

Convention on Cluster Munitions

15 October 2012

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Third Meeting of States Parties

Oslo, 11–14 September 2012

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 Second Meeting of States Parties to the Convention decided to designate Mr. Steffen Kongstad, Ambassador and Permanent Representative of Norway to the United Nations Office and other international organizations in Geneva, as President of the Third Meeting of States Parties, and also decided to hold a Third Meeting of States Parties of a duration of up to four days during the week of 10 to 14 September 2012 in Norway¹. The Second Meeting considered

¹ CCM/MSP/2011/5, para. 31.

the financial arrangements for the Third Meeting of States Parties and recommended them for adoption by the Third Meeting.²

5. The Second Meeting of States Parties also decided 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 Second Meeting further decided to convene an informal intersessional meeting for 2012 in Geneva from 16 to 19 April 2012.³

6. The Second Meeting of States Parties also decided that an Implementation Support Unit should be established and considered the modalities of an Implementation Support Unit. The Meeting also decided to mandate its President to negotiate, in consultation with the States Parties and subject to their approval, an agreement on the hosting of an Implementation Support Unit, as well as its establishment and a financial model to cover the costs of the activities of the Implementation Support Unit.⁴

7. Accordingly, the Secretary-General convened the Third 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 Third Meeting

8. The Third Meeting of States Parties was held at Oslo from 11 to 14 September 2012.

9. The following 55 States Parties to the Convention participated in the work of the Meeting: Afghanistan, Albania, Antigua and Barbuda, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Burundi, Cape Verde, Chile, Comoros, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, France, Germany, Ghana, Grenada, Guatemala, Guinea-Bissau, Holy See, Ireland, Italy, Japan, Lao People's Democratic Republic, Lebanon, Lesotho, Lithuania, Luxembourg, Malawi, Mali, Malta, Mauritania, Mexico, Montenegro, Mozambique, Netherlands, New Zealand, Niger, Norway, Portugal, Republic of Moldova, Samoa, Senegal, Slovenia, Spain, Swaziland, The former Yugoslav Republic of Macedonia, Tunisia, United Kingdom of Great Britain and Northern Ireland, Uruguay and Zambia.

10. The following five States that had ratified or acceded to the Convention, but for which it was not yet in force, participated in the work of the Meeting: Cameroon, Hungary, Sweden, Switzerland and Togo.

11. The following 30 States signatories to the Convention participated in the work of the Meeting as observers: Angola, Australia, Benin, Canada, Central African Republic, Chad, Colombia, Congo, Cyprus, Democratic Republic of the Congo, Djibouti, Gambia, Iceland, Indonesia, Iraq, Jamaica, Kenya, Liberia, Madagascar, Namibia, Nigeria, Palau, Peru, Philippines, Rwanda, Sao Tome and Principe, Somalia, South Africa, Uganda and United Republic of Tanzania.

12. Argentina, Armenia, Cambodia, China, Eritrea, Finland, Gabon, Georgia, Jordan, Kyrgyzstan, Libya, Malaysia, Mauritius, Morocco, Myanmar, Poland, Qatar, Saint Kitts and Nevis, Saudi Arabia, Serbia, Singapore, Slovakia, South Sudan, Sri Lanka, Sudan, Suriname, Tajikistan, Thailand, Turkey, Viet Nam and Zimbabwe also participated in the work of the Meeting as observers.

² Ibid., para. 32.

³ Ibid., para. 27.

⁴ Ibid., para. 29.

13. The United Nations Children's Fund, the United Nations Development Programme, the United Nations Mine Action Service, the United Nations Office for the Coordination of Humanitarian Affairs, the United Nations Office for Disarmament Affairs, the United Nations Office for Project Services participated in the work of the Meeting as observers, pursuant to rule 1 (2) of the rules of procedure (CCM/MSP/2011/3).

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 representatives of the following relevant international organizations or institutions, regional organizations and non-governmental organizations took part in the work of the Meeting as observers, pursuant to rule 1 (3) of the rules of procedure: European Union, as well as Centre for International Stabilization and Recovery (James Madison University), Danish Demining Group, International Trust Fund Enhancing Human Security and Stockholm International Peace Research Institute.

III. Work of the Third Meeting

16. On 11 September 2012, the Third Meeting of States Parties was opened by the Minister for Foreign Affairs and Emigrants of the Republic of Lebanon, President of the Second Meeting of States Parties to the Convention, Adnan Mansour. This was preceded by an opening ceremony on preventing future harm and the protection of civilians moderated by the Minister of Foreign Affairs of Norway, Jonas Gahr Støre, which heard statements by the Minister for Foreign Affairs and Emigrants of the Republic of Lebanon, Adnan Mansour, the Vice-President of the International Committee of the Red Cross, Christine Beerli, the Director of UNDP's Bureau for Crisis Prevention and Recovery, Geneva Liaison Office, Neil Buhne, and the representative of the Cluster Munition Coalition, Branislav Kapetanovic.

17. The Meeting held seven plenary meetings. At its first plenary meeting, on 11 September 2012, the Meeting elected by acclamation Steffen Kongstad, Ambassador, Permanent Representative of Norway to the United Nations Office and other international organizations in Geneva, as President of the Third Meeting of States Parties to the Convention.

18. At the same plenary meeting, Holy See, Lao People's Democratic Republic, Lebanon and Zambia 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/2012/1, the programme of work, as contained in document CCM/MSP/2012/2/Rev.1, and the financial arrangements for the Meeting, as recommended by the Second Meeting of States Parties and contained in document CCM/MSP/2011/CRP.2, and confirmed the rules of procedure, as contained in document CCM/MSP/2011/3.

21. At the same plenary meeting, message was delivered by the United Nations High Representative for Disarmament Affairs, Angela Kane, on behalf of the Secretary-General of the United Nations.

22. The Third Meeting of States Parties considered documents CCM/MSP/2012/1 to CCM/MSP/2012/4 and CCM/MSP/2012/WP.1 to CCM/MSP/2012/WP.5, 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 “Oslo progress report: monitoring progress in implementing the Vientiane Action Plan between the Second and the Third Meetings of States Parties”, as contained in annex I.

24. Recognizing the role and impact of the Convention on Cluster Munitions in protecting the civilians against the effect of armed conflicts and as a preventive international humanitarian norm and recalling that the right of parties to an armed conflict to choose methods and means of warfare is not unlimited, the Meeting warmly welcomed the paper submitted by the President on “Strengthening International Humanitarian Law”, as contained in document CCM/MSP/2012/3.

25. The Meeting took note of the working paper submitted by the President of the Second Meeting of States Parties on “Convention on Cluster Munitions (CCM) - Description of a possible Implementation Support Unit. Draft working paper”, as contained in document CCM/MSP/2012/WP.3, and recognized the tireless and transparent efforts made in fulfilling the mandate given to the President of the Second Meeting of States Parties. The working paper outlines the background to and outcome of informal discussions held since the Second Meeting of States Parties, including the informal intersessional meetings of 16-19 April 2012, three open-ended informal consultations, ten meetings of the Coordination Committee in addition to numerous bilateral consultations with States and a consolidation of recommendations and proposals suggested for consideration by the States Parties.

26. At its last plenary meeting, on 14 September 2012, the Meeting decided to mandate the President of the Third Meeting of States Parties 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)).

27. At the same plenary meeting, the Meeting decided to ensure continued efficient and effective interim support for the implementation of the Convention by continuing the support to the existing interim solution consisting of the Executive Coordinator based in the UNDP Bureau for Crisis Prevention and Recovery, guided by “the Directive” adopted at the Second Meeting of States Parties supported by the Geneva International Centre for Humanitarian Demining for certain tasks, to secure an effective and efficient transition to the Implementation Support Unit. The support provided by the UNDP Bureau for Crisis Prevention and Recovery should include implementation support to States Parties and support to the President, President-designate and the Coordination Committee as appropriate.

28. At the same plenary meeting, the Meeting welcomed that the UNDP Bureau for Crisis Prevention and Recovery will continue to provide the function as interim ISU.

