

Review Conference of States Parties to the Convention on Cluster Munitions

23 December 2014

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Geneva, 5 February 2015

Item 5 of the provisional agenda

Presentation on the review of the Vientiane Action Plan

Review of the Vientiane Action Plan IV. Universalisation

Submitted by the President to the Fifth Meeting of States Parties

Key messages

1. The adoption, entry into force and implementation of the Convention on Cluster Munitions constitute truly ground-breaking progress toward putting an end to the unacceptable harm caused by cluster munitions. Less than six years after the opening for signature, most of the affected countries and a substantial number of former users, producers and stockpilers have joined this effort. The work of State parties to implement the provisions of the Convention, in clearance and risk reduction activities, in stockpile destruction and in assistance and support to victims, their families and communities, is making a real difference on the ground.
2. These advances are the result of the invaluable partnership between States, international organisations such as the United Nations, the International Committee of the Red Cross and the International Federation of the Red Cross and Red Crescent Societies and civil society organisations working together. But there is yet some way to go for the Convention to achieve universal adherence and for cluster munitions to be eliminated once and for all time. Despite the commitment of 115 States that are bound by the ban on cluster munitions, the weapon has been used with seven instances recorded since entry into force, and continue to kill and injure people with as many as 94 per cent being innocent civilians, including women and children.
3. However, the international norm whereby any use of cluster munitions, by whom and wherever in the world, is regarded as detestable is becoming stronger and stronger. Most States not party are influenced by international pressure and comply with the Convention's requirements in practice, although not legally bound to do so.



Scope

4. More than half of the States Members of the United Nations have committed themselves to the goals of the Convention and, through their signature, ratification or accession, are bound by the ban on all use, production, transfer and stockpiling of cluster munitions, less than six years after the opening for signature.

Progress

5. To date, 115 States have committed themselves to the goals of the Convention and 88 of them have become full States Parties¹ through ratification or accession, while 27 still need to ratify² The Convention enjoyed a rapid rate of ratifications and accessions in the first three years with 46 States by the First Meeting of States Parties, 17 additional by the Second Meeting of States Parties and 12 by the Third Meeting of States Parties. In the approach to the Fourth Meeting of States Parties eight States ratified or acceded and one additional State acceding by the Fifth Meeting of States Parties. Since then, however, motivated by the approach of the First Review Conference, the Convention on Cluster Munitions has welcomed four new States Parties in only two months and indications are that more will join in 2015.

6. Universalisation and outreach in line with the Vientiane Action Plan have been effective helping to maintain the interest of signatories and encouraging States not parties in joining the Convention. With the support of the United Nations, the International Committee of the Red Cross, the Cluster Munitions Coalition and other organizations, a variety of activities have been undertaken since the entry into force, including the establishment of a working group to pursue a regional approach in universalisation efforts. As a result, five regional universalisation workshops were held in Europe (Croatia), West Africa (Ghana and Togo) and in Latin America (Chile and Costa Rica). Geneva-based workshops addressing universalisation challenges have also been held targeting regional and linguistically cohesive groups. Actions also include non-papers submitted to Meetings of States Parties dedicated to universalisation reiterating the call to all States that have not yet done so, to consider ratifying or otherwise acceding to the Convention as a matter of priority.

7. Furthermore, and in accordance with universalisation efforts prompted by treaty obligations (Article 21), the five Presidents and States Parties have, by means of political demarches and visits to capitals; in bilateral and multilateral meetings; in political declarations and in encouraging observer participation in formal and informal meetings of the Convention, encouraged states not party to the Convention on Cluster Munitions to ratify or accede. In addition, the Secretary-General of the United Nations has over the years written with a periodicity of two years to States not party inviting them to consider joining the Convention. Further to this, the support of donor countries, outreach efforts and the establishment of a sponsorship programme have resulted in the participation of 34 States not party to the treaty at the Second Meeting of States Parties in Lebanon, 33 at the Third Meeting in Norway, 27 at the Fourth Meeting in Zambia and 15 at the Fifth Meeting in Costa Rica as well as a number of them participating also at the 2012, 2013 and 2014 informal intersessional meetings.

¹ Annex I “States that have ratified or acceded to the Convention on Cluster Munitions”.

² Annex II “States that have signed but have yet to ratify the Convention on Cluster Munitions”.

