCM, or to ensure that existing legislation is sufficient.

### **Partnerships**

16. Since entry into force, States, United Nations agencies, the ICRC, civil society, including the CMC, survivors and their representative organisations, and other relevant stakeholders, have cooperated formally and informally at the national, regional and international level on a broad range of implementation issues. These partnerships have facilitated rapid universalization, progress on operative provisions and the strengthening of the norm against use.

### **Challenges and questions for discussion at the 4MSP**

17. How can these partnerships further evolve to promote the universalization and full and effective implementation of the CCM?

## **II. Universalization**

### **Scope**

18. 75 States were Parties to the CCM at the time of the 3MSP. Since then seven<sup>1</sup> signatories have ratified and one<sup>2</sup> state has acceded to the CCM. 83 States are Parties to the CCM as of 28 June 2013.

### **Progress**

19. Three years after entry into force, 29 signatories<sup>3</sup> have yet to ratify the CCM.

20. 17 States Parties<sup>4</sup> have reported on actions taken to promote adherence to the CCM and to encourage States to join the Convention in several forums, including the Association of Southeast Asia Nations (ASEAN), the Caribbean Community (CARICOM), the Commonwealth, the North Atlantic Treaty Organization (NATO), the Organization for Security and Co-operation in Europe (OSCE), the European Union (EU), The Non-Aligned Movement (NAM), the Arab League and relevant United Nations fora. Universalization workshops have been hosted in Ghana and Croatia, and most recently in Togo.

21. A number of States Parties have also reported on how they have encouraged States not Party to accede to the CCM through political demarches, in bilateral and multilateral meetings, workshops, issuance of a political declaration, and by encouraging States not Party to participate as observers in the formal and informal meetings of the Convention.

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<sup>1</sup> Australia, Bolivia (Plurinational State of), Chad, Iraq, Liechtenstein, Nauru and Peru.

<sup>2</sup> Andorra.

<sup>3</sup> Angola, Benin, Canada, Central African Republic, Colombia, Cyprus, Congo, Democratic Republic of Congo, Djibouti, Gambia, Guinea, Haiti, Iceland, Indonesia, Jamaica, Kenya, Liberia, Madagascar, Namibia, Nigeria, Palau, Paraguay, Philippines, Rwanda, Sao Tome and Principe, Somalia, South Africa, Uganda and United Republic of Tanzania.

<sup>4</sup> Australia, Austria, Belgium, Croatia, France, Ghana, Grenada, Ireland, Japan, Lao People's Democratic Republic, Lebanon, Mexico, New Zealand, Norway, Portugal, United Kingdom of Great Britain and Northern Ireland and Zambia.

The Coordinators on universalization have addressed a joint letter to the Permanent Missions of States not Party to the CCM, encouraging them to consider accession. Since the 3MSP, the President of the 3MSP has visited Thailand, Viet Nam, Cambodia and Serbia for universalization purposes.

22. Outreach activities in line with **Action #7** have resulted in sustained high participation in Meetings of States Parties and intersessional meetings since the entry into force. 61 States not party participated at the 3MSP, including 30 signatories. 42 States not party participated at the 2013 intersessional meeting, including 16 signatories. Four States Parties<sup>5</sup> provided funding for the sponsorship programme for the 3MSP, whereas one State Party<sup>6</sup> provided funding for the sponsorship programme for the 2013 intersessional meeting. This enabled the participation of delegates from 33 States not party<sup>7</sup> at the 3MSP and 19 States not party<sup>8</sup> at the 2013 intersessional meeting respectively (as well as 31 States Parties<sup>9</sup> at the 3MSP and 28 States Parties<sup>10</sup> at the 2013 intersessional meeting).

23. Eleven States Parties<sup>11</sup> have reported that they have provided funding for advocacy purposes to civil society. Agencies of the United Nations, the ICRC and the CMC have reported numerous and diverse actions to promote the universalization of the CCM, including through legal advice and advocacy efforts.

24. Discussions at formal and informal meetings, as well as consultations with States not Parties, have revealed that regional security concerns, as well as concerns related to perceived costs of implementing the provisions of the CCM prevent some signatories from ratifying and other states from acceding. Another concern is that some signatories or other states lack legal and bureaucratic capacity to tackle the formal processes of ratification or accession.

25. Since the entry into force of the CCM, the use of cluster munitions by three States not Party<sup>12</sup> has been confirmed, and one State is alleged to have used cluster munitions without this being independently verified<sup>13</sup>. A number of States have reported actions in response to the use of cluster munitions since entry into force.

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<sup>5</sup> Germany, Ireland, Norway and Switzerland.

<sup>6</sup> Norway.

<sup>7</sup> Armenia, Benin, Cambodia, Chad, Colombia, Democratic Republic of the Congo, Djibouti, Eritrea, Gabon, Jamaica, Kenya, Kyrgyzstan, Liberia, Madagascar, Mauritius, Myanmar, Namibia, Nigeria, Peru, Philippines, Rwanda, Saint Kitts and Nevis, Sao Tome and Principe, Serbia, South Africa, South Sudan, Sri Lanka, Suriname, Tajikistan, Uganda, United Republic of Tanzania, Viet Nam and Zimbabwe.

<sup>8</sup> Armenia, Cambodia, Democratic Republic of the Congo, Ethiopia, Gabon, Kyrgyzstan, Madagascar, Palau, Philippines, Serbia, South Africa, Sri Lanka, Saint Kitts and Nevis, Suriname, Thailand, Uganda, United Republic of Tanzania, Viet Nam and Somalia.

<sup>9</sup> Afghanistan, Albania, Antigua and Barbuda, Bosnia and Herzegovina, Burkina Faso, Burundi, Cameroon, Cape Verde, Chile, Costa Rica, Ghana, Grenada, Guatemala, Guinea Bissau, Lao People's Democratic Republic, Lebanon, Lesotho, Malawi, Mali, Mauritania, Mexico, Mozambique, Niger, Republic of Moldova, Samoa, Senegal, Swaziland, The former Yugoslav Republic of Macedonia, Togo, Uruguay and Zambia.