29. At the same plenary meeting, the Meeting decided to convene an informal intersessional meeting for 2013 in Geneva from 16 to 19 April 2013. The Meeting decided that the informal intersessional meeting should be in English, French and Spanish supported through voluntary funding.

30. At the same plenary meeting, the Meeting confirmed the Coordinators of the six Working Groups and two thematic areas and welcomed the appointment of the new Coordinators that will guide the intersessional work programme from the end of the Third Meeting of States Parties as follows:

Working Group on the General Status and Operation of the Convention

Until the end of the Fourth Meeting of States Parties: Zambia, and until the end of the Fifth Meeting of States Parties: Costa Rica;

Working Group on Universalization

Until the end of the Fourth Meeting of States Parties: Portugal, and until the end of the Fifth Meeting of States Parties: Ghana;

Working Group on Victim Assistance

Until the end of the Fourth Meeting of States Parties: Bosnia and Herzegovina, and until the end of the Fifth Meeting of States Parties: Afghanistan;

Working Group on Clearance and Risk Reduction

Until the end of the Fourth Meeting of States Parties: Ireland, and until the end of the Fifth Meeting of States Parties: Lao People's Democratic Republic;

Working Group on Stockpile Destruction and Retention

Until the end of the Fourth Meeting of States Parties: Croatia, and until the end of the Fifth Meeting of States Parties: Spain;

Working Group on Cooperation and Assistance

Until the end of the Fourth Meeting of States Parties: Mexico, and until the end of the Fifth Meeting of States Parties: Sweden;

Reporting

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

National Implementation Measures

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

31. At the same plenary meeting, the Meeting decided to designate the Minister of Foreign Affairs of Zambia, Given Lubinda, assisted by the Permanent Representative of Zambia to the United Nations Office and other international organizations in Geneva, as President of the Fourth Meeting of States Parties, and also decided to hold the Fourth Meeting of States Parties from 10 to 13 September 2013 in Lusaka, Zambia.

32. The Meeting considered the financial arrangements for the Fourth Meeting of States Parties and recommended them for adoption by the Fourth Meeting, as contained in document CCM/MSP/2012/4.

33. At the same plenary meeting, on 14 September 2012, the Third Meeting of States Parties adopted its final document, as contained in document CCM/MSP/2012/CRP.1, as amended.

Annex I

Oslo progress report Monitoring progress in implementing the Vientiane Action Plan between the Second and Third Meetings of States Parties

(As warmly welcomed at the final plenary meeting, on 14 September 2012)

1. This report presents an aggregate analysis of trends and figures in the implementation of the Vientiane Action Plan (VAP) from the Second Meeting of States Parties (2MSP) in Beirut in September 2011 up to the Third Meeting of States Parties (3MSP) in Oslo in September 2012. This document is intended to facilitate discussions at the 3MSP by monitoring progress and identifying key questions to be addressed, and does not replace any formal reporting. The content of the report is based upon publicly available information including States Parties' initial and annual transparency reports; statements made during the Intersessional meeting in April 2012, and other open sources such as information provided by civil society and the Cluster Munition Coalition (CMC), the International Committee of the Red Cross (ICRC), and the United Nations (UN). The Oslo Progress Report is submitted by the President of the 2MSP assisted by the Coordinators on General Status and Operation of the Convention, Zambia and Holy See, and the Executive Coordinator (UNDP). Thematic Coordinators have provided additional information based on consultations and analysis within their respective Working Groups.

2. When referring to States Parties or signatory states these terms are used explicitly; the term "non-signatory observer state" will be used when explicit reference is made to a state that is not party nor signatory to the CCM; otherwise the term "states" is used for referring to States Parties, signatory states and observer states in general. The term "States not party" is used for referring to signatory states and non-signatory observer states conjointly. The Convention on Cluster Munitions (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 separate information from statements given during the Intersessional meeting in April 2012, the 3MSP or the initial and annual transparency reports.

3. This report was finalised for translation in June 2012 and thereafter updated with information provided at the 3MSP in Oslo, with an effective date of closure of 14 September 2012.

I. Updates and general trends

Universalization

4. Seventy five States Parties have ratified the Convention, representing an increase by 12, or 19 per cent of States Parties since the 2MSP. Universalization and outreach actions in line with the VAP by States, the UN, ICRC, CMC and others, have resulted in continued interest for formally joining the Convention through ratification or accession. Indications suggest that a significant number of signatories will ratify before the end of 2012. One allegation of use of cluster munitions has been raised since the 2MSP, subsequently denied by the non-signatory observer state concerned. The Convention community has been diligent in implementing **Actions #2-7** of the VAP. Questions to discuss at the 3MSP may

centre on how to continue the strong momentum in increasing the number of States Parties and how to further strengthen the prohibitive norm of the CCM.

Stockpile destruction

5. All States Parties that provided information regarding existing stockpiles of cluster munitions in their Article 7 reports have taken concrete steps in line with **Actions #8-9**, with the majority indicating that destruction was scheduled to be completed well in advance of the eight-year deadline stipulated in the Convention. In addition, a number of States that recently completed the ratification process, as well as signatory States have already started to either physically destroy or plan for the destruction of their stockpiles. Since some States Parties and States not party have requested technical and/or financial assistance, one key question for discussion at the 3MSP could be how to ensure adequate assistance for the completion of stockpile destruction obligations, including through cooperation with relevant organisations.

Clearance and risk reduction

6. At the 3MSP Grenada declared compliance with Article 4 clearance obligations. Almost all of the twelve States Parties and five States not party with reported contamination from cluster munitions remnants have taken action to address this contamination in line with their commitments under the VAP. The progress achieved by States has been facilitated by developments in survey and clearance technology and methodology. These advances were highlighted and discussed during the Intersessional meeting and helped demonstrate how the Convention has served as a catalyst for new approaches to the challenge of clearance of cluster munitions remnants. Thus one question that may be addressed at the 3MSP is how states with cluster munitions remnants contamination can best take advantage of the advances and improvements in techniques and methodologies for clearance.

Victim assistance

7. The majority of States Parties and some of the signatories with obligations under Article 5 have made significant progress in implementing some or all relevant actions in the VAP. Increased efforts to enhance accessibility, availability and awareness of services and projects advancing the social and economic inclusion of cluster munition victims are especially encouraging in this respect. The actively promoted inclusion of experts, partly from affected countries, during the intersessional meeting and other working-level meetings substantially contributed to focusing the debate on the practical implications of the Convention's provisions. Thus, maximising the potential for collaboration and cooperation between States Parties and civil society actors and across related international legal instruments, as well as securing sustainable funding for measures, are some of the key issues to address at the 3MSP.

International cooperation and assistance

8. Half of the States Parties having obligations under Article 3, 4 and/or 5 have requested or reported needs for assistance since entry into force, and six more have done so since the 2MSP. The majority of these requests have been related to clearance, risk reduction, and victim assistance. The number of states reporting the provision of financial or in-kind contributions for implementation of the CCM has increased significantly since

the 2MSP. Questions to discuss at the 3MSP may centre on how the relevant actions in the VAP may be better implemented to ensure results from a long-term perspective as well as how to strengthen the links within the Convention community.

Transparency

9. Seventy-eight per cent of expected annual transparency reports have been submitted so far. The submitted reports have been of varying quality and in some cases it has thus been difficult to extract relevant information. In this vein, a reporting guide was developed by the Coordinator on Reporting for presentation at the 3MSP, to assist States Parties in submitting accurate and precise information. Key issues that may be addressed at the 3MSP are therefore how to identify and overcome obstacles keeping States Parties from fulfilling their reporting obligations and how to ensure that information is being provided in a consistent and useful manner, highlighting the utility of the reporting guide in order to achieve this.

National Implementation Measures

10. More than one third of all States Parties have now either adopted or are in the process of developing legislation relating to the Convention's implementation. Moreover, an increasing number of States Parties have undertaken other administrative measures to secure the effective implementation of the Convention. Still, significant work remains to be done to ensure that all States Parties develop and adopt the necessary legislation for the full implementation of the CCM. A key issue that may be addressed at the 3MSP thus remains how to identify and overcome the obstacles preventing States Parties from greater progress in national implementation, and what assistance may be needed in this regard. In the reporting period concerns were also raised with regard to the introduction of national legislation and possible inconsistencies with the letter and spirit of the Convention.

