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# Convention on Cluster Munitions

25 July 2014

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## Fifth Meeting of States Parties

San José, 2-5 September 2014

Item 10 of the provisional agenda\*

### Operation and status of the Convention

## San José Progress Report

### Monitoring progress in implementing the Vientiane Action Plan up until the Fifth Meeting of States Parties

#### Submitted by the President of the Fourth Meeting of States Parties

1. The present report provides an aggregate analysis of trends and figures in the implementation of the Convention on Cluster Munitions, operationalized in the Vientiane Action Plan, from the entry into force of the Convention on 1 August 2010 up to the Fifth Meeting of States Parties, to be held in San José in September 2014. A special emphasis is placed on progress made since the Fourth Meeting of States Parties, held in Lusaka in September 2013. The reporting period is from 29 June 2013<sup>1</sup> to 20 July 2014.
2. This progress report is intended to serve as informal documentation of the implementation of the Convention on Cluster Munitions and to facilitate discussions at the Fifth Meeting of States Parties 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 66 action points of the Vientiane Action Plan. The list of challenges and questions to be discussed is not meant to be exhaustive.
3. The content of the report is based upon publicly available information, including States parties' initial and annual transparency reports, due annually on 30 April, and statements made during the Fourth Meeting of States Parties in Lusaka in September 2013, the intersessional meeting in Geneva in April 2014, and other open sources such as statements at informal meetings, press releases by States and information provided by international and civil society organizations.
4. This San José Progress Report is submitted to the Fifth Meeting of States Parties by Zambia as President of the Fourth Meeting of States Parties. All thematic

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\* CCM/MSP/2014/1.

<sup>1</sup> Day after the submission of the Lusaka Progress Report.



coordinators have been invited to provide additional information based on their own consultations and analysis.

5. When referring to States parties, signatories or States not parties, these terms are used explicitly; otherwise the term “States” is used for referring to States parties, signatories and States not parties in general. The Convention on Cluster Munitions 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 the present 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.

6. The present report was finalized on 20 July 2014. Changes that have occurred after that date are not reflected in it.

## **I. General trends**

### **Universalization**

7. One hundred and eight States joined the Convention, and among them 84 are States parties. Since the last reporting period, one State has acceded to the Convention on Cluster Munitions. More than half of the States Members of the United Nations have joined the ban on all use, production, transfer and stockpiling of cluster munitions, less than six years after the opening for signature. As a result of this rapid rate of ratifications and accessions in the first years of the Convention, the further universalization process has reached a plateau, bringing about a slowdown in the number of new States parties during the reporting period.

8. Since the entry into force of the Convention, there has been confirmed use and alleged use of cluster munitions in five States not parties, three of which saw cluster munitions used in the reporting period. While these allegations and instances of use are of great concern, the difficulties in establishing those responsible for the use in each case are an indication of the strength of the stigmatization of cluster munitions, even among States not parties.

### **Stockpile destruction**

9. Since the entry into force of the Convention on Cluster Munitions, 33 States parties have reported to have obligations under article 3 of the Convention, of which 19 have declared completion of their stockpile destruction obligations. Three States parties have done so in the reporting period. There are thus 14 States parties with current obligations under article 3. In addition, the Cluster Munition Monitor 2013 states that six signatories and 48 States not parties have stockpiles of cluster munitions.

### **Clearance**

10. Since the entry into force of the Convention, 16 States parties have reported to be contaminated by cluster munitions and therefore have obligations under article 4, of which five have declared completion of their clearance obligations. In addition,

two signatories have reported or have been reported contaminated by cluster munitions. In 2013, the Cluster Munition Monitor reported that a total of 26 States and three territories were contaminated by cluster munition remnants.

### **Victim assistance**

11. Since the entry into force of the Convention, 12 States parties and three signatories have reported or have been reported to have obligations under article 5. In 2013, the Cluster Munition Monitor suggested that 31 States and three territories had cluster munitions casualties and thus have responsibilities for cluster munition victims.

### **International cooperation and assistance**

12. Since the entry into force of the Convention, six States parties and one signatory have requested cooperation and assistance to fulfil obligations under stockpile destruction, nine States parties have sought assistance for activities under clearance and/or risk reduction, and nine States parties and two signatories have expressed need for support in undertaking victim assistance. Twenty-five States have reported that they have provided funding for international cooperation and assistance since the entry into force of the Convention.