<sup>10</sup> Afghanistan, Albania, Bosnia and Herzegovina, Burkina Faso, Burundi, Cameroon, Chad, Chile, Costa Rica, Côte d'Ivoire, Ghana, Grenada, Guinea-Bissau, Lao People's Democratic Republic, Lebanon, Mauritania, Mexico, Montenegro, Mozambique, Nicaragua, Niger, Peru, Republic of Moldova, Senegal, Seychelles, Swaziland, The former Yugoslav Republic of Macedonia and Zambia.

<sup>11</sup> Australia, Austria, Belgium, France, Germany, Holy See, Ireland, Luxembourg, New Zealand, Norway, Spain.

<sup>12</sup> Thailand, Libya and the Syrian Arab Republic.

<sup>13</sup> Sudan.

26. Reactions have been particularly vocal with regard to the sustained use of cluster munitions in the Syrian Arab Republic, in line with **Action #6**. The President of the 3MSP has on several occasions condemned the use of cluster munitions in the Syrian Arab Republic. In May 2013, 107 Member States of the United Nations voted in favour of Resolution 67/262 of the General Assembly, strongly condemning the use of cluster munitions in the Syrian Arab Republic. In addition, 22 States Parties<sup>14</sup> and one signatory<sup>15</sup>, as well as at least three<sup>16</sup> other States have, on various occasions, condemned or otherwise expressed concern with the use of cluster munitions in the Syrian Arab Republic. At the Togo Regional Seminar on Universalization in May 2013, 36 African States expressed grave concern over the recent and on-going use of cluster munitions.

#### **Challenges and questions for discussion at the 4MSP**

27. It is a challenge for States Parties to reinforce the norm against all use and end the use of cluster munitions by States not Party.

28. A second challenge is to promote ratification or accession to the CCM, especially by States contaminated by cluster munitions; in possession of stockpiles of cluster munitions; and/or with responsibility for many survivors.

29. Questions to discuss at 4MSP may include:

(a) How can regional approaches be utilised to increase the rate of accession and ratification of the CCM?

(b) How can international cooperation and assistance be used to increase the membership of the CCM?

(c) How can States Parties to the CCM, individually, as a community and represented by the President, best respond to allegations of use by States not Party to the CCM?

### **III. Stockpile Destruction**

#### **Scope**

30. A total of 34<sup>17</sup> States Parties have reported that they have or have had obligations under Article 3 of the CCM. 15<sup>18</sup> have declared completion of their stockpile destruction obligations, one<sup>19</sup> of them since the 3MSP. There are thus 19 States Parties<sup>20</sup> with current obligations under Article 3.

<sup>14</sup> Albania, Australia, Austria, Belgium, Croatia, Denmark, Ecuador, France, Germany, Ghana, Guinea-Bissau, Ireland, Japan, Lao People's Democratic Republic, Mexico, Netherlands, New Zealand, Norway, Portugal, Switzerland, United Kingdom of Great Britain and Northern Ireland and Zambia.

<sup>15</sup> South Africa.

<sup>16</sup> Cambodia, Qatar and the United States of America.

<sup>17</sup> Afghanistan, Austria, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Chile, Croatia, Côte d'Ivoire, Czech Republic, Denmark, Ecuador, France, Germany, Guinea-Bissau, Honduras, Hungary, Iraq, Italy, Japan, Mauritania, Mozambique, Montenegro, Netherlands, Norway, Peru, Portugal, Republic of Moldova, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland.

<sup>18</sup> Afghanistan, Austria, Belgium, Côte d'Ivoire, Czech Republic, Ecuador, Honduras, Hungary, Mauritania, Montenegro, Netherlands, Norway, Portugal, Republic of Moldova and Slovenia.

<sup>19</sup> Côte d'Ivoire.

31. In addition, one signatory<sup>21</sup> has in voluntary reports confirmed the possession of cluster munitions and has provided information on the number of stocks. The Cluster Munition Monitor has reported that three signatories<sup>22</sup> previously possessed stockpiles of cluster munitions and that six signatories<sup>23</sup> have existing stockpiles.

### Progress

32. Among the States Parties with remaining stockpile destruction obligations, nine<sup>24</sup> have begun physical destruction and eight<sup>25</sup> have reported that a destruction plan is in place or that a process of developing concrete implementation plans is underway, in line with **Action #8**. Most of the 19 States Parties that have declared to have stockpile destruction obligations have submitted Article 7 reports that provide information on the number and type of cluster munitions stockpiled.

33. According to the 2012 Cluster Munition Monitor, a total of 85.8 million submunitions had been destroyed by States Parties by July 2012 as a result of efforts to implement the CCM. This constituted 68 per cent of the stockpiles declared by States Parties. Most States Parties with obligations to destroy stockpiles have indicated that they will finish the destruction of all stockpiles well in advance of their deadline. Moreover, stockpile destruction has proved to be cheaper and less complicated than was previously anticipated.

34. 13 States Parties<sup>26</sup> have reported that they retain or have retained cluster munitions and explosive submunitions for training purposes and for the development of countermeasures in accordance with Article 3 (6), while two<sup>27</sup> have reported that they intend to do so. All States Parties having reported on retained cluster munitions and/or explosive submunitions have provided information about types and quantities of the retained stocks. All States Parties reporting on present retention also report on planned use, for permitted purposes, except one<sup>28</sup> for which the initial report is not yet due, while five<sup>29</sup> of them have so far reported on actual use, for permitted purposes, of the retained cluster munitions. Since the 3MSP, one State Party<sup>30</sup> formerly retaining cluster munitions has reported that all of its retained stocks have been destroyed.

### Challenges and questions for discussion at the 4MSP

35. One challenge is to maintain the momentum for rapid destruction of stockpiles, and to utilise provisions for international cooperation and assistance to this end. Another is to ensure that the amount of submunitions retained does not exceed the minimum number

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<sup>20</sup> Bosnia and Herzegovina, Botswana, Bulgaria, Chile, Croatia, Denmark, France, Germany, Guinea-Bissau, Iraq, Italy, Japan, Mozambique, Peru, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland.

<sup>21</sup> Canada.

<sup>22</sup> Angola, Central African Republic and Colombia.

<sup>23</sup> Canada, Democratic Republic of the Congo, Guinea, Indonesia, Nigeria and South Africa.

<sup>24</sup> Bosnia and Herzegovina, Chile, Croatia, Denmark, France, Germany, Italy, The former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland.

<sup>25</sup> Botswana, Bulgaria, Japan, Mozambique, Peru, Spain, Sweden and Switzerland.