II. Partnerships

11. States, CMC - including cluster munitions survivors and their representative organisations, the UN system, ICRC, the International Federation of the Red Cross and Red Crescent Societies (IFRC) and the Geneva International Centre for Humanitarian Demining (GICHD) have collaborated closely, which has led to substantial progress in the universalization and implementation of the CCM, and advanced the discussions on a number of thematic issues during the intersessional meeting. The cooperative and informal nature of such collaboration was key to achieving good results.

III. Universalization

12. Since the 2MSP, twelve states have ratified or acceded to the Convention.¹

13. Fourteen signatory states² have announced in public statements that they have ratification underway. In addition, two signatory states³ have announced that ratification is being considered.

¹ Cameroon, Côte d'Ivoire, Czech Republic, Dominican Republic, Honduras, Hungary, Italy, Mauritania, Sweden, Switzerland, Togo, and Trinidad and Tobago.

14. CMC further reports that an additional twelve signatory States have ratification underway⁴ and that 14 States⁵ have indicated that ratification or accession is being considered. This would imply that there are prospects for an additional 26 States Parties to the Convention in the very near future, and that additional States are considering ratification.

Actions #2-7

15. Fifteen States Parties⁶ and one State not party⁷ have reported on actions taken to promote adherence to the CCM and encourage States to join the Convention through bilateral meetings, multilateral forums including the Association of Southeast Asia Nations (ASEAN), the Non-Aligned Movement (NAM) or the Caribbean Community (CARICOM), and through hosting dedicated universalization workshops in Croatia and Ghana.⁸ A Universalization Action Plan was developed by the 34 sub-Saharan African countries participating in the Accra Regional Conference on the Universalization of the CCM (ARCU).⁹

16. States, the United Nations Inter-Agency Coordination Group on Mine Action (IACG-MA),¹⁰ the Secretary-General of the United Nations and CMC have reacted to recent media reports of allegations of use of cluster munitions by Sudan in South Kordofan.¹¹ References were made to the unacceptable harm caused to civilians by cluster munitions and the imperative of protecting the norm being established by the Convention, stating that any allegations of use must be taken seriously and demand nothing short of full clarifications.¹² Responding to reactions, Sudan stated that the accusations were groundless, that Sudan neither produces nor stockpiles cluster munitions, and that it has not used cluster munitions in the past nor recently as alleged.¹³

17. Since the reported instance of use of cluster munitions on the territory of one State party in 2011, as detailed in the Beirut Progress Report (BPR),¹⁴ two separate missions to Cambodia were conducted by civil society organizations,¹⁵ which confirmed that the deployed weapons were cluster munitions.¹⁶

² Angola, Australia, Benin, Canada, Central African Republic, Chad, Congo, Democratic Republic of Congo, Gambia, Kenya, Madagascar, Peru, South Africa and Uganda.

³ Namibia and Tanzania.

⁴ Colombia, Cyprus, Djibouti, Haiti, Iceland, Indonesia, Iraq, Liberia, Nigeria, Paraguay, Philippines and Somalia.

⁵ Cambodia, Eritrea, Kiribati, Malaysia, Mauritius, Nepal, Serbia, Solomon Islands, South Sudan, Tajikistan, Thailand, Vanuatu, Viet Nam and Zimbabwe.

⁶ Austria, Belgium, Croatia, France, Ghana, Grenada, Ireland, Japan, Lao People's Democratic Republic, Mexico, New Zealand, Norway, Portugal, United Kingdom of Great Britain and Northern Ireland and Zambia.

⁷ Australia.

⁸ Oslo Convention Workshop (OCW), Bestovje, Croatia, 15-18 May 2012; Accra Regional Conference on the Universalization of the CCM (ARCU), Ghana, 28-30 May 2012.

⁹ <http://www.clusterconvention.org/work-programme/accra-regional-conference-on-the-universalization-of-the-ccm-28-30-may-2012/>.

¹⁰ The UN system is formally coordinated under the Inter-Agency Coordination Group on Mine Action, which comprises of 14 UN entities.

¹¹ BBC News, "Sudan denies attacking South Kordofan civilians," 7 March 2012, <http://www.bbc.co.uk/news/world-africa-17294210>.

¹² Lebanon, Norway and CMC.

¹³ Sudan statement at the Intersessional meeting, Geneva, 16-19 April 2012.

¹⁴ See BPR (paragraph 21).

¹⁵ Mission conducted by Cambodia Campaign to Ban Landmines and Cluster Bombs on 9 February and 12 February 2011 and by NPA on 1-2 April 2011.

¹⁶ 31 August 2011, Landmine and Cluster Munition Monitor, Thailand County profile,

18. The Coordinators on Universalization have reported to have cooperated with a team of eleven States Parties,¹⁷ ICRC and CMC to enhance a regional approach in universalization efforts. Several States reported to have cooperated with other States Parties and partners such as UNDP, CMC, ICRC, UNICEF, UNMAS and operators such as Handicap International (HI) and Norwegian's People Aid (NPA) to promote universalization and norms of the CCM.

19. At the 3MSP the Coordinators on Universalization, Japan and Portugal reported to have conducted a joint global demarche on universalization in the months of June and July to 113 States not party. Through the respective foreign missions of the Coordinators, the demarche was delivered by both states or individually, according to the locations of the missions.

20. The IACG-MA, ICRC and CMC have reported actions to promote the universalization of the CCM. On the occasion of the International Day for Mine Awareness and Assistance in Mine Action (4 April), the Secretary-General of the United Nations called for the universal adherence to the CCM and other humanitarian disarmament treaties.

21. Outreach efforts in line with action #7 have resulted in the participation of 80 States not party to the Convention at the 2MSP,¹⁸ 31 States not party at the intersessional meeting,¹⁹ 20 States not party at the ARCU²⁰ and one State not party at the OCW. Five States Parties²¹ provided financial support for sponsorship programmes enabling the participation of 40 States not party at the 2MSP, 12 States not party at the intersessional meeting, 21 States not party at the ARCU and 32 States not party at the 3MSP.

Challenges and questions for discussion at the 3MSP

22. While ratifications are proceeding at a regular pace, accession by non-signatories, especially those that produce and/or stockpile cluster munitions, is a particular challenge that should be addressed. Questions raised within the BPR with particular reference to 27 (c)-(d) and 28 (a)-(c) on reinforcing the norms remain the same. Further to this, given the recent regional workshop in Accra, the following questions have been identified:

(a) With regards to sub-Saharan Africa, what steps should be taken to effectively implement the Accra Action Plan on the Universalization of the CCM, especially to bring on board non-signatories, including producers and/or stockpilers?

(b) How could States Parties further utilise regional and linguistic groups to promote the Convention among States not yet party?

http://www.themonitor.org/index.php/cp/display/region_profiles/theme/2244#_ftn22.

¹⁷ Japan (Co-coordinator; Asia and Pacific), Portugal (Co-coordinator; Portuguese-speaking countries), Belgium (Western Europe), Bulgaria (Eastern Europe), Canada (North America), Chile (South America), Costa Rica (Caribbean countries), Lao People's Democratic Republic (Asia and Pacific), Lebanon (Middle East), Zambia and Togo (anglophone and francophone Africa respectively).

¹⁸ See participant list, 2MSP, at <http://www.unog.ch>.

¹⁹ See participant list, intersessional meeting, at <http://www.clusterconvention.org/work-programme/intersessional-meeting-2012/>.

²⁰ See participant list, ARCU, at <http://www.clusterconvention.org/work-programme/accra-regional-conference-on-the-universalization-of-the-ccm-28-30-may-2012/>.

²¹ Austria, Germany, Ireland, Norway and Switzerland.