### **Transparency**

13. Eighty-three States parties have had initial or annual article 7 transparency reporting deadlines in the period since the entry into force of the Convention to the Fifth Meeting of States Parties. Three additional States have submitted initial reports on a voluntary basis. From 2012 to 2014, the delivery rate of annual article 7 transparency reports continuously decreased, from 72 per cent in 2012 to 50 per cent in 2014.

### **National implementation measures**

14. Twenty-three States parties have adopted legislation specifically aimed at the implementation of the Convention on Cluster Munitions, while 14 States parties consider their existing legislation to be sufficient, and three States parties consider that no specific legislation is required. Eighteen States parties and two signatories are in the process of adopting legislation. Two States parties are undertaking reviews of their national legislation to ensure compliance with article 9 of the Convention.

### **Partnerships**

15. Since the entry into force of the Convention, States, United Nations agencies, the International Committee of the Red Cross (ICRC), civil society, including the Cluster Munition Coalition, survivors and their representative organizations, as well as other relevant stakeholders, have cooperated formally and informally at the national, regional and international levels on a broad range of implementation issues.

## Questions for discussion at the Fifth Meeting of States Parties

16. How can these partnerships further evolve to promote the universalization and full and effective implementation of the Convention, as well as strengthen the norm against the use of cluster munitions?

17. How to enhance the involvement and inclusion of civil society and other organizations in the work of the Convention?

## II. Universalization<sup>2</sup>

### Scope

18. As at 20 July 2014, 108 States had joined the Convention, and among them 84<sup>3</sup> are States parties. Since the last reporting period, one State<sup>4</sup> has acceded to the Convention. More than half of the States Members of the United Nations have joined the ban on all use, production, transfer and stockpiling of cluster munitions, less than six years after the opening for signature. As a result of this rapid rate of ratifications and accessions in the first years of the Convention, the further universalization process has reached a plateau, bringing about a slowdown in the number of new States parties<sup>3</sup> during the reporting period.<sup>2</sup>

19. Since the entry into force, there has been confirmed use and alleged use of cluster munitions in five States not parties,<sup>5</sup> three<sup>6</sup> of which saw cluster munitions used in the reporting period. While these instances of use are of great concern, the difficulties in establishing those responsible for the use in each case are an indication of the strength of the stigmatization of cluster munitions, even among States not parties.

### Progress

20. Since the Fourth Meeting of States Parties, one State<sup>4</sup> has acceded to the Convention on Cluster Munitions. Nevertheless, universalization and outreach actions in line with the Vientiane Action Plan have resulted in continued interest by signatories and States not parties in formally joining the Convention. Six States<sup>7</sup> have indicated that ratification/accession is imminent. With the support of the United Nations, ICRC, the Cluster Munition Coalition and other organizations, a variety of actions have been undertaken since the Fourth Meeting of States Parties. These include three Geneva-based workshops adapted linguistically, gathering representatives of Permanent Missions of African French-speaking countries, African English-speaking countries and Arabic-speaking countries convened under

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<sup>2</sup> Annex II, “Graphs outlining progress updates in the various thematic areas — Universalization”.

<sup>3</sup> See annex I, “Tables outlining progress updates in the various thematic areas — Universalization”.

<sup>4</sup> Saint Kitts and Nevis (13 September 2013).

<sup>5</sup> Cambodia (in 2011), Libya (in 2011), the Syrian Arab Republic (in 2012, 2013 and 2014), South Sudan (in 2014) and alleged use in Ukraine (in 2014).

<sup>6</sup> South Sudan, Syrian Arab Republic and Ukraine.

<sup>7</sup> Colombia, Congo, Democratic Republic of the Congo, Jamaica, South Africa and United Republic of Tanzania.

the chairmanship of the Coordinators on universalization and with the support of the Coordinator on national implementation measures as well as a regional universalization workshop for Latin American and Caribbean States which took place in Santiago, Chile, in December 2013.

21. Actions also include bilateral meetings with signatories and observers convened by the President of the Fourth Meeting of States Parties throughout the period of his Presidency. In line with its theme of “Universalization of the Convention”, the Presidency engaged 21 countries at international forums and visited several countries<sup>8</sup> to encourage them to join the Convention. The actions undertaken by the President of the Fourth Meeting of States Parties included bilateral meetings on the sidelines of the Commonwealth Heads of Government Meeting in Colombo in November 2013; bilateral meetings with Ministers for Foreign Affairs of several African countries on the sidelines of the Summit of Heads of State of the African Union in Addis Ababa in January 2014 and bilateral meetings with Foreign Ministers on the sidelines of the Common Market for Eastern and Southern Africa Heads of State Summit in Kinshasa. The subject of cluster munitions, particularly universalization, was for the first time included in the agenda of the African Union Heads of State Summit in Addis Ababa in January 2014. In addition, the President of the Fourth Meeting of States Parties reports that he undertook a country visit to the Lao People’s Democratic Republic to consult with his counterpart on the Convention and to promote universalization of the Convention in the Association of Southeast Asian Nations Region.