<sup>26</sup> Australia, Belgium, Croatia, Chile, Czech Republic, Denmark, France, Germany, Republic of Moldova, Netherlands, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland.

<sup>27</sup> Peru and Switzerland.

<sup>28</sup> Australia.

<sup>29</sup> Belgium, Czech Republic, Germany, France and United Kingdom of Great Britain and Northern Ireland.

<sup>30</sup> United Kingdom of Great Britain and Northern Ireland.

absolutely necessary to conduct the activities reported by States Parties with retained cluster munitions.

36. Questions to discuss at the 4MSP may include:

(a) How can States Parties most efficiently support destruction of small or limited stockpiles of cluster munitions?

(b) How can States Parties ensure that the possibility to retain cluster munitions does not result in de facto stockpiling?

## IV. Clearance

### Scope

37. 13 States Parties<sup>31</sup> have reported to be contaminated by cluster munitions and therefore have obligations under Article 4. Of these, two<sup>32</sup> are among the four countries<sup>33</sup> most heavily affected in the world. In addition, one signatory<sup>34</sup> has reported to be contaminated by cluster munitions. Estimates presented in the 2012 Cluster Munition Monitor suggest that a total of 24 States and three territories are contaminated by cluster munition remnants<sup>35</sup>.

38. Two States Parties<sup>36</sup> completed their obligations to clear all contaminated areas prior to the entry into force, and one State Party<sup>37</sup> has done so since the entry into force of the CCM.

### Progress

39. 14 states<sup>38</sup> have provided information on the size and location of contaminated areas and/or reported to have conducted or planned some sort of survey in line with **Action #12**. Four States Parties<sup>39</sup> and one State not Party<sup>40</sup> reported on efforts undertaken to develop and implement a national clearance plan in line with **Action #13**.

40. Two States Parties<sup>41</sup> have reported on how they have included and informed affected communities in their development of national clearance plans and planning of clearance activities and land release.

41. Ten States Parties<sup>42</sup> and one State not Party<sup>43</sup> have reported on methods applied for survey and/or clearance in contaminated areas. Since the 3MSP, five States Parties<sup>44</sup> have

<sup>31</sup> Afghanistan, Bosnia and Herzegovina, Chad, Chile, Croatia, Germany, Iraq, Lao People's Democratic Republic, Lebanon, Mauritania, Montenegro, Mozambique and Norway.

<sup>32</sup> Iraq and Lao People's Democratic Republic.

<sup>33</sup> Cambodia and Viet Nam in addition to Iraq and Lao People's Democratic Republic.

<sup>34</sup> Democratic Republic of the Congo.

<sup>35</sup> Afghanistan, Azerbaijan, Bosnia and Herzegovina, Cambodia, Chad, Chile, Croatia, Democratic Republic of the Congo, Georgia, Germany, Iraq, Lao People's Democratic Republic, Lebanon, Libya, Mauritania, Montenegro, Norway, Russian Federation, Serbia, South Sudan, Sudan, Syrian Arab Republic, Tajikistan, Vietnam, and the territories Kosovo, Nagorno-Karabakh and Western Sahara.

<sup>36</sup> Albania and Zambia.

<sup>37</sup> Grenada.

<sup>38</sup> Afghanistan, Bosnia and Herzegovina, Cambodia, Chad, Chile, Croatia, Germany, Lao People's Democratic Republic, Lebanon, Mauritania, Montenegro, Mozambique, Norway and Serbia.

<sup>39</sup> Chad, Lao People's Democratic Republic, Lebanon and Mauritania.

<sup>40</sup> Cambodia.

<sup>41</sup> Lao People's Democratic Republic and Lebanon.

provided updated information on the size and location of contaminated areas that have been released, and four<sup>45</sup> have disaggregated this information by release methods, in accordance with **Action #16**.

42. Seven States Parties<sup>46</sup> and one Signatory<sup>47</sup> have reported on efforts undertaken to develop and provide risk reduction programmes to their population.

43. The working paper “Application of all available methods for the efficient implementation of Article 4”, prepared by the Friend of the President on Clearance, was welcomed by the 2MSP<sup>48</sup>. The CMC has issued a paper emphasizing the need for efficient land release, titled “CMC Guiding Principles for Implementing Article 4 of the Convention in Cluster Munitions”. The President of the 3MSP has drafted a working paper on compliance with Article 4, the purpose of which is to provide greater clarity about what completion of Article 4 obligations entails. A draft was discussed at the 2013 Intersessional Meeting, and a revised version will be submitted to the Fourth Meeting of States Parties.

#### **Challenges and questions for discussion at the 4MSP**

44. A challenge for many States Parties with Article 4 obligations is to develop and implement national strategic plans that apply context-relevant and up-to-date survey and land release methods. A second challenge is to identify and mobilise resources for Article 4 implementation that some States Parties have reported to be an obstacle.

45. Questions to discuss at the 4MSP may include:

(a) How can States Parties and other implementation actors best support efforts to develop and implement cost-efficient survey and land-release plans, for each affected country and area?

(b) What does compliance with Article 4 entail, and how can greater clarity about the “end-state” help States Parties prioritise, coordinate and plan survey, clearance and land release operations?

## **V. Victim Assistance**

### **Scope**

46. Eleven States Parties<sup>49</sup> and two Signatories<sup>50</sup> have reported to have obligations under Article 5 (1). Estimates presented in the 2012 Cluster Munition Monitor suggest that 30 States and three territories<sup>51</sup> have had cluster munition casualties and thus have

<sup>42</sup> Afghanistan, Bosnia and Herzegovina, Chad, Chile, Croatia, Germany, Lao People’s Democratic Republic, Lebanon, Mauritania and Norway.

<sup>43</sup> Cambodia.

<sup>44</sup> Afghanistan, Croatia, Lao People’s Democratic Republic, Lebanon and Mauritania.

<sup>45</sup> Afghanistan, Lao People’s Democratic Republic, Lebanon and Mauritania.

<sup>46</sup> Afghanistan, Albania, Bosnia and Herzegovina, Croatia, Iraq, Lao People’s Democratic Republic and Lebanon.

<sup>47</sup> Democratic Republic of the Congo.

<sup>48</sup> CCM/MSP/2011/WP.4.