IV. Stockpile destruction

Scope

23. A total of 17 States Parties²² have declared that they have on-going obligations under Article 3 of the Convention, seven of those having done so since the 2MSP.²³ One State not party²⁴ declared to have existing stockpiles. In addition, the Cluster Munition Monitor 2012 reports that five States not party²⁵ previously stockpiled cluster munitions and six States not party²⁶ have existing stockpiles of cluster munitions.

24. A total of 13 States Parties²⁷ have declared completion of their stockpile destruction obligations, six of those having done so before the Convention entered into force. One State not party²⁸ declared to have completed the destruction of stockpiled cluster munitions. Three States Parties²⁹ declared to have completed the destruction of their respective stockpiles since the 2MSP. Two States Parties³⁰ that had previously declared having completed stockpile destruction have since discovered additional stockpiles of cluster munitions requiring destruction.

Actions # 8-9

25. In line with **action #8**, eight³¹ out of the 17 States Parties with declared obligations under Article 3 have begun destruction of stockpiles. According to the Cluster Munition Monitor 2012, some 744,231 cluster munitions and 85.8 million explosive submunitions have already been destroyed by States Parties to date. Of the 17 States Parties with stockpiles, six³² confirmed that destruction would be completed well in advance of their eight-year deadline, and five³³ provided a specific timeline to achieve this. The remaining States Parties stated they have a plan in place to meet their deadline or are in the process of developing concrete implementation plans to do so. Between the 2MSP and 3MSP, one State party³⁴ and five States not party³⁵ provided information regarding previous, on-going or planned destruction. Twelve³⁶ of the 17 States Parties that have declared to have

²² Bosnia and Herzegovina, Bulgaria, Chile, Croatia, Denmark, France, Germany, Guinea-Bissau, Italy, Japan, Mozambique, Netherlands, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland.

²³ Bosnia and Herzegovina, Bulgaria, Mozambique, Netherlands, Spain and The former Yugoslav Republic of Macedonia.

²⁴ Canada.

²⁵ Angola, Colombia, Congo, Hungary and Iraq.

²⁶ Canada, Guinea, Indonesia, Nigeria, Peru and South Africa.

²⁷ Afghanistan, Austria, Belgium, Bosnia and Herzegovina, Czech Republic, Ecuador, Montenegro, Netherlands, Norway, Portugal, Republic of Moldova, Slovenia and Spain.

²⁸ Colombia.

²⁹ Bosnia and Herzegovina, Netherlands and Slovenia.

³⁰ Bosnia and Herzegovina and Spain.

³¹ Denmark, France, Germany, Italy, Netherlands, Sweden, The former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland.

³² Denmark, Germany, Italy, Sweden, The former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland.

³³ Denmark, Germany, Switzerland, The former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland.

³⁴ Switzerland.

³⁵ Canada, Colombia, Democratic Republic of the Congo, Nigeria and Peru.

³⁶ Bosnia and Herzegovina, Bulgaria, Croatia, Denmark, France, Germany, Italy, Japan, Mozambique, Netherlands, The former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland.

obligations to destroy existing stockpiles of cluster munitions have submitted Article 7 reports that provide information on the number of cluster munitions stockpiled.

26. Twelve States Parties³⁷ and one signatory State³⁸ have declared to retain cluster munitions and explosive sub munitions for the development of and training in cluster munitions and explosive sub munitions detection, clearance or destruction techniques, or for the development of cluster munitions counter-measures. Between the 2MSP and 3MSP, ten of these provided information about the types and quantities of retained cluster munitions.³⁹

27. Two States Parties⁴⁰ report that they are in the process of determining the quantities they plan to retain for permitted purposes.

28. Five States Parties⁴¹ reported on the consumption of retained munitions for training purposes. One State party⁴² declared retaining only items free from explosives which are not defined as cluster munitions.

Challenges and questions for discussion at the 3MSP

29. A highlight from the 2012 intersessional meeting was that all States Parties that provided information regarding existing stockpiles have taken concrete steps in line with **actions #8-9**, the majority indicating that destruction was scheduled to be completed well in advance of the eight-year deadline. A key challenge is to maintain this positive momentum and ensure adequate assistance for the completion of stockpile destruction obligations, including through cooperation with relevant organizations to those states requesting such support.

30. Another challenge is to get clarity on the size of stockpiles and concrete destruction plans from those States Parties that have not presented them so far. With reference to section IV of the BPR, all of the questions previously raised should still be considered relevant. However most notably, key questions/challenges have been identified as the following:

(a) With reference to section IV, 37(a) of the BPR, which obstacles/difficulties have states encountered while destroying stockpiles or developing destruction plans so far, and are they being adequately addressed?

(b) How can States Parties and other organizations best cooperate with States facing difficulties, including those relating to the issues of safety management of stockpiles separated for destruction, identification of cluster munitions within ammunition storage depots, and costs associated with stockpile destruction?

(c) How can the Article 7 reporting mechanism and meetings of the Convention be used to ensure that the amount of retained sub munitions does not exceed the minimum number deemed absolutely necessary?

³⁷ Belgium, Croatia, Czech Republic, Denmark, France, Germany, Netherlands, Republic of Moldova, Spain, Sweden, Switzerland and United Kingdom of Great Britain and Northern Ireland.

³⁸ Australia.

³⁹ Belgium, Croatia, Czech Republic, Denmark, France, Germany, Netherlands, Republic of Moldova, Spain and United Kingdom of Great Britain and Northern Ireland.

⁴⁰ Denmark and Switzerland.

⁴¹ Belgium, Czech Republic, France, Germany and United Kingdom of Great Britain and Northern Ireland.

⁴² Croatia.

V. Clearance and Risk Reduction

Scope

31. After the compliance declaration of Grenada at the 3MSP, twelve States Parties⁴³ and five States not party⁴⁴ are believed to be affected and, when full party, have obligations under Article 4, and thus are expected to implement **actions #10-17**. This represents the majority of States and territories that are believed to be contaminated with cluster munitions remnants.

32. Ten States Parties⁴⁵ and three States not party⁴⁶ provided updates on the status and progress of their clearance programmes. Of those States Parties, one⁴⁷ formerly contaminated by cluster munitions remnants declared compliance with Article 4 since the 2MSP. Another State party⁴⁸ announced that it would complete its clearance obligations in 2013.

33. As indicated in the BPR, two States Parties⁴⁹ had already completed clearance and fulfilled their obligations prior to the entry into force of the Convention.

Actions #10-13

34. Four States Parties⁵⁰ reported having implemented measures for civilian protection from cluster munitions remnants in line with **action #11**. Nine States Parties⁵¹ and three States not party⁵² provided information on the size and location of contaminated areas and/or reported to have conducted or planned some sort of survey (technical, non-technical, baseline) in line with **action #12**. Of these, two States Parties⁵³ expect to complete survey activities in 2012 and 2013 respectively. Three States Parties⁵⁴ and two States not party⁵⁵ reported on efforts undertaken to develop and implement a national clearance plan in line with **action #13**.

Actions #14-16

35. Three States Parties⁵⁶ reported on how they had informed and included affected communities as outlined in **action #14**. With regards to **action #15**, six States Parties⁵⁷ and two States not party⁵⁸ reported on the methods applied for survey and clearance of

⁴³ Afghanistan, Bosnia and Herzegovina, Chile, Croatia, Germany, Guinea-Bissau, Lao People's Democratic Republic, Lebanon, Mauritania, Montenegro, Mozambique and Norway.

⁴⁴ Angola, Chad, Democratic Republic of the Congo, Iraq and Uganda.

⁴⁵ Afghanistan, Bosnia and Herzegovina, Croatia, Germany, Grenada, Lao People's Democratic Republic, Lebanon, Mauritania, Mozambique and Norway.

⁴⁶ Chad, Cambodia and Serbia.

⁴⁷ Grenada.

⁴⁸ Norway.

⁴⁹ Albania and Zambia.

⁵⁰ Bosnia and Herzegovina, Lebanon, Mozambique and Norway.

⁵¹ Afghanistan, Bosnia and Herzegovina, Croatia, Germany, Lao People's Democratic Republic, Lebanon, Mauritania, Montenegro and Norway.