Challenges highlighted since the First Meeting of States Parties

8. Challenges in universalisation efforts have included how to reinforce the norm and end the use of cluster munitions by States not party, including full respect for the obligations under Article 21 of the Convention. In addition discussions have been held on how to increase the pace of ratification and accession to the Convention on Cluster Munitions by States not party but who nevertheless are contaminated by cluster munitions, in possession of stockpiles or producers of cluster munitions; and of those with responsibility for the wellbeing of survivors.

Recommendations

9. For further practical, time bound and purposeful guidance in universalisation efforts, stakeholder should promote:

- (a) Adherence to the Convention:
 - (i) Opportunities given by all relevant forums (i.e. parliamentary meetings), high level bilateral and regional meetings to engage stakeholders and promote adherence to the Convention as soon as possible, emphasizing that it works and that countries are meeting their obligations under the Treaty (with stockpile destruction being the largest success) and that the stigma against the weapon is strong;
 - (ii) Continued outreach and engagement with States not party in all appropriate fora, including capitals.
- (b) Cooperation and assistance:
 - (i) Continue cooperation among States Parties and other relevant partners including international organisations and civil society to promote the universalisation of the Convention and its norms;
 - (ii) Encourage and support States not party to join the Convention as soon as possible in acknowledging the potential obstacles and challenges facing States not party to the Convention and helping find solutions to facilitate their eventual adherence to the Convention;
 - (iii) Support the efforts of States not party that share the humanitarian imperative and concerns caused by cluster munitions, in participating in formal and informal meetings in order to encourage them to become States Parties to the Convention;
 - (iv) Continued dissemination of models of legislation and offer of support to targeted states needing to pass legislation in order to ratify/accede.
- (c) State response to any and all allegations of non-compliance, including:
 - (i) Discouraging in every way possible all use, development, production, stockpiling and transfer;
 - (ii) Condemnations in instances of use; and
 - (iii) Through bilateral discussions, the use of the good offices of the President, and any other means consistent with Article 8 to demand clarification of alleged use.

Annex I

States that have ratified or acceded to the Convention on Cluster Munitions³

As of 12 December 2014

<i>Country</i>	<i>Date of Signature</i>	<i>Date of Ratification</i>	<i>Date of Accession</i>
Afghanistan	03.12.2008	08.09.2011	
Albania	03.12.2008	16.06.2009	
Andorra			09.04.2013
Antigua and Barbuda	16.07.2010	23.08.2010	
Australia	03.12.2008	08.10.2012	
Austria	03.12.2008	02.04.2009	
Belgium	03.12.2008	22.12.2009	
Belize			02.09.2014
Bolivia (Plurinational State of)	03.12.2008	30.04.2013	
Bosnia and Herzegovina	03.12.2008	07.09.2010	
Botswana	03.12.2008	27.06.2011	
Bulgaria	03.12.2008	06.04.2011	
Burkina Faso	03.12.2008	16.02.2010	
Burundi	03.12.2008	25.09.2009	
Cameroon	15.12.2009	12.07.2012	
Cape Verde	03.12.2008	19.10.2010	
Chad	03.12.2008	26.03.2013	
Chile	03.12.2008	16.12.2010	
Comoros	03.12.2008	28.07.2010	
Congo	03.12.2008	02.09.2014	
Cook Islands	03.12.2008	23.08.2011	
Costa Rica	03.12.2008	28.04.2011	

³ On the basis of the information available at [http://www.unog.ch/80256EE600585943/\(httpPages\)/67DC5063EB530E02C12574F8002E9E49?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/67DC5063EB530E02C12574F8002E9E49?OpenDocument)