22. In line with **Action #2**, 46 States parties,<sup>9</sup> 13 signatories,<sup>10</sup> seven observers,<sup>11</sup> as well as the European Union, the African Union and the Caribbean Community (CARICOM), have reiterated their support for the Convention on Cluster Munitions and have promoted adherence to the Convention as soon as possible in official statements delivered at the Fourth Meeting of States Parties as well as at the intersessional meeting to the Convention.<sup>12</sup>

23. At the Fourth Meeting of States Parties, its President submitted a paper entitled “Universalization of the Convention” (CCM/MSP/2013/WP.3), and Ghana, together with Portugal, submitted the paper entitled “Universalization of the Convention” (CCM/MSP/2013/WP.6), which both reiterated the call to all States that have not yet done so to consider ratifying or otherwise acceding to the Convention on Cluster Munitions as a matter of priority. United Nations agencies, ICRC and the Cluster Munition Coalition reported at the Fourth Meeting of States

<sup>8</sup> Mauritius, Viet Nam and Zimbabwe.

<sup>9</sup> Afghanistan, Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Chad, Comoros, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, France, Germany, Ghana, Grenada, the Holy See, Honduras, Iraq, Ireland, Italy, Japan, Lao People’s Democratic Republic, Lebanon, Lesotho, Luxembourg, Malawi, Mali, Mexico, Mozambique, Netherlands, New Zealand, Norway, Peru, Portugal, Senegal, Spain, Swaziland, Switzerland, the former Yugoslav Republic of Macedonia, Togo and United Kingdom of Great Britain and Northern Ireland, Uruguay and Zambia.

<sup>10</sup> Angola, Benin, Canada, Central African Republic, Colombia, Congo, Democratic Republic of the Congo, Kenya, Madagascar, Namibia, Nigeria, South Africa and United Republic of Tanzania.

<sup>11</sup> Cambodia, Ethiopia, Gabon, Mongolia, the State of Palestine, Thailand and Viet Nam.

<sup>12</sup> During the opening ceremony, the session on general exchange of views and the session on universalization.

Parties and at the 2014 intersessional meeting numerous and diverse actions to promote the universalization of the Convention, including through legal advice and advocacy efforts.

24. Outreach activities in line with **Action #7** have enabled the participation of signatories and observer States to the Convention on Cluster Munitions in formal and informal meetings of the Convention. Eighteen signatories and 30 observers participated in the Fourth Meeting of States Parties and 14 signatories and 18 observers participated in the 2014 intersessional meeting. Four States parties<sup>13</sup> provided funding for the sponsorship programme for the Fourth Meeting of States Parties, while one State party<sup>14</sup> provided funding for the 2014 intersessional meeting. Sponsorship enabled the participation of 15 signatories<sup>15</sup> and 16 observers<sup>16</sup> at the Fourth Meeting of States Parties and of four signatories<sup>17</sup> and one observer<sup>18</sup> at the 2014 intersessional meeting.

25. The norm against the use of cluster munitions has continued to strengthen throughout the reporting period. To date, 151<sup>19</sup> States, including both States parties and States not yet parties to the Convention, have condemned or otherwise expressed concern with the ongoing and widespread use of cluster munitions in the Syrian Arab Republic that commenced in July 2012. Further, five of them<sup>20</sup> have been vocal in condemning the use of, or expressing concern with, cluster munitions in South Sudan that occurred in late 2013 or early 2014.

### **Challenges and questions for discussion at the Fifth Meeting of States Parties**

26. The challenges and questions raised at the Fourth Meeting of States Parties remain the same, namely:

(a) The promotion of ratification or accession to the Convention on Cluster Munitions by States contaminated by cluster munitions, in possession of stockpiles or producers of cluster munitions, and/or with responsibility for many survivors;

(b) To continue to promote and reinforce the norm against all use and to end the use of cluster munitions by States not parties, including the implementation of obligations under article 1 of the Convention on Cluster Munitions without exceptions.

27. Questions to discuss at the Fifth Meeting of States Parties may include:

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<sup>13</sup> Ireland, Netherlands, New Zealand and Norway.

<sup>14</sup> Norway.