<sup>49</sup> Afghanistan, Albania, Bosnia and Herzegovina, Chad, Croatia, Iraq, Lao People’s Democratic Republic, Lebanon, Montenegro, Mozambique and Sierra Leone.

<sup>50</sup> Democratic Republic of the Congo and Uganda.

<sup>51</sup> Afghanistan, Albania, Angola, Bosnia and Herzegovina, Cambodia, Chad, Colombia, Croatia, Democratic Republic of the Congo, Eritrea, Ethiopia, Georgia, Guinea-Bissau, Iraq, Israel, Kuwait, Lao People’s Democratic Republic, Lebanon, Libya, Montenegro, Mozambique, Russian Federation,

responsibility for cluster munition victims. Of these, four States Parties<sup>52</sup> and two States not Party<sup>53</sup> are considered to have the largest number of cluster munition survivors.

### Progress

47. Seven States Parties<sup>54</sup> and three States not Party<sup>55</sup> have reported the establishment of a coordinating mechanism for victim assistance varying from single individual focal points to coordinating inter-ministerial committees in line with **Action #21**. Six States Parties<sup>56</sup>, and two States not Party<sup>57</sup> have reported that they have started or undertaken data collection in line with **Action #22**. Five States Parties<sup>58</sup> have reported that their casualty data recording has improved since such data collection was initiated. Nine States Parties<sup>59</sup> and one State not Party<sup>60</sup> have reported that their victim assistance efforts are integrated with existing disability-coordination mechanisms in line with **Action #23**, and six States Parties<sup>61</sup> report that they have reviewed their national laws and policies in line with **Action #26** since entry into force of the CCM.

48. Seven States Parties<sup>62</sup> and three States not Party<sup>63</sup> have reported to have developed and/or adapted plans and/or budgets in line with **Action #24**.

49. Six States parties<sup>64</sup> and two States not party<sup>65</sup> have reported to have undertaken, or to have planned, actions to enhance the accessibility of victim assistance services in line with **Action #25**, such as improvements in prosthetics services, healthcare/rehabilitation services in previously contaminated areas, and free medical care and distribution of disability cards to survivors. Five States parties<sup>66</sup> reported to have conducted outreach activities to raise awareness among cluster munition survivors about their rights and available services in line with **Action #27**.

50. With regard to **Action #28**, Four States parties<sup>67</sup> and one signatory<sup>68</sup> have reported on steps undertaken to enhance the social and economic inclusion of cluster munition victims in the form of training and income-generating projects.

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Serbia, Sierra Leone, South Sudan, Sudan, Syrian Arab Republic, Tajikistan, Uganda, Viet Nam and the territories Kosovo, Nagorno-Karabakh and Western Sahara.

<sup>52</sup> Afghanistan, Iraq, Lao People's Democratic Republic and Lebanon.

<sup>53</sup> Cambodia and Viet Nam.

<sup>54</sup> Afghanistan, Albania, Bosnia and Herzegovina, Croatia, Lao People's Democratic Republic, Lebanon and Mozambique.

<sup>55</sup> Cambodia, Democratic Republic of the Congo and Uganda.

<sup>56</sup> Albania, Bosnia and Herzegovina, Chile, Croatia, Lao People's Democratic Republic and Lebanon.

<sup>57</sup> Cambodia and Democratic Republic of the Congo.

<sup>58</sup> Albania, Bosnia and Herzegovina, Croatia, Lao People's Democratic Republic and Lebanon.

<sup>59</sup> Afghanistan, Albania, Bosnia and Herzegovina, Chile, Croatia, Lao People's Democratic Republic, Lebanon, Montenegro and Mozambique.

<sup>60</sup> Cambodia.

<sup>61</sup> Afghanistan, Albania, Bosnia and Herzegovina, Croatia, Lao People's Democratic Republic and Mozambique.

<sup>62</sup> Afghanistan, Albania, Bosnia and Herzegovina, Croatia, Lao People's Democratic Republic, Lebanon and Mozambique.

<sup>63</sup> Cambodia, Democratic Republic of the Congo and Uganda.

<sup>64</sup> Albania, Chad, Croatia, Lao People's Democratic Republic, Lebanon and Montenegro.

<sup>65</sup> Cambodia and Uganda.

<sup>66</sup> Afghanistan, Albania, Chad, Lao People's Democratic Republic and Lebanon.

<sup>67</sup> Albania, Bosnia and Herzegovina, Lao People's Democratic Republic and Lebanon.

<sup>68</sup> Uganda.

51. Three States Parties<sup>69</sup> have reported on steps taken to mobilize national and international resources in line with **Action #29**. Six States parties<sup>70</sup> and one signatory<sup>71</sup> have reported that funding of victim assistance measures remains a challenge.

52. Eight States Parties<sup>72</sup> have reported that cluster munition survivors and their representative organisations participated in national implementation efforts, as laid down in **Action #30**. Three States Parties<sup>73</sup> and one signatory<sup>74</sup> have so far included victims as experts in their delegations to meetings within the CCM framework, as envisaged in **Action #31**.

#### **Challenges and questions for discussion at the 4MSP**

53. One challenge is to ensure that victim assistance activities are based on the needs and priorities of those affected, and that resources are made available and used efficiently.

54. A second challenge is to create sustainable services and programs, and to ensure that the lifelong needs of victims are met.

55. A third challenge is to fully integrate victim assistance efforts with the wider agenda on development, disability and human rights, and to make best use of opportunities that allow for a holistic approach that encompasses all victims of explosive remnants of war.

56. Questions to discuss at 4MSP may include:

(a) How can States Parties link victim assistance efforts under the CCM to activities promoting the rights of victims under other relevant instruments of international law, as well as in development cooperation?

(b) How can States Parties better include survivors in the planning, priorities and implementation of victim assistance?

(c) How can States Parties best operationalize their obligations towards victims of cluster munitions, whilst observing their obligation to not discriminate on the basis of what caused the injury/disability?

## **VI. International cooperation and assistance Scope**

57. 15 States Parties<sup>75</sup> have reported assistance needs since entry into force, of which two<sup>76</sup> have since fulfilled the obligations for which international assistance was required. Since the 3MSP, eight States Parties<sup>77</sup> have reported on such needs.

58. Since entry into force, five States Parties<sup>78</sup> and one signatory<sup>79</sup> have reported assistance needs for stockpile destruction, nine States Parties<sup>80</sup> have reported assistance

<sup>69</sup> Croatia, Lao People's Democratic Republic and Lebanon.