⁵² Chad, Cambodia and Serbia.

⁵³ Germany and Mauritania.

⁵⁴ Lao People's Democratic Republic, Lebanon and Mauritania.

⁵⁵ Cambodia and Chad.

⁵⁶ Lao People's Democratic Republic, Lebanon and Mozambique.

⁵⁷ Bosnia and Herzegovina, Croatia, Germany, Lao People's Democratic Republic, Lebanon and Mauritania.

⁵⁸ Chad and Cambodia.

contaminated areas. Three States Parties⁵⁹ provided updated comprehensive information with regards to methodologies for the release of land previously considered suspected in line with **action #16**. A panel of experts at the 2012 intersessional meeting called affected States' attention to the importance of using reliable and context-specific survey and clearance techniques in order to obtain the most accurate estimate of remaining contamination and clearing it in the most efficient manner.

Action #17

36. Four States Parties⁶⁰ provided updates on their efforts undertaken to develop and provide targeted risk reduction programmes and one State not party⁶¹ provided details on its new concept paper discussing matters relating to risk reduction.

Action #18 and 19

37. At the 2012 intersessional meeting the Coordinators on Clearance and Risk Reduction, Ireland and Lao People's Democratic Republic announced the development of a document building on the paper on the application of all appropriate means for the efficient implementation of Article 4 which focused on land release and was presented by Australia, then the thematic Friend on Clearance at the 2MSP.

Challenges and questions for discussion at the 3MSP

38. A key challenge for States Parties is to develop or to further elaborate on comprehensive national strategic plans that apply effective, context-specific and appropriate methods and technologies for the reduction of the area of land previously suspected of being contaminated and the clearance of land that is found to be contaminated. Therefore, it will be important to maintain an on-going exchange between technical experts from the field and responsible governmental agencies of affected States. Thus the following questions may be considered as relevant for 3MSP:

- (a) What steps should States Parties take to develop cost-efficient and tailored plans which meet the specific problems in each affected State or territory?
- (b) How can States Parties increase efficiency in surveying and clearing cluster munitions remnants?
- (c) What additional issues, including mixed contamination with cluster munitions remnants and landmines, insufficient survey data and varying environmental conditions do States and operators face in clearance operations and how might these best be addressed?
- (d) How can States Parties effectively mobilize resources for clearance operations and risk reduction programmes?

⁵⁹ Croatia, Lao People's Democratic Republic and Lebanon.

⁶⁰ Bosnia and Herzegovina, Croatia, Lao People's Democratic Republic and Lebanon.

⁶¹ Cambodia.

VI. Victim Assistance

Scope

39. Since the 2MSP two more States Parties⁶² and one additional State not party⁶³ either have or are reported to have cluster munition victims and, when full parties, obligations under Article 5 (1), which entail expectations for the implementation of **actions #20-32** by 15 States.⁶⁴ Of these, three States Parties⁶⁵ and three States not party⁶⁶ are considered to have the largest number of cluster munition victims, with the challenge of the responsibility to address the needs of several thousands of survivors. Three States Parties⁶⁷ and one State not party⁶⁸ provided updated information on the numbers of registered casualties and victims.

Actions #20- 23

40. In addition to the five States Parties⁶⁹ already mentioned in the BPR, three States not party⁷⁰ have reported on the establishment of a coordinating mechanism in line with **action #21**. The five States Parties⁷¹ that reported to have undertaken or started data collection in line with **action #22** in the BPR, further declared to have undertaken steps to improve casualty data collection and/or needs assessment. Another State party⁷² and State not party⁷³ were reported to have started data collection on victims.

41. Adding to the four States Parties⁷⁴ mentioned in the BPR, four more States Parties⁷⁵ reported to have implemented **action #23** by integrating their victim assistance efforts with existing disability-related coordination mechanisms.

Actions #24-29

42. Four⁷⁶ out of the five States Parties⁷⁷ that reported to have developed plans in line with **action #24** in the BPR and two States not party⁷⁸ have developed and/or updated comprehensive national action plans in the reporting period.

⁶² Guinea-Bissau and Montenegro.

⁶³ Uganda.

⁶⁴ Afghanistan, Albania, Bosnia and Herzegovina, Croatia, Guinea-Bissau, Lao People's Democratic Republic, Lebanon, Montenegro, Mozambique and Sierra Leone; Angola, Chad, Democratic Republic of the Congo, Iraq and Uganda.

⁶⁵ Afghanistan, Lao People's Democratic Republic, and Lebanon.

⁶⁶ Iraq, Cambodia and Viet Nam.

⁶⁷ Bosnia and Herzegovina, Lao People's Democratic Republic and Lebanon.

⁶⁸ Chad.

⁶⁹ Albania, Bosnia and Herzegovina, Croatia, Lao People's Democratic Republic and Lebanon.

⁷⁰ Democratic Republic of the Congo and Uganda; Cambodia.

⁷¹ Albania, Bosnia and Herzegovina, Croatia, Lao People's Democratic Republic and Lebanon.

⁷² Chile.

⁷³ Democratic Republic of the Congo.

⁷⁴ Albania, Bosnia and Herzegovina, Croatia and Lao People's Democratic Republic.

⁷⁵ Chile, Lebanon, Montenegro and Mozambique.

⁷⁶ Albania, Croatia, Lao People's Democratic Republic and Lebanon.

⁷⁷ Albania, Bosnia and Herzegovina, Croatia, Lao People's Democratic Republic and Lebanon.

⁷⁸ Democratic Republic of the Congo and Uganda.

43. Five States Parties⁷⁹ and one State not party⁸⁰ reported to have undertaken, or to have planned actions, to enhance the accessibility of victim assistance services in line with **action #25** including improvements in prosthetics services, healthcare/rehabilitation services in previously contaminated areas, and free medical care and distribution of disability cards to survivors. Three States Parties⁸¹ reported to have conducted outreach activities to raise awareness among cluster munitions survivors about their rights and available services in line with **action #27**. One State not party⁸² is undertaking steps aimed at increasing awareness for services available.

44. With regards to **action #28**, four States Parties⁸³ and one State not party⁸⁴ reported to have undertaken steps to enhance the social and economic inclusion of cluster munition victims in the form of trainings and income-generating projects.

45. Three States Parties⁸⁵ have reported on steps taken to mobilize national and international resources in line with **action #29**. Four States Parties⁸⁶ and one State not party⁸⁷ highlighted that funding of victim assistance measures remains a challenge.

Actions #30-32

46. Seven States Parties⁸⁸ and three States not party⁸⁹ are reported to have actively involved cluster munition victims and their representative organizations in the development of victim assistance plans and/or national coordination mechanisms as laid down in **action #30**. Three States Parties⁹⁰ and one State not party⁹¹ included victims as experts in their delegations to meetings in the context of the CCM, as envisaged by **action #31**. In addition, representatives from organizations⁹² working in affected States⁹³ were invited by the Coordinators as speakers in the panel during the session on victim assistance. On the national level, seven States Parties⁹⁴ involve survivors or their representative organizations in victim assistance or disability coordination mechanisms. Since the 2MSP, five States Parties⁹⁵ and one State not party⁹⁶ have also reported about the benefit of close collaboration with NGOs in implementation of victim assistance provisions at the national and local level.

⁷⁹ Albania, Guinea-Bissau, Lao People's Democratic Republic, Lebanon and Montenegro.

⁸⁰ Chad.

⁸¹ Albania, Lao People's Democratic Republic and Lebanon.

⁸² Chad.

⁸³ Albania, Bosnia and Herzegovina, Lao People's Democratic Republic and Lebanon.

⁸⁴ Uganda.

⁸⁵ Croatia, Lao People's Democratic Republic and Lebanon.

⁸⁶ Albania, Croatia, Lao People's Democratic Republic and Lebanon.

⁸⁷ Uganda.

⁸⁸ Afghanistan, Bosnia and Herzegovina, Chile, Croatia, Lao People's Democratic Republic, Lebanon and Mozambique.