<sup>15</sup> Angola, Benin, Central African Republic, Colombia, Congo, Democratic Republic of the Congo, Liberia, Madagascar, Namibia, Nigeria, Philippines, São Tomé and Príncipe, South Africa, Uganda and United Republic of Tanzania.

<sup>16</sup> Bangladesh, Cambodia, Ethiopia, Gabon, Kyrgyzstan, Maldives, Mongolia, Myanmar, Nepal, South Sudan, Sri Lanka, Tajikistan, Thailand, Viet Nam, Yemen and Zimbabwe.

<sup>17</sup> Democratic Republic of the Congo, Madagascar, Somalia and South Africa.

<sup>18</sup> Cambodia.

<sup>19</sup> Available from [www.stopclustermunitions.org/en-gb/cluster-bombs/use-of-cluster-bombs/cluster-munition-use-in-syria.aspx](http://www.stopclustermunitions.org/en-gb/cluster-bombs/use-of-cluster-bombs/cluster-munition-use-in-syria.aspx).

<sup>20</sup> Cambodia, Netherlands, New Zealand, Norway and Zambia.

- (a) How can regional approaches be utilized to increase the rate of accession and ratification of the Convention on Cluster Munitions?
- (b) How can international cooperation and assistance be used and promoted to increase the membership of the Convention on Cluster Munitions?
- (c) How can States parties undertake activities to fulfil obligations under article 21 to promote universalization of the Convention on Cluster Munitions?
- (d) How can States parties to the Convention on Cluster Munitions, individually, as a community and represented by the President, best respond to allegations of use by States not parties to the Convention?
- (e) How can States parties work in partnership with civil society and other organizations to advance universalization of the treaty and reinforce the norm not to use cluster munitions under any circumstances and by any actor, as well as to investigate and report back on allegations of use?

### III. Stockpile destruction and retention

#### Scope

28. Since the entry into force, 33 States parties<sup>21</sup> have reported to have obligations under article 3 of the Convention on Cluster Munitions, of which 19<sup>22</sup> have declared completion of their stockpile destruction obligations. Three States parties<sup>23</sup> have done so in the reporting period. There are thus 14 States parties<sup>24</sup> with current obligations under article 3. In addition, the Cluster Munition Monitor 2013 states that six signatories<sup>25</sup> and 48 States not parties<sup>26</sup> have stockpiles of cluster munitions.

<sup>21</sup> See Annex I, “Tables outlining progress updates in the various thematic areas: Stockpile destruction and retention”.

<sup>22</sup> Afghanistan, Austria, Belgium, Chile, Czech Republic, Côte d’Ivoire, Denmark, Ecuador, Honduras, Hungary, Mauritania, Montenegro, Netherlands, Norway, Portugal, Republic of Moldova, Slovenia, the former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland.

<sup>23</sup> Denmark, the former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland.

<sup>24</sup> Bosnia and Herzegovina, Bulgaria, Croatia, France, Germany, Guinea-Bissau, Iraq, Italy, Japan, Mozambique, Peru, Spain, Sweden and Switzerland.

<sup>25</sup> Angola, Canada, Guinea, Indonesia, Nigeria and South Africa.

<sup>26</sup> Algeria, Azerbaijan, Bahrain, Belarus, Brazil, Cambodia, China, Cuba, Democratic People’s Republic of Korea, Egypt, Eritrea, Estonia, Ethiopia, Finland, Georgia, Greece, India, Iran (Islamic Republic of), Israel, Jordan, Kazakhstan, Kuwait, Libya, Mongolia, Morocco, Oman, Pakistan, Poland, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Serbia, Singapore, Slovakia, Sudan, Syrian Arab Republic, Thailand, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United States of America, Uzbekistan, Venezuela (Bolivarian Republic of), Yemen and Zimbabwe.

## Progress

29. In the 2014 article 7 transparency reports, 11 States parties<sup>27</sup> provided an update on the total number of cluster munitions stockpiled. One State party<sup>28</sup> confirmed at the intersessional meeting in April 2014 that it had no stockpiles of cluster munitions. One signatory<sup>29</sup> confirmed possession of cluster munitions in a statement to the Fourth Meeting of States Parties and provided updated information on the destruction of its stockpile, which was well under way.

30. Eight States parties<sup>30</sup> reported on the status and progress in separating all cluster munitions under their jurisdiction and control from other munitions retained for operational use and in marking them for the purpose of destruction.