<sup>70</sup> Afghanistan, Albania, Croatia, Lao People's Democratic Republic, Lebanon and Mozambique.

<sup>71</sup> Uganda.

<sup>72</sup> Afghanistan, Albania, Bosnia and Herzegovina, Chile, Croatia, Lao People's Democratic Republic, Lebanon and Mozambique.

<sup>73</sup> Albania, Bosnia and Herzegovina and Croatia.

<sup>74</sup> Uganda.

<sup>75</sup> Afghanistan, Albania, Bosnia and Herzegovina, Chad, Côte d'Ivoire, Croatia, Grenada, Guinea-Bissau, Lao People's Democratic Republic, Lebanon, Mauritania, Mozambique, Peru, The former Yugoslav Republic of Macedonia and Zambia.

<sup>76</sup> Grenada and Côte d'Ivoire.

<sup>77</sup> Afghanistan, Albania, Croatia, Lao People's Democratic Republic, Lebanon, Mauritania, The former Yugoslav Republic of Macedonia and Mozambique.



needs for clearance and/or risk reduction and seven States Parties<sup>81</sup> and one <sup>82</sup>signatory have reported assistance needs for victim assistance.

59. Nine States Parties<sup>83</sup> have reported to have received dedicated CCM assistance, seven<sup>84</sup> since the 3MSP.

60. 24 States<sup>85</sup> have reported that they have provided funding for international cooperation and assistance since entry into force of the Convention, 18<sup>86</sup> of them in reports or statements since the 3MSP.

### Progress

61. Since entry into force, 23<sup>87</sup> States Parties have partly or fully implemented **Action #33**, developing or updating national plans for meeting their obligations under the Convention.

62. At the 3MSP, one State Party<sup>88</sup> declared compliance with Article 4 following cooperation with another State Party as well as an NGO. Most States Parties report to be cooperating with national and international NGOs and/or the United Nations in stockpile destruction, clearance and victim assistance activities, in line with **Action #44**.

63. Since entry into force, states and other actors have used the formal and informal meetings to exchange information and experiences and to promote technical cooperation, through panel discussions and presentations by technical experts, in line with **Actions #35 and 36**. The same framework has been utilized to discuss international cooperation and assistance issues in line with **Action #43 and 45**.

64. In 2012, the Coordinators of international cooperation and assistance published a catalogue of best practices on cooperation and assistance, in line with **Action #47**. This catalogue is available at the Convention's website.

<sup>78</sup> Côte d'Ivoire, Croatia, Guinea-Bissau, Mozambique and Peru.

<sup>79</sup> Nigeria.

<sup>80</sup> Afghanistan, Chad, Croatia, Grenada, Lao People's Democratic Republic, Lebanon, Mauritania, Mozambique and The former Yugoslav Republic of Macedonia.

<sup>81</sup> Afghanistan, Albania, Lao People's Democratic Republic, Lebanon, Mauritania, Mozambique and Zambia.

<sup>82</sup> Uganda.

<sup>83</sup> Afghanistan, Albania, Côte d'Ivoire, Grenada, Lao People's Democratic Republic, Lebanon, Mauritania, Montenegro and Republic of Moldova.

<sup>84</sup> Afghanistan, Côte d'Ivoire, Grenada, Lao People's Democratic Republic, Lebanon, Mauritania and Montenegro.

<sup>85</sup> Australia, Austria, Belgium, Canada, Croatia, Denmark, France, Germany, Holy See, Ireland, Italy, Japan, Lebanon, Liechtenstein, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Slovenia, Spain, South Africa, Sweden and United Kingdom of Great Britain and Northern Ireland.

<sup>86</sup> Australia, Austria, Belgium, Canada, Denmark, France, Germany, Holy See, Ireland, Italy, Japan, the Netherlands, New Zealand, Norway, Slovenia, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland.

<sup>87</sup> Afghanistan, Albania, Bosnia and Herzegovina, Botswana, Bulgaria, Chad, Chile, Croatia, Denmark, France, Germany, Japan, Lao People's Democratic Republic, Lebanon, Mauritania, Mozambique, Peru, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland.

<sup>88</sup> Grenada.

**Challenges and questions for discussion at the 4MSP**

65. Some States Parties with obligations under Articles 3, 4 and/or 5 and with needs for international cooperation and assistance have not communicated their needs to other States Parties. Some states also need to develop and/or update and improve national plans identifying accurate needs, extent of the problem, priorities and timelines.

66. Remaining challenges for States and other implementation actors include: how to increase regional cooperation; and how to increase technical cooperation and exchanges of experiences and best practices between affected States?

67. Questions to discuss at 4MSP may include:

(a) How can States Parties ensure that international assistance and cooperation efforts are linked to actual needs on the ground and broadened to include exchange of best practices, equipment, technology, skills and experience?

(b) How can States Parties and other actors providing assistance structure their support according to national plans and priorities, including through enabling long-term planning?

(c) How can the Convention community work together to overcome challenges related to building national capacity and strengthening national ownership?

(d) How can more States Parties be mobilised to support the implementation of the CCM through international cooperation and assistance measures?

**VII. Implementation Support**

68. States, the United Nations, the ICRC, the CMC, civil society and several other entities have participated in and contributed to, the formal and informal meetings of the Convention since entry into force. The Presidencies<sup>89</sup>, Friends, Coordinators and other States Parties have consulted broadly, including with other States and relevant organisations in accordance with **Actions #51 and #52**.

69. Since the adoption of the VAP at the 1MSP, an Intersessional Work Programme has been established, and since the 2MSP, a Coordination Committee has met regularly, succeeding the Group of Friends meetings held during the first Presidency. Moreover, the Coordinators have been progressively involved in the preparations for and the implementation of the intersessional meetings, and they have also contributed with substantive input at the Meetings of States Parties. UNDP, CMC and the ICRC have continued to play a vital role in the implementation structures of the Convention, including as panellists in various thematic sessions and workshops at meetings under the Convention. The Coordination Committee includes representatives from the CMC, the ICRC, UNDP, and UNODA.

70. The implementation of the Intersessional Work Programme, including the work of the Coordination Committee, has been substantially supported by the UNDP/BCPR in its role as Interim Implementation Support Unit (ISU). The Geneva International Centre for Humanitarian Demining provided logistical support in organizing the intersessional meeting.