⁸⁹ Democratic Republic of the Congo and Uganda; Cambodia.

⁹⁰ Albania, Bosnia and Herzegovina and Croatia.

⁹¹ Uganda.

⁹² Cooperative Orthotic and Prosthetic Enterprise (COPE), Organization of Amputees (UDAS) and Albanian Mine Action Executive (AMAE).

⁹³ Lao People's Democratic Republic, Bosnia and Herzegovina and Albania.

⁹⁴ Afghanistan, Albania, Bosnia and Herzegovina, Croatia, Lao People's Democratic Republic, Lebanon and Mozambique.

⁹⁵ Bosnia and Herzegovina, Chile, Croatia, Lao People's Democratic Republic and Lebanon.

⁹⁶ Uganda.

Challenges and questions for discussion at the 3MSP

47. The challenges and questions which have been raised in the BPR should still be considered relevant.

48. A challenge for States Parties appears to be the involvement of victims and their representative organizations in the policy development and practical implementation of victim assistance measures, partly through their inclusion within State delegations at the intersessional meetings and Meetings of States Parties, but importantly also within decision-making processes at both national and local levels.

49. A second challenge is to foster cooperation and collaboration across all related international legal instruments to ensure that survivors' rights are respected, with particular reference to the Convention on the Rights of Persons with Disabilities (CRPD) as the comprehensive international legal framework for a non-discriminatory and human-rights based approach to victim assistance.

50. A third challenge is to maximise the potential for collaboration and cooperation between States Parties and civil society actors on the ground, who in most cases have direct access to victims and a comprehensive understanding of their needs as well as to the extent of implementation on the ground.

51. At the national level, several issues appear to warrant discussion among partners at the 3MSP:

(a) What lessons have been learnt by those States Parties that have already conducted needs assessments for their survivors? How could these experiences help to improve future evaluations and surveys relating to survivors' needs? How can age and gender-specific needs be mainstreamed into victim assistance programming, from early planning stages through to implementation?

(b) What steps should be taken by States Parties to improve the economic and social integration of victims, including ensuring adequate access to education and work, a continuous exchange of good practices and experiences on private and public sector involvement, and the fostering of micro-financing initiatives?

(c) What steps should be taken by States Parties to increase availability/accessibility of services for all cluster munition victims in areas where it is known that there are few or no relevant services provided?

(d) What steps should be taken by States Parties to ensure adequate and predictable support, both financial and in-kind, for the implementation of victim assistance provisions?

VII. International cooperation and assistance

Scope

52. A total of 22 States Parties⁹⁷ reported to have obligations under Articles 3, 4 and/or 5, six of those having provided this information since the 2MSP.⁹⁸ A total of eleven⁹⁹ of these States Parties have declared the need for assistance since entry into force.

⁹⁷ Afghanistan, Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Denmark, France, Germany, Grenada, Guinea-Bissau, Japan, Lao People's Democratic Republic, Lebanon, Mauritania,

53. Since the 2MSP, three additional States Parties¹⁰⁰ have reported providing support to affected States. Twenty-one States Parties¹⁰¹ and four States not party¹⁰² have thus reported that they have provided financial or in-kind contributions for international cooperation and assistance.

Actions # 33-36

54. Four States Parties¹⁰³ have indicated the need for assistance with regards to stockpile destruction. Two States not party¹⁰⁴ with existing stockpiles indicated a need for technical and/or financial assistance for their destruction.

55. Between the 2MSP and 3MSP, one State party¹⁰⁵ reported to have undertaken the destruction of its stockpiles with financial assistance provided by UNDP, in line with **action #34**. Two States Parties¹⁰⁶ have not provided further updates on whether they foresee the needs regarding cooperation and assistance since the 2011 CCM intersessional meeting. Six States Parties¹⁰⁷ indicated assistance needs for clearance and/or risk reduction.

56. Five States Parties¹⁰⁸ have indicated needs for support with regards to victim assistance implementation.

57. During the 2012 intersessional meeting five States Parties¹⁰⁹ reported on cooperation with civil society groups, corporations, international organisations and other States Parties in line with **actions # 34-35**. One State party¹¹⁰ delivered a presentation on technical cooperation and information exchange with regards to promising practices in accordance with **action #36**.

Actions # 37-42

58. Two States Parties¹¹¹ reported to have provided assistance for stockpile destruction; 24 States¹¹² provided assistance for clearance and risk reduction; four States Parties¹¹³ and one State not party¹¹⁴ reported to have provided financial assistance for victim assistance.

Montenegro, Mozambique, Netherlands, Norway, Sierra Leone, Switzerland, The former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland.

⁹⁸ Afghanistan, Grenada, Mauritania, Mozambique, Switzerland and The former Yugoslav Republic of Macedonia.

⁹⁹ Albania, Bosnia and Herzegovina, Croatia, Grenada, Guinea-Bissau, Lao People's Democratic Republic, Lebanon, Mozambique, Peru, The former Yugoslav Republic of Macedonia and Zambia.

¹⁰⁰ Italy, Lebanon and Netherlands.

¹⁰¹ Austria, Belgium, Croatia, Denmark, France, Germany, Holy See, Ireland, Italy, Japan, Lebanon, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Slovenia, Spain, Sweden, Switzerland and United Kingdom of Great Britain and Northern Ireland.

¹⁰² Australia, Liechtenstein and South Africa, Cambodia.

¹⁰³ Bosnia and Herzegovina, Croatia, Mozambique and The former Yugoslav Republic of Macedonia.

¹⁰⁴ Nigeria and Peru.

¹⁰⁵ Bosnia and Herzegovina.

¹⁰⁶ Côte d'Ivoire and Guinea-Bissau.

¹⁰⁷ Croatia, Grenada, Lao People's Democratic Republic, Lebanon, Mozambique and The former Yugoslav Republic of Macedonia.

¹⁰⁸ Afghanistan, Albania, Lao People's Democratic Republic, Lebanon and Zambia.

¹⁰⁹ Croatia, Germany, Grenada, Lao People's Democratic Republic and Lebanon.

¹¹⁰ Croatia.

¹¹¹ Austria and Sweden.

¹¹² Australia, Austria, Belgium, Cambodia, Croatia, Denmark, France, Germany, Holy See, Ireland, Italy, Japan, Lebanon, Liechtenstein, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Slovenia, South Africa, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland.

¹¹³ Austria, Belgium, Japan and Norway.

59. During the 2012 intersessional meeting, two States Parties¹¹⁵ and three States not party¹¹⁶ emphasized their readiness to provide assistance in line with **action #42**.

Actions # 43-50

60. Implementing **actions #43-48**, the Coordinators on Cooperation and Assistance, Mexico and Spain have initiated the production of a catalogue on best practices and lessons learnt in cooperation and assistance. In line with **action #46**, one State party¹¹⁷ reported on having conducted mine risk education trainings for civilians and deminers in Libya. During the 2012 intersessional meeting, three States Parties¹¹⁸ and two States not party¹¹⁹ shared their views on the practical implementation of the Convention's international cooperation and assistance provisions in line with **action #48**.

Challenges and questions for discussion at the 3MSP

61. As indicated in the BPR, the challenge remains for States Parties with obligations under Article 3, 4 and/or 5 and with needs for international cooperation and assistance to develop comprehensive plans identifying the extent of the problem, accurate needs, priorities and timelines, and communicate these to the community of the Convention. States and other actors providing support for implementation of the Convention should engage with those States which express the need for or request assistance and discuss and structure their support according to such plans.

62. Furthermore, another challenge that has been identified is the need to maintain reliable and continuous assistance to affected states for long-term requirements and objectives, once initial goals have been completed. All of the questions previously raised in section VII of the BPR should still be considered relevant. However most notably, key questions/challenges have been identified as the following:

(a) How could the partnerships between donor countries, affected countries and the mine action community improve, in order to increase efficiency and ensure an integrated and results-focused approach to stockpile destruction, clearance and victim assistance? How can the framework of the CCM be utilised to better facilitate and enable the communication of needs amongst States Parties?