31. Ten States parties<sup>31</sup> reported on the status and progress of destruction programmes and nine States parties<sup>32</sup> reported on the types and quantities of cluster munitions destroyed in accordance with article 3. All these States parties, as well as one other,<sup>33</sup> reported on the methods of destruction used.

32. Eight States parties<sup>34</sup> have provided information on the safety and environmental standards observed. Out of these, one of them<sup>35</sup> indicated that recycling of materials was maximized where possible.

33. Eight States parties<sup>36</sup> provided information on the type of cluster munitions retained in accordance with article 3.6 of the Convention, with a majority of them indicating retention for training purposes.

34. Five States parties<sup>37</sup> reported on the technical characteristics of each cluster munition produced, owned and/or possessed, and one State party<sup>38</sup> reported on the status and progress of programmes for the decommissioning of production facilities.

35. The Cluster Munition Monitor<sup>39</sup> reports that, as a result of efforts to implement the Convention on Cluster Munitions, a total of 130 million submunitions had been destroyed as at April 2014 with 19 States parties having declared completion of article 3 obligations. That constitutes 73 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

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<sup>27</sup> Bosnia and Herzegovina, Botswana, Croatia, Germany, France, Italy, Japan, Spain, Sweden, Switzerland and United Kingdom of Great Britain and Northern Ireland.

<sup>28</sup> Burundi.

<sup>29</sup> Canada.

<sup>30</sup> Botswana, Croatia, Germany, France, Italy, Japan, Sweden and Switzerland.

<sup>31</sup> Bosnia and Herzegovina, Botswana, Croatia, Denmark, Germany, France, Japan, Spain, Switzerland and United Kingdom of Great Britain and Northern Ireland.

<sup>32</sup> Croatia, Denmark, Germany, France, Italy, Japan, Sweden, Switzerland and United Kingdom of Great Britain and Northern Ireland.

<sup>33</sup> Spain.

<sup>34</sup> Croatia, Germany, France, Japan, Spain, Sweden, Switzerland and United Kingdom of Great Britain and Northern Ireland.

<sup>35</sup> Croatia.

<sup>36</sup> Bosnia and Herzegovina, Botswana, Croatia, Denmark, Germany, France, Spain and Switzerland.

<sup>37</sup> Bosnia and Herzegovina, Botswana, Croatia, Denmark and Switzerland.

<sup>38</sup> Croatia.

<sup>39</sup> Available from [www.the-monitor.org/cmm/2013/pdf/2013%20Cluster%20Munition%20Monitor.pdf](http://www.the-monitor.org/cmm/2013/pdf/2013%20Cluster%20Munition%20Monitor.pdf), page 26.



in advance of their deadline. Moreover, stockpile destruction has proven much less costly and complicated to undertake than was previously anticipated.

### **Challenges and questions for discussion at the Fifth Meeting of States Parties**

36. As stated in the Lusaka Progress Report, the main challenge is to ensure the continued momentum for rapid destruction of stockpiles, and to utilize provisions for international cooperation and assistance to that end (CCM/MSP/2013/6, annex I, para. 35).

37. Questions to discuss at the Fifth Meeting of States Parties may include:

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

(b) How can States parties support other States parties and also States not parties with more significant stockpile destruction challenges?

(c) How can international cooperation and assistance between States with stockpiles and States with destruction capacities be optimized?

(d) How can the dissemination of information on innovative and cost-effective technologies to destroy stockpiles be ensured?

## **IV. Clearance**

### **Scope<sup>40</sup>**

38. Eleven States parties<sup>41</sup> have reported to be contaminated by cluster munitions and therefore have obligations under article 4. In addition, two signatories<sup>42</sup> have reported or have been reported to be contaminated by cluster munitions.

39. In 2013, the Cluster Munition Monitor reported that a total of 26 States<sup>43</sup> and three territories<sup>44</sup> were contaminated by cluster munition remnants.

<sup>40</sup> Annex I, “Tables outlining progress updates in the various thematic areas: Clearance and risk reduction”.

<sup>41</sup> Afghanistan, Bosnia and Herzegovina, Chad, Chile, Croatia, Germany, Iraq, Lao People’s Democratic Republic, Lebanon, Montenegro and Mozambique.

<sup>42</sup> Democratic Republic of the Congo and Somalia.

<sup>43</sup> Afghanistan, Azerbaijan, Bosnia and Herzegovina, Cambodia, Chad, Chile, Croatia, Democratic Republic of the Congo, Georgia (South Ossetia), Germany, Iraq, Lao People’s Democratic Republic, Lebanon, Libya, Mauritania, Montenegro, Norway, Russian Federation (Chechnya), Serbia, Somalia, South Sudan, Sudan, Syrian Arab Republic, Tajikistan, Viet Nam and Yemen.