71. At the 2MSP, States Parties decided to establish an ISU, and the President of the Meeting was mandated to negotiate a hosting agreement and a funding model for its

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<sup>89</sup> Lao People's Democratic Republic, Lebanon and Norway.

establishment. The President of the 3MSP continued consultations on a funding model and the subsequent establishment of an ISU, building on the work conducted by the President of the 2MSP. This has included consultations with the Geneva International Centre for Humanitarian Demining (GICHD) on a hosting agreement for a future ISU. The President of the 3MSP presented a draft decision on the establishment and funding of an ISU at the 2013 intersessional meeting. Consultations on the matter continue.

#### **Challenges and questions for discussion at the 4MSP**

72. One challenge that remains is to decide on a sustainable and predictable funding model for the ISU that ensures universal ownership and accountability towards all States Parties. A second challenge is to continue to adapt the Intersessional Work Programme to reflect the realities and needs in affected areas.

73. Questions to discuss at 4MSP may include: How can the formal and informal meetings be organised so that they best support the norms of the Convention and its effective implementation?

### **VIII. Transparency**

#### **Scope**

74. 76 States Parties had or have Article 7 reporting deadlines in the time period up until the 4MSP.

#### **Progress**

75. Since entry into force, 57 States Parties<sup>90</sup> have submitted their initial Article 7 reports (as of 28 June 2013) in accordance with Article 7 (1) and **Action #58**. Three initial reports<sup>91</sup> have also been submitted on a voluntary basis. 26 States Parties<sup>92</sup> have not yet submitted their initial transparency reports. Of these, ten are not yet due. Since the publication of the Oslo Progress Report, an additional 15 States Parties<sup>93</sup> have submitted initial reports.

76. 52 States Parties<sup>94</sup> were required to submit annual Article 7 reports by April 30 2013 in accordance with Article 7 (2) and **Action #59**. Of these, 35<sup>95</sup> reports were submitted as of 28 June 2013, and one<sup>96</sup> signatory submitted its updated Article 7 report on a voluntary basis. The number of States Parties that have not yet submitted their annual transparency reports for 2013 has increased in both absolute and relative terms since 2012. As of 28 June 2013, 17 States Parties have not yet submitted their annual transparency report for 2013, as compared to nine for 2012.

77. The Coordinator on Reporting has reported that letters have been sent on a regular basis to remind States Parties of their obligations to report.

<sup>90</sup> See Annex.

<sup>91</sup> Canada, Democratic Republic of the Congo and Palau.

<sup>92</sup> See Annex.

<sup>93</sup> Afghanistan, Antigua and Barbuda, Botswana, Chile, Czech Republic, Grenada, Hungary, Italy, Mauritania, Mozambique, Samoa, Senegal, Seychelles, Swaziland and Sweden.

<sup>94</sup> See Annex.

<sup>95</sup> See Annex.

<sup>96</sup> Canada.

78. Since entry into force, Reporting formats have been prepared by the Coordinator to ensure coherent and comprehensive reporting. These and a draft “Guide to reporting”, also prepared by the Coordinator in line with **Action #62**, are available on the Convention’s website.

#### **Challenges and questions for discussion at the 4MSP**

79. One challenge is to improve the quality of the reports, which have ranged from highly detailed and comprehensive, to lacking required information or being difficult to read.

80. Questions to discuss at 4MSP may include:

(a) What steps should be taken to ensure that high quality information is provided in the transparency reports?

(b) How can the transparency reports be used as a tool for assisting and cooperating in implementation, particularly where States Parties have obligations under Articles 3, 4, and 5?

### **IX. National Implementation Measures**

81. 22 States Parties<sup>97</sup> have reported having adopted legislation specifically aimed at the implementation of the CCM, three<sup>98</sup> having done so since the 3MSP. 14<sup>99</sup> have stated that they consider their existing legislation to be sufficient. 16 States Parties<sup>100</sup> and two signatories<sup>101</sup> have reported that they are in the process of adopting legislation, while two States Parties<sup>102</sup> report that they are undertaking reviews of the national legislation to ensure compliance with Article 9 of the CCM.

82. The ICRC has prepared a model legislation for common law States, and the Coordinator for national implementation measures has prepared a model legislation for small States without stockpiles or cluster munition contamination. These are both available on the Convention’s website.

83. Five States Parties<sup>103</sup> have reported on how they have informed other relevant state agencies about the prohibitions and the requirements of the Convention.

#### **Challenges and questions for discussion at the 4MSP**

84. The main challenge under national implementation measures is to ensure that all States swiftly develop and adopt any legislation deemed necessary for the effective and comprehensive implementation of the Convention.

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<sup>97</sup> Australia, Austria, Belgium, Cook Islands, Czech Republic, Ecuador, France, Germany, Guatemala, Hungary, Ireland, Italy, Japan, Luxembourg, New Zealand, Norway, Portugal, Samoa, Spain, Sweden, Switzerland and United Kingdom of Great Britain and Northern Ireland.

<sup>98</sup> Hungary, Italy and Samoa.

<sup>99</sup> Albania, Bulgaria, Denmark, Holy See, Lithuania, Malta, Mexico, Montenegro, Netherlands, Nicaragua, Republic of Moldova, San Marino, Slovenia and the former Yugoslav Republic of Macedonia.

<sup>100</sup> Afghanistan, Antigua and Barbuda, Botswana, Burkina Faso, Burundi, Croatia, Ghana, Grenada, Lao People’s Democratic Republic, Lebanon, Lesotho, Malawi, Saint Vincent and the Grenadines, Sierra Leone, Swaziland and Zambia.

<sup>101</sup> Canada and Democratic Republic of the Congo.

<sup>102</sup> Mozambique and Seychelles.

<sup>103</sup> Croatia, Denmark, Ireland, Lebanon and Norway.

85. Questions to discuss at the 4MSP may include:

- (a) What are the factors preventing greater progress in national implementation?
- (b) What further assistance might States need to facilitate their adoption of implementing legislation?

## **X. Compliance**

86. No serious issues of non-compliance have yet been raised, but one may note that 18 States Parties are late in submitting their annual Article 7 transparency reports covering the year 2012, and that 16<sup>104</sup> States Parties are late in submitting their initial reports. The general impression is that States Parties and signatories are showing great determination to implement the Convention rapidly and thoroughly.