(b) Which steps can States Parties take to ensure that funding, technology, skills and experience are used to address long-term objectives, such as provision of care for affected communities?

VIII. Implementation Support

63. The President, the Coordinators and States Parties consulted broadly with and included relevant organisations in consultations and thematic working group meetings in line with **Actions #51-52**. Civil society and international organisations participated actively in the 2012 intersessional meeting and provided expert input on key thematic areas. Implementing **Action #53**, at the 2MSP States Parties appointed coordinators to lead

¹¹⁴ Australia.

¹¹⁵ Germany and Lebanon.

¹¹⁶ Australia, Madagascar and South Africa.

¹¹⁷ Croatia.

¹¹⁸ Croatia, Germany and Norway.

¹¹⁹ Australia and South Africa.

working groups on key thematic areas. Coordination Committee meetings have been convened on a monthly basis to exchange information on progress within the respective thematic areas and consult on matters pertaining to the Presidential mandate to establish an Implementation Support Unit (ISU) and the coordination of work for the successful implementation and universalization of the Convention.

64. Building on close consultations with States Parties and coordinators, the President of the 2MSP, assisted by the Executive Coordination Team at UNDP, prepared a draft working paper on an ISU, possible elements for a draft decision on an ISU and background documentation for potential financing models for an ISU, in line with **Action #54**.¹²⁰ Fulfilling the mandate given to the President by States Parties at the 2MSP,¹²¹ the Presidency has held broad consultations with States, the Coordination Committee and the GICHD. Presented with the outcome of these consultations, the 3MSP decided that additional time was needed to conclude on this matter and consequently mandated the incoming President to further negotiate, in consultation with States Parties, an agreement on the hosting of an ISU, as well as its establishment and a funding model, and present these proposals to States Parties for approval.

65. In accordance with **Actions #55-56** synergies have been pursued in clearance activities ensuring integrated demining operations inclusive of all types of Explosive Remnants of War (ERW). The Coordinators on Victim Assistance convened meetings addressing operational aspects across conventions of victim assistance on the ground.

Challenges and questions for discussion at the 3MSP

66. With reference to section VIII of the BPR, both of the questions previously raised should still be considered relevant. However most notably, key questions/challenges have been identified as the following:

(a) What steps should be taken by the Coordination Committee and States to ensure that the technical and financial resources made available from States in a position to do so, international organizations and civil society are applied in the most suitable manner?

(b) Considering long-term objectives, especially with regard to stockpile destruction, clearance and victim assistance, how should States Parties best utilise the ISU to ensure universal adherence to the Convention's norms in the most timely and effective manner possible? What should be the role of a future ISU in support of the implementation and universalization of the CCM?

IX. Transparency

67. 66 States Parties had Article 7 reporting deadlines in the time period up to the 3MSP. Since the 1MSP, 47 States Parties¹²² have, as of 14 September 2012, submitted their initial Article 7 transparency reports. Three¹²³ initial Article 7 reports have also been submitted on a voluntary basis. Twenty-eight States Parties have not yet submitted their initial transparency reports and of these, nine States Parties' submissions are not yet due.

¹²⁰ <http://www.clusterconvention.org/work-programme/intersessional-meeting-2012/>.

¹²¹ See section IV paragraph 29, Final Report of the Second Meeting of States Parties.

¹²² See annex I, section VIII.

¹²³ Canada, Democratic Republic of the Congo and Palau.

68. 41 States Parties were required to submit an annual Article 7 report by 30 April 2012 in accordance with **action #59**. Of these, 32¹²⁴ reports have been submitted and two States not party¹²⁵ have provided updated annual Article 7 reports on a voluntary basis.

69. The Coordinator on Reporting, Belgium, reported that letters have been sent to remind States Parties on their Article 7 obligations. Implementing **action #62**, the Coordinator presented a Guide on transparency reporting at the 3MSP and informed that a Contact Group on reporting has been established to exchange lessons learnt from reports existing in other disarmament conventions. Discussions have also been initiated around the opportunity of integrating practical presentations on reporting within the other thematic sessions during the 2013 intersessional meeting.

Challenges and questions for discussion at the 3MSP

70. A key objective and challenge is to ensure that those States Parties that are late in submitting their initial Article 7 report or annual update quickly do so. Another challenge remains to improve the varying quality of the Article 7 reports and ensure that particularly information pertaining to the implementation of States Parties' obligations under Article 3, 4 and 5 is being provided in a consistent and useful manner. Questions remain largely the same as those identified in the BPR. In addition, the following questions might be raised:

(a) What are the obstacles keeping States Parties from fulfilling their reporting obligations? How can these be overcome and how can States Parties facing difficulties be assisted?

(b) How can States Parties find a consistent way of reporting technical details on their obligations under Article 3, 4 and 5 so that progress in clearance, stockpile destruction and victim assistance can be conclusively established to support lessons learned and best practices that can be further shared amongst States Parties?

X. National Implementation Measures

Action #63

71. With eight more States Parties¹²⁶ reporting to have adopted legislation relating to the Convention's implementation since the 2MSP, the number of States Parties with legislation specifically aimed at implementation of the CCM now stands at 19.¹²⁷ An additional four States Parties¹²⁸ have indicated that their existing legislation is considered adequate, increasing the number of States Parties considering their legislation as sufficient to a total of 12. The number of States Parties developing legislation now stands at twelve, as six more States Parties¹²⁹ stated that they are in the process of developing implementation legislation during the reporting period. The number of States not party that reported to be in the process of adopting legislation remains at three.¹³⁰ The observer delegations of the CMC and ICRC, and the IACG-MA raised concerns with regards to possible

¹²⁴ See annex I, section VIII.

¹²⁵ Canada and Democratic Republic of the Congo.

¹²⁶ Australia, Cook Islands, Czech Republic, Ecuador, Guatemala, Portugal, Sweden and Switzerland.

¹²⁷ See annex I, section IX.

¹²⁸ Denmark, Netherlands Nicaragua and The former Yugoslav Republic of Macedonia.

¹²⁹ Afghanistan, Bulgaria, Burundi, Ghana, Lebanon and Sierra Leone.

¹³⁰ Australia, Canada and Democratic Republic of the Congo.

inconsistencies contained in national legislations either adopted or being considered that may be contrary to the letter and spirit of the Convention.

72. Five States Parties¹³¹ reported to have undertaken other administrative measures such as adapting the armed forces training curriculum,¹³² ordering to decommission all cluster munitions and the establishment of an interim National Authority to coordinate obligations under the Convention,¹³³ as well as Prime Minister's decrees.¹³⁴

Actions #64-65

73. Three States Parties¹³⁵ reported on how they have informed other relevant State agencies about the prohibitions and requirements of the Convention.

Challenges and questions for discussion at the 3MSP.

74. The questions raised within the BPR, with particular reference to 77 (a) and (b), regarding obstacles to the swift adoption of legislation to give effect to the Convention's provisions remain extant:

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

(b) Which steps can a State party take to inform all relevant national actors, including its armed forces, and in the context also of joint military operations with States not party, about its obligations under the Convention?

XI. Compliance

75. No issues of non-compliance by a State Party have yet been raised, apart from noting that the number of States Parties having adopted or initiated new legislation remains low and that ten States Parties¹³⁶ are late with their annual Article 7 transparency reports. Furthermore, some 19 States Parties¹³⁷ are late in submitting their initial transparency report. Especially when considering the progress made in stockpile destruction and clearance, the general impression is that States Parties and States not party are showing great determination to implement the Convention rapidly and thoroughly. In the spirit of the Convention, any compliance concerns in the future should be addressed in a cooperative manner, where States Parties help other States Parties to resolve any potential compliance issue.

76. Challenges and questions for discussion at the 3MSP are largely the same as those identified in the Beirut Progress Report.

¹³¹ Bulgaria, Croatia, Denmark, Lao People's Democratic Republic and The former Yugoslav Republic of Macedonia.

¹³² Croatia.

¹³³ Bulgaria.

¹³⁴ Lao People's Democratic Republic.

¹³⁵ Croatia, Denmark and Lebanon.