<sup>44</sup> Kosovo, Nagorno-Karabakh and Western Sahara.

40. Since the First Meeting of States Parties, three papers have been submitted by States to the Meeting of States Parties with the aim of supporting States Parties' compliance with their obligations under article 4.<sup>45</sup>

## Progress

41. One State party<sup>46</sup> announced at the Fourth Meeting of States Parties that it had completed its clearance and that it was taking the necessary administrative steps to make a formal declaration of compliance with obligations under article 4. One additional State party<sup>47</sup> announced at the 2014 intersessional meeting that it had cleared all areas suspected or known to be contaminated by cluster munitions and that a formal declaration of compliance would be submitted to the Fifth Meeting of States Parties in accordance with article 4.1 (c) of the Convention. That will bring the number of States parties that have completed their obligation under article 4 to five.<sup>48</sup> In addition, one signatory State affected by cluster munitions<sup>49</sup> has provided an update on the contamination in the voluntary report submitted in 2014.

42. Based on the information provided in the 2014 article 7 transparency reports, five States parties<sup>50</sup> and one signatory<sup>51</sup> reported on measures taken to prevent civilian access to areas contaminated by cluster munitions, primarily by marking those areas in line with **Action #11**. One State party<sup>52</sup> indicated that there was no specific warning needed as the contaminated area was not accessible to the population.

43. Nine States parties<sup>53</sup> and one signatory<sup>54</sup> have provided information on the size and location of contaminated areas and/or reported to have conducted or planned survey activities in line with **Action #12**. One State party<sup>55</sup> stated that two countries were cleared but that new contamination was found during the reporting period. One State party<sup>56</sup> mentioned that there had been no changes in the size and location of cluster munitions' contaminated areas since the previous reporting. Eight

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<sup>45</sup> "Application of all available methods for the efficient implementation of Article 4" (CCM/MSP/2011/WP.4), submitted by Australia at the Second Meeting of States Parties; "Implementation of Article 4: Effective steps for the clearance of cluster munition remnants" (CCM/MSP/2013/5), submitted by Ireland and Lao People's Democratic Republic at the Fourth Meeting of States Parties; and "Compliance with Article 4" (CCM/MSP/2013/WP.1), submitted by the President of the Third Meeting of States Parties at the Fourth Meeting of States Parties.

<sup>46</sup> Mauritania, article 7 report, "La dépollution a été finalisée entièrement en 2013 et déclarée à la conférence de Lusaka".

<sup>47</sup> Norway.

<sup>48</sup> Albania, Grenada, Mauritania, Norway and Zambia. Both Albania and Zambia completed their clearances before the entry into force of the Convention.

<sup>49</sup> Democratic Republic of the Congo.

<sup>50</sup> Bosnia and Herzegovina, Croatia, Germany, Lao People's Democratic Republic and Lebanon.

<sup>51</sup> Democratic Republic of the Congo.

<sup>52</sup> Norway.

<sup>53</sup> Afghanistan, Bosnia and Herzegovina, Croatia, Germany, Lao People's Democratic Republic, Lebanon, Mauritania, Montenegro and Norway.

<sup>54</sup> Democratic Republic of the Congo.

<sup>55</sup> Croatia.

<sup>56</sup> Lao People's Democratic Republic.

States parties<sup>57</sup> reported on the status and progress of programmes for the clearance of cluster munitions remnants and provided information on clearance methods.

44. Since the Fourth Meeting of States Parties, three States parties<sup>58</sup> have provided updated information on the size and location of contaminated areas that have been released, and all have disaggregated this information by release methods in accordance with **Action #16**.

45. Four States parties<sup>59</sup> have reported on efforts undertaken to develop and provide risk reduction programmes to their population in line with **Action #17**.

46. In line with **Action #19**, three States parties<sup>60</sup> have reported on challenges and priorities for assistance. One State party<sup>61</sup> indicated that the Syrian crisis and the flux of Syrian refugees into its territory had created a need to speed up clearance activities.