### **Challenges and questions for discussion at the 4MSP**

87. A key challenge under compliance is how States Parties and the President should deal with future compliance concerns.

88. Questions to discuss at 4MSP may include: How should States Parties address the issue of non-compliance in the future?

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<sup>104</sup> Cape Verde, Cook Islands, Comoros, Costa Rica, Côte d'Ivoire, Dominican Republic, El Salvador, Fiji, Guinea-Bissau, Honduras, Mali, Niger, Panama, Togo, Trinidad and Tobago and Tunisia.

## Appendix

### Tables outlining progress updates in the various thematic areas

#### II. Universalization

<i>83 States Parties (by region)<sup>105</sup></i>	<i>29 Signatories</i>
<i>Africa (23)</i>	<i>Africa (19)</i>
Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, <b>Chad</b> , Comoros, Côte d'Ivoire, Ghana, Guinea-Bissau, Lesotho, Malawi, Mali, Mauritania, Mozambique, Niger, Senegal, Seychelles, Sierra Leone, Togo, Tunisia, Swaziland, Zambia	Angola, Benin, Central African Republic, Congo, Democratic Republic of Congo, Djibouti, Gambia, Guinea, Kenya, Liberia, Madagascar, Namibia, Nigeria, Rwanda, Sao Tome and Principe, Somalia, South Africa, Uganda and United Republic of Tanzania
<i>Americas (17)</i>	<i>Americas (5)</i>
Antigua and Barbuda, <b>Bolivia (Plurinational State of)</b> , Chile, Costa Rica, Dominican Republic, El Salvador, Ecuador, Grenada, Guatemala, Honduras, Mexico, Nicaragua, Panama, <b>Peru</b> , Trinidad and Tobago, Saint Vincent and the Grenadines, Uruguay	Canada, Colombia, Haiti, Jamaica, Paraguay
<i>Asia (3)</i>	<i>Asia (2)</i>
Afghanistan, Japan, Lao People's Democratic Republic	Indonesia, Philippines
<i>Europe (32)</i>	<i>Europe (2)</i>
Albania, <b>Andorra</b> , Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, France, Germany, Holy See, Hungary, Ireland, Italy, <b>Liechtenstein</b> , Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Portugal, San Marino, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland	Cyprus, Iceland
<i>Middle East (2)</i>	<i>Middle East</i>
Iraq, Lebanon	

<sup>105</sup> New States Parties since the Third Meeting of States Parties in **bold**, in order of ratification or accession: Peru (26.09.2012), Australia (08.10.2012), Nauru (04.02.2013), Liechtenstein (04.03.2013), Chad (26.03.2013), Andorra (09.04.2013), Bolivia (30.04.2013), Iraq (14.05.2013)

<i>83 States Parties (by region)<sup>105</sup></i>	<i>29 Signatories</i>
<i>Pacific (6)</i>	<i>Pacific (1)</i>
Australia, Cook Islands, Fiji, <b>Nauru</b> , New Zealand, Samoa	Palau

### III. Stockpile Destruction

<i>States Parties with obligations under Art. 3</i>	<i>States Parties that have completed their Art. 3 obligations<sup>106</sup></i>	<i>States Parties retaining stockpiles for permitted purposes</i>	<i>States Parties that have provided information on retained stockpiles</i>
Bosnia and Herzegovina, Botswana, Bulgaria, Chile, Croatia, Denmark, France, Germany, Guinea-Bissau, Iraq, Italy, Japan, Mozambique, Peru, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland	Afghanistan, Austria, Belgium, <b>Côte d'Ivoire</b> , Czech Republic, Ecuador, Honduras, Hungary, Mauritania, Montenegro, Netherlands, Norway, Portugal, Republic of Moldova, Slovenia	Australia, Belgium, Croatia, Chile, Czech Republic, Denmark, France, Germany, Republic of Moldova, Netherlands, Peru, Spain, Sweden, Switzerland	Belgium, Croatia, Chile, Czech Republic, Denmark, France, Germany, Republic of Moldova, Netherlands, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland

### IV. Clearance and Risk Reduction

<i>States Parties with obligations under Art. 4</i>	<i>States Parties that have provided updates on the status and progress of their clearance programmes since the 3MSP</i>	<i>States Parties that provided information on the size and location of contaminated areas and on survey activities</i>	<i>States Parties that reported on efforts undertaken to develop and implement a national clearance plan</i>	<i>States Parties that have developed risk reduction programmes</i>
Afghanistan, Bosnia and Herzegovina, Chad, Chile, Croatia, Germany, Iraq, Lao People's Democratic Republic, Lebanon, Mauritania, Montenegro, Mozambique, Norway	Afghanistan, Croatia, Grenada, Lao People's Democratic Republic, Lebanon, Mauritania, Montenegro, Mozambique, Norway	Afghanistan, Bosnia and Herzegovina, Chad, Chile, Croatia, Germany, Lao People's Democratic Republic, Lebanon, Mauritania, Montenegro, Norway	Chad, Lao People's Democratic Republic, Lebanon, Mauritania	Afghanistan, Albania, Bosnia and Herzegovina, Croatia, Iraq, Lao People's Democratic Republic, Lebanon

<sup>106</sup> States Parties that have completed their obligation since the 3MSP in **bold**.

## V. Victim Assistance

<i>States Parties with obligations under Art. 5</i>	<i>States Parties that have integrated victim assistance into national disability and health programs</i>	<i>States Parties that have developed a national plan on victim assistance</i>
Afghanistan, Albania, Bosnia and Herzegovina, Chad, Croatia, Iraq, Lao People's Democratic Republic, Lebanon, Montenegro, Mozambique, Sierra Leone	Afghanistan, Albania, Bosnia and Herzegovina, Chile, Croatia, Lao People's Democratic Republic, Lebanon, Montenegro, Mozambique	Afghanistan, Albania, Bosnia and Herzegovina, Croatia, Lao People's Democratic Republic, Lebanon, Mozambique