¹³⁶ Burkina Faso, Burundi, Ecuador, Lesotho, Malawi, Malta, Montenegro, Nicaragua, Sierra Leone and Uruguay.

¹³⁷ Antigua and Barbuda, Botswana, Cape Verde, Chile, Cook Islands, Comoros, Costa Rica, El Salvador, Fiji, Guinea-Bissau, Mali, Niger, Panama, Saint Vincent and the Grenadines, Senegal, Seychelles, Swaziland, Trinidad and Tobago and Tunisia.

Appendix

Tables outlining progress updates in the various thematic areas.

III. Universalization

<i>75 States Parties (by region)</i> ¹³⁸	<i>36 Signatories</i>
Africa (22)	Africa (21)
Botswana, Burkina Faso, Burundi, Cameroon , Cape Verde, 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, Chad, Congo, Democratic Republic of the Congo, Djibouti, Gambia, Guinea, Kenya, Liberia, Madagascar, Namibia, Nigeria, Rwanda, Sao Tome and Principe, Somalia, South Africa, Uganda and United Republic of Tanzania
Americas (15)	Americas (7)
Antigua and Barbuda, Chile, Costa Rica, Dominican Republic , El Salvador, Ecuador, Grenada, Guatemala, Honduras , Mexico, Nicaragua, Panama, Trinidad and Tobago , Saint Vincent and the Grenadines, Uruguay	Bolivia (Plurinational State of), Canada, Colombia, Haiti, Jamaica, Paraguay, Peru
Asia (3)	Asia (2)
Afghanistan, Japan, Lao People's Democratic Republic	Indonesia, Philippines
Europe (30)	Europe (3)
Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic , Denmark, France, Germany, Holy See, Hungary , Ireland, Italy , Lithuania, Malta, Moldova, Monaco, Montenegro, Netherlands, Luxembourg, Norway, Portugal, San Marino, Slovenia, Spain, Sweden , Switzerland , The former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland	Cyprus, Iceland, Liechtenstein
Middle East (1)	Middle East (1)
Lebanon	Iraq
Pacific (4)	Pacific (3)
Cook Islands, Fiji, New Zealand, Samoa	Australia, Nauru, Palau

¹³⁸ New States Parties since Second Meeting of States Parties in *italics*: Trinidad and Tobago (21/09/2011), Italy (21/09/2011), Czech Republic (22/09/2011), Dominican Republic (20/12/2011), Mauritania (01/02/2012), Côte d'Ivoire (12/03/2012), Honduras (21/03/2012), Sweden (23/04/2012), Togo (22/06/2012), Hungary (05/07/2012), Cameroon (12/07/2012), Switzerland (17/07/2012),

IV. Stockpile Destruction

<i>States Parties with obligations under Art. 3</i>	<i>States Parties that have completed their Art. 3 obligations¹³⁹</i>	<i>States Parties retaining stockpiles for training purposes</i>	<i>States Parties that have provided information on retained stockpiles</i>
Bosnia and Herzegovina, Bulgaria, Chile, Croatia, Denmark, France, Germany, Guinea-Bissau, Honduras, Italy, Japan, Mozambique, Spain, Sweden, Netherlands, The former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland	Afghanistan, Austria, Belgium, Bosnia and Herzegovina, Czech Republic, Ecuador, Montenegro, Netherlands, Norway, Portugal, Republic of Moldova, <i>Slovenia</i> , Spain	Belgium, Croatia, Czech Republic, Denmark, France, Germany, Republic of Moldova, Netherlands, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland	Belgium, Croatia, Czech Republic, Denmark, France, Germany, Republic of Moldova, Netherlands, Spain, United Kingdom of Great Britain and Northern Ireland

V. Clearance and Risk Reduction

<i>States Parties with obligations under Art. 4</i>	<i>States Parties that provided updates on the status and progress of their clearance programmes</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, Chile, Croatia, Germany, Guinea-Bissau, Lao People's Democratic Republic, Lebanon, Mauritania, Montenegro, Mozambique, Norway	Afghanistan, Bosnia and Herzegovina, Croatia, Germany, Grenada, Lao People's Democratic Republic, Lebanon, Mauritania, Mozambique, Norway	Afghanistan, Bosnia and Herzegovina, Croatia, Germany, Lao People's Democratic Republic, Lebanon, Mauritania, Montenegro, Norway	Mauritania, Lao People's Democratic Republic, Lebanon	Bosnia and Herzegovina, Croatia, Lao People's Democratic Republic, Lebanon

¹³⁹ States Parties that have completed their obligation since the 2MSP in *italics*.

VI. 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, Croatia, Guinea-Bissau, Lao People's Democratic Republic, Lebanon, Montenegro, Mozambique, Sierra Leone	Albania, Bosnia and Herzegovina, Chile, Croatia, Lao People's Democratic Republic, Lebanon, Montenegro, Mozambique	Albania, Bosnia and Herzegovina, Croatia, Lao People's Democratic Republic, Lebanon

VII. International cooperation and assistance

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

IX. Transparency

<i>States parties that have submitted their initial Article 7 reports</i>	<i>States parties that have submitted their annual Art. 7 report (as of 14 September)</i>	<i>Signatories that have voluntarily submitted Art. 7 reports</i>
Afghanistan, Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Burundi, Croatia, Czech Republic, Denmark, Ecuador, France, Germany, Ghana, 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 the Grenadines, Samoa, San Marino, Sierra Leone, Slovenia, Spain, The former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia	Albania, Austria, Belgium, Bosnia and Herzegovina, Croatia, Denmark, France, Ghana, Germany, Guatemala, Holy See, Ireland, Japan, Lao People's Democratic Republic, Lebanon, Lithuania, Luxembourg, Mexico, Monaco, Mozambique, New Zealand, Netherlands, Norway, Portugal, Republic of Moldova, San Marino, Saint Vincent and the Grenadines, Slovenia, Spain, The former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, Zambia	Canada, Democratic Republic of the Congo, Palau

X. National Implementation Measures

<i>States Parties that have adopted legislation relating to the Convention's implementation</i>	<i>States Parties that are developing legislation relating to the Convention's implementation</i>
Australia, Austria, Belgium, Cook Islands, Czech Republic, Ecuador, France, Germany, Guatemala Ireland, Japan, Luxemburg, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom of great Britain and Northern Ireland	Afghanistan, Albania, Bulgaria, Burkina Faso, Burundi, Croatia, Ghana, Lao People's Democratic Republic, Lebanon, Malawi, Sierra Leone, Zambia

Annex II

List of documents

<i>Symbol</i>	<i>Title</i>
CCM/MSP/2012/1	Provisional agenda
CCM/MSP/2012/2	Provisional programme of work
CCM/MSP/2012/2/Rev.1	Revised provisional programme of work
CCM/MSP/2012/2/Rev.1/Add.1	Annotated revised provisional programme of work
CCM/MSP/2012/3	Strengthening International Humanitarian Law
CCM/MSP/2012/4	Note by the Secretariat on estimated costs of the Third Meeting of States Parties to the Convention on Cluster Munitions
CCM/MSP/2012/5	Final document
CCM/MSP/2012/WP.1	Work programme 2013 for the implementation and universalization of the Convention on Cluster Munitions
CCM/MSP/2012/WP.2	Oslo progress report: monitoring progress in implementing the Vientiane Action Plan between the Second and the Third Meetings of States Parties
CCM/MSP/2012/WP.2/Amend.1	Oslo progress report: monitoring progress in implementing the Vientiane Action Plan between the Second and the Third Meetings of States Parties. Amendment
CCM/MSP/2012/WP.3	Description of a possible Implementation Support Unit
CCM/MSP/2012/WP.4	President's proposal for an Implementation Support Unit for the Convention on Cluster Munitions, including financial model and hosting agreement
CCM/MSP/2012/WP.5	President's mandate to further the negotiations on an Implementation Support Unit for the Convention on Cluster Munitions
CCM/MSP/2012/MISC.1	Provisional list of participants
CCM/MSP/2012/CRP.1	Draft final document
CCM/MSP/2012/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>.