47. At the Fourth Meeting of States Parties, the following two documents aimed at supporting affected States in efforts undertaken under article 4 were presented:

(a) “Implementation of Article 4: Effective steps for the clearance of cluster munition remnants” (CCM/MSP/2013/5), submitted by Ireland and the Lao People’s Democratic Republic at the Fourth Meeting of States Parties, which suggested that cluster contamination could be addressed effectively and relatively quickly if available resources were utilized appropriately and by adopting a systematic step-by-step approach;

(b) “Compliance with Article 4” (CCM/MSP/2013/WP.1), submitted by Norway and intended to provide guidance on how to approach the planning and execution of survey and clearance operations, including how to identify contaminated areas and what constitutes “every effort” under article 4.2(a).

48. Based on this work, at the 2014 intersessional meeting the Coordinators on clearance and risk reduction — the Lao People’s Democratic Republic and Switzerland — placed special emphasis on best practices of survey under the Convention on Cluster Munitions and implications for the implementation of article 4, given the importance of survey methodology in the detection of cluster munitions and other explosive remnants of war.

## Challenges and questions for discussion at the Fifth Meeting of States Parties

49. The challenges raised at the Fourth Meeting of States Parties remain the same, namely:

(a) The development and implementation of national strategic plans that apply context-relevant and up-to-date survey and land release methods;

<sup>57</sup> Afghanistan, Bosnia and Herzegovina, Croatia, Germany, Lao People’s Democratic Republic, Lebanon, Montenegro and Norway.

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

<sup>59</sup> Bosnia and Herzegovina, Croatia, Lao People’s Democratic Republic and Lebanon.

<sup>60</sup> Lao People’s Democratic Republic, Lebanon and Montenegro.

<sup>61</sup> Lebanon.

(b) The management of information gained through surveys with a view to assuring the necessary and sustainable quality of clearance activities;

(c) The identification and mobilization of resources to fulfil the obligations under article 4.

50. Questions to discuss at the Fifth Meeting of States Parties may include:

How can States parties and other implementation actors best support affected States' efforts to develop and implement cost-efficient survey and land-release plans for affected areas?

## V. Victim assistance

### Scope

51. Since the entry into force of the Convention, 12 States parties<sup>62</sup> and three signatories<sup>63</sup> have reported or have been reported to have obligations under article 5.1. In 2013 the Cluster Munition Monitor suggested that 31 States<sup>64</sup> and three territories<sup>65</sup> have had cluster munitions casualties and thus have responsibilities for cluster munitions victims.

### Progress

52. Since the Fourth Meeting of States Parties, one State party<sup>66</sup> has reported the establishment of a coordinating mechanism for victim assistance varying from single individual focal points to coordinating interministerial committees in line with **Action #21**, putting at eight States parties<sup>67</sup> and four States not parties<sup>68</sup> the number of States having done so since the entry into force of the Convention.

53. One State party<sup>69</sup> has started data collection, which puts at five the number of States parties<sup>70</sup> in line with **Action #22**. Of the nine States parties<sup>71</sup> and one observer<sup>72</sup> having reported that their victim assistance efforts were integrated with

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<sup>62</sup> Afghanistan, Albania, Bosnia and Herzegovina, Chad, Croatia, Guinea-Bissau, Iraq, Lao People's Democratic Republic, Lebanon, Montenegro, Mozambique and Sierra Leone.

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

<sup>64</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, Serbia, Sierra Leone, South Sudan, Sudan, Syrian Arab Republic, Tajikistan, Uganda, Viet Nam, Yemen and the territories of Kosovo, Nagorno-Karabakh and Western Sahara.

<sup>65</sup> Kosovo, Nagorno-Karabakh and Western Sahara.

<sup>66</sup> Montenegro.

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

<sup>68</sup> Cambodia, Democratic Republic of the Congo, Uganda and Viet Nam.

<sup>69</sup> Montenegro.

<sup>70</sup> Bosnia and Herzegovina, Croatia, Lao People's Democratic Republic, Lebanon and Montenegro.

<sup>71</sup> Afghanistan, Albania, Bosnia and Herzegovina, Chile, Croatia, Lao People's Democratic Republic, Lebanon, Montenegro and Mozambique.

<sup>72</sup> Cambodia.

existing disability-coordination mechanisms in line with **Action #23**, three States parties<sup>73</sup> provided updated information in 2014. Since the Fourth Meeting of States Parties, out of the six<sup>74</sup> States parties having reported that they have reviewed their national laws and policies in line with **Action #26**, four States parties<sup>75</sup> provided updated information.

54. In 2014, four States parties<sup>75</sup> 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, health-care and rehabilitation services in previously contaminated areas, and free medical care and distribution of disability cards to survivors. Two States parties<sup>76</sup> reported to have conducted outreach activities to raise awareness among cluster munitions survivors about their rights and available services in line with **Action #27**.

55. Three States parties<sup>77</sup> have reported on steps taken to mobilize national and international resources in line with **Action #29**.

56. Four States parties<sup>78</sup> have reported to have cooperated with cluster munitions survivors and their representative organization in their national implementation efforts, as laid out in **Action #30**.

## **Challenges and questions for discussion at the Fifth Meeting of States Parties**

57. The challenges raised at the Fourth Meeting of States Parties remain the same:

- (a) To ensure that victim assistance activities are based on the needs and priorities of those affected, and that resources are used efficiently;
- (b) To create sustainable services and programmes, and to ensure that the lifelong needs of victims are met;
- (c) To ensure that victim assistance efforts are integrated with wider development, disability and human rights efforts, and to make best use of opportunities that allow for a holistic approach that encompasses all victims of landmines and explosive remnants of war as well as other people with similar needs;
- (d) To improve collaboration and cooperation between States parties and civil society actors working directly with victims, to increase the involvement of victims and their representative organizations in the policy development and practical implementation of victim assistance measures.

58. Questions to discuss at the Fifth Meeting of States Parties may include:

- (a) How can States parties link victim assistance efforts under the Convention on Cluster Munitions to activities promoting the rights of victims under other relevant instruments of international law, especially the Convention on the Rights of Persons with Disabilities as well as development cooperation efforts?

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

<sup>74</sup> Afghanistan, Albania, Bosnia and Herzegovina, Croatia, Lao People's Democratic Republic and Mozambique.

<sup>75</sup> Bosnia and Herzegovina, Croatia, Lao People's Democratic Republic and Lebanon.

<sup>76</sup> Bosnia and Herzegovina and Lebanon.

<sup>77</sup> Bosnia and Herzegovina, Lao People's Democratic Republic and Lebanon.

<sup>78</sup> Bosnia and Herzegovina, Croatia, Lao People's Democratic Republic and Lebanon.

(b) How can all actors work together to overcome challenges related to building national capacity and strengthening national ownership?

(c) How can States parties ensure that victims of cluster munitions can access services on an equal basis to others and have access to specialized services when needed? What successful experiences did States parties have in this area in 2013/2014?

(d) How can States parties best operationalize their obligations towards victims of cluster munitions, in particular by locating victims and assessing their needs and priorities as soon as possible, while observing their obligation not to discriminate on the basis of what caused the injury/disability?

(e) How can States parties better implement employment incentive programmes and training and microcrediting opportunities to reach victims and persons with disabilities, recognizing in particular the vulnerability of women with disabilities and the specific needs of families of persons killed? What successful experiences did States parties have in this area in 2013/14?

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

### **Scope**

59. Fourteen States parties<sup>79</sup> have requested international assistance since the entry into force of the Convention; of these, two<sup>80</sup> have since fulfilled the obligations for which international assistance was required.

60. Since the entry into force of the Convention, six States parties<sup>81</sup> and one signatory<sup>82</sup> have requested cooperation and assistance to fulfil obligations under stockpile destruction, nine States parties<sup>83</sup> have sought assistance for activities under clearance and/or risk reduction, and nine States parties<sup>84</sup> and two<sup>85</sup> signatories have expressed the need for support in undertaking victim assistance.

61. Twenty-five States<sup>86</sup> have reported that they have provided funding for international cooperation and assistance since the entry into force of the Convention.

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<sup>79</sup> Afghanistan, Albania, Bosnia and Herzegovina, Chad, Côte d'Ivoire, Croatia, Grenada, Guinea-Bissau, Lao People's Democratic Republic, Lebanon, Mauritania, Peru, the former Yugoslav Republic of Macedonia and Zambia.

<sup>80</sup> Côte d'Ivoire and Grenada.

<sup>81</sup> Côte d'Ivoire, Croatia, Guinea-Bissau, Mozambique, Peru and the former Yugoslav Republic of Macedonia.

<sup>82</sup> Nigeria.

<sup>83</sup> Afghanistan, Chad, Croatia, Grenada, Lao People's Democratic Republic, Lebanon, Mauritania, Mozambique and the former Yugoslav Republic of Macedonia.

<sup>84</sup> Afghanistan, Albania, Bosnia and Herzegovina, Ghana, Lao People's Democratic Republic, Lebanon, Mauritania, Mozambique and Zambia.

<sup>85</sup> Democratic Republic of the Congo and Uganda.

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

## Progress

62. Nine States parties<sup>87</sup> have reported to have received dedicated assistance for activities under the Convention on Cluster