## VI. International cooperation and assistance

<i>States Parties that have reported assistance needs</i>	<i>States Parties that have reported providing support</i>
Afghanistan, Albania, Bosnia and Herzegovina, Chad, Côte d'Ivoire, Croatia, Grenada, Guinea-Bissau, Lao People's Democratic Republic, Lebanon, Mauritania, Mozambique, Peru, The former Yugoslav Republic of Macedonia, Zambia	Australia, Austria, Belgium, Croatia, Denmark, France, Germany, Holy See, Ireland, Italy, Japan, Lebanon, Liechtenstein, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland

## VII. Transparency

<i>States Parties that have submitted their initial Article 7 reports</i>	<i>States Parties that have yet to submit initial reports<sup>107</sup> (as of 24 June 2013)</i>	<i>Signatories that have voluntarily submitted Art. 7 reports</i>
Afghanistan, Albania, Antigua and Barbuda, Austria, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Burundi, Chile, Croatia, Czech Republic, Denmark, Ecuador, France, Germany, Ghana, Grenada, Guatemala, Holy See, Hungary, Ireland, Italy, Japan, Lao People's Democratic Republic, Lebanon, Lesotho, Lithuania, Luxembourg, Malawi, Malta, Mauritania, Mexico, Monaco,	Andorra, Australia, Bolivia, Cameroon, Cape Verde, Chad, Cook Islands, Comoros, Costa Rica, Côte d'Ivoire, Dominican Republic, El Salvador, Fiji, Guinea-Bissau, Honduras, Iraq, Liechtenstein, Mali, Nauru, Niger, Panama,	Canada, Democratic Republic of the Congo, Palau

<sup>107</sup> For the following ten countries, the deadline for submission was not yet reached at the time of writing: Andorra, Australia, Bolivia, Cameroon, Chad, Iraq, Liechtenstein, Nauru, Peru, Switzerland



<i>States Parties that have submitted their initial Article 7 reports</i>	<i>States Parties that have yet to submit initial reports<sup>107</sup> (as of 24 June 2013)</i>	<i>Signatories that have voluntarily submitted Art. 7 reports</i>
Montenegro, Mozambique, New Zealand, Netherlands, Nicaragua, Norway, Portugal, Republic of Moldova, Saint Vincent and Grenadines, Samoa, San Marino, Senegal, Seychelles, Sierra Leone, Slovenia, Spain, Swaziland, Sweden, The Former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, Uruguay and Zambia	Peru, Switzerland, Togo, Trinidad and Tobago and Tunisia	
<i>States Parties required to submit annual reports by 30 April 2013</i>	<i>States parties that have submitted their annual Art. 7 report (as of 24 June 2013 )</i>	<i>Signatories that have voluntarily updated Art. 7 reports</i>
Afghanistan, Albania, Antigua and Barbuda, Austria, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Burundi, Chile, Croatia, Czech Republic, Denmark, Ecuador, France, Germany, Ghana, Grenada, Guatemala, Holy See, Ireland, Italy, Japan, Lao People's Democratic Republic, Lebanon, Lesotho, Lithuania, Luxembourg, Malawi, Malta, Mexico, Monaco, Montenegro, Mozambique, New Zealand, Netherlands, Nicaragua, Norway, Portugal, Republic of Moldova, Saint Vincent and Grenadines, Samoa, San Marino, Senegal, Sierra Leone, Slovenia, Spain, The former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia	Afghanistan, Albania, Austria, Belgium, Bulgaria, Burkina Faso, Croatia, Czech Republic, Denmark, France, Germany, Ghana, Grenada, Guatemala, Holy See, Ireland, Italy, Japan, Lao People's Democratic Republic, Lebanon, Lithuania, Mexico, Montenegro, Mozambique, Netherlands, New Zealand, Norway, Portugal, Republic of Moldova, San Marino, Slovenia, Spain, The former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and Uruguay	Canada (2012 and 2013), Democratic Republic of the Congo (2012)

**VIII. National Implementation Measures**

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*States Parties that have adopted legislation aimed at the implementation of the Convention*

Australia, Austria, Belgium, Cook Islands, Czech Republic, Ecuador, France, Germany, Guatemala, Hungary, Ireland, Italy, Japan, Luxembourg, New Zealand, Norway, Portugal, Samoa, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland

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*States Parties that are developing legislation relating to the Convention's implementation*

Afghanistan, Antigua and Barbuda, Botswana, Burkina Faso, Burundi, Croatia, Ghana, Grenada, Lao People's Democratic Republic, Lebanon, Lesotho, Malawi, Saint Vincent and Grenadines, Sierra Leone, Swaziland, Zambia

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## Annex II

### List of documents

<i>Symbol</i>	<i>Title</i>
CCM/MSP/2013/1	Provisional agenda
CCM/MSP/2013/2 and Add.1	Provisional programme of work
CCM/MSP/2013/3	Rules of procedure for Meetings of States Parties
CCM/MSP/2013/4 and Corr.1	Estimated Costs of the Fifth Meeting of States Parties
CCM/MSP/2013/5 and Rev.1	Implementation of Article 4. Effective steps for the clearance of cluster munition remnants
CCM/MSP/2013/6	Final Document
CCM/MSP/2013/WP.1	Compliance with Article 4
CCM/MSP/2013/ WP.2	Cooperation and Assistance
CCM/MSP/2013/ WP.3	Universalization of the Convention
CCM/MSP/2013/ WP.4	Transparency measures and the exchange of information in the context of the Convention. State of play and the way ahead for a better exchange of information
CCM/MSP/2013/ WP.5	Lusaka Progress Report monitoring progress in implementing the Vientiane Action Plan up until the Fourth Meeting of States Parties
CCM/MSP/2013/ WP.6	Universalization of the Convention on Cluster Munitions
CCM/MSP/2013/2/L.1	Draft Decisions, including workplan for 2014
CCM/MSP/2013/2/L.2	Draft Decision on implementation support for the Convention on Cluster Munitions
CCM/MSP/2013/2/L.3	Establishment of an Implementation Support Unit (ISU) for the Convention on Cluster Munitions
CCM/MSP/2013/2/L.4	Draft Decision on implementation support for the Convention on Cluster Munitions
CCM/MSP/2013/CRP.1	Draft Final Document
CCM/MSP/2013/MISC.1	Provisional List of Participants
CCM/MSP/2013/INF.1	List of Participants

The above documents are available from the Official Document System of the United Nations at <http://documents.un.org>, and the website of the Convention on Cluster Munitions, which is part of the website of the United Nations Office at Geneva, at <http://www.unog.ch/ccm>.