<i>Country</i>	<i>Date of Signature</i>	<i>Date of Ratification</i>	<i>Date of Accession</i>
Côte d'Ivoire	04.12.2008	12.03.2012	
Croatia	03.12.2008	17.08.2009	
Czech Republic	03.12.2008	22.09.2011	
Denmark	03.12.2008	12.02.2010	
Dominican Republic	10.11.2009	20.12.2011	
Ecuador	03.12.2008	11.05.2010	
El Salvador	03.12.2008	10.01.2011	
Fiji	03.12.2008	28.05.2010	
France	03.12.2008	25.09.2009	
Germany	03.12.2008	08.07.2009	
Ghana	03.12.2008	03.02.2011	
Grenada			29.06.2011
Guatemala	03.12.2008	03.11.2010	
Guinea	03.12.2008	21.10.2014	
Guinea-Bissau	04.12.2008	29.11.2010	
Guyana			31.10.2014
Holy See	03.12.2008	03.12.2008	
Honduras	03.12.2008	21.03.2012	
Hungary	03.12.2008	03.07.2012	
Iraq	12.11.2009	14.05.2013	
Ireland	03.12.2008	03.12.2008	
Italy	03.12.2008	21.09.2011	
Japan	03.12.2008	14.07.2009	
Lao People's Democratic Republic	03.12.2008	18.03.2009	
Lebanon	03.12.2008	05.11.2010	
Lesotho	03.12.2008	28.05.2010	
Lichtenstein	03.12.2008	04.03.2013	
Lithuania	03.12.2008	24.03.2011	
Luxembourg	03.12.2008	10.07.2009	
Malawi	03.12.2008	07.10.2009	
Mali	03.12.2008	30.06.2010	
Malta	03.12.2008	24.09.2009	

<i>Country</i>	<i>Date of Signature</i>	<i>Date of Ratification</i>	<i>Date of Accession</i>
Mauritania	19.04.2010	01.02.2012	
Mexico	03.12.2008	06.05.2009	
Monaco	03.12.2008	21.09.2010	
Montenegro	03.12.2008	25.01.2010	
Mozambique	03.12.2008	14.03.2011	
Nauru	03.12.2008	04.02.2013	
Netherlands	03.12.2008	23.02.2011	
New Zealand	03.12.2008	22.12.2009	
Nicaragua	03.12.2008	02.11.2009	
Niger	03.12.2008	02.06.2009	
Norway	03.12.2008	03.12.2008	
Panama	03.12.2008	29.11.2010	
Peru	03.12.2008	26.09.2012	
Portugal	03.12.2008	09.03.2011	
Republic of Moldova	03.12.2008	16.02.2010	
Saint Kitts and Nevis			13.09.2013
Saint Vincent and the Grenadines	23.09.2009	03.11.2010	
Samoa	03.12.2008	28.04.2010	
San Marino	03.12.2008	10.07.2009	
Senegal	03.12.2008	03.08.2011	
Seychelles	13.04.2010	20.05.2010	
Sierra Leone	03.12.2008	03.12.2008	
Slovenia	03.12.2008	19.08.2009	
Spain	03.12.2008	17.06.2009	
Swaziland			13.09.2011
Sweden	03.12.2008	23.04.2012	
Switzerland	03.12.2008	17.07.2012	
The former Yugoslav Republic of Macedonia	03.12.2008	08.10.2009	
Togo	03.12.2008	22.06.2012	
Trinidad and Tobago			21.09.2011
Tunisia	12.01.2009	28.09.2010	

<i>Country</i>	<i>Date of Signature</i>	<i>Date of Ratification</i>	<i>Date of Accession</i>
United Kingdom of Great Britain and Northern Ireland	03.12.2008	04.05.2010	
Uruguay	03.12.2008	24.09.2009	
Zambia	03.12.2008	12.08.2009	

Annex II

States that have signed but not yet ratified the Convention on Cluster Munitions⁴

As of 12 December 2014

<i>Country</i>	<i>Date of Signature</i>
Angola	03.12.2008
Benin	03.12.2008
Canada	03.12.2008
Central African Republic	03.12.2008
Colombia	03.12.2008
Cyprus	23.09.2009
Democratic Republic of the Congo	18.03.2009
Djibouti	30.07.2010
Gambia	03.12.2008
Haiti	28.10.2009
Iceland	03.12.2008
Indonesia	03.12.2008
Jamaica	12.06.2009
Kenya	03.12.2008
Liberia	03.12.2008
Madagascar	03.12.2008
Namibia	03.12.2008
Nigeria	12.06.2009
Palau	03.12.2008
Paraguay	03.12.2008
Philippines	03.12.2008
Rwanda	03.12.2008
Sao tome and Principe	03.12.2008
Somalia	03.12.2008
South Africa	03.12.2008
Uganda	03.12.2008
United Republic of Tanzania	03.12.2008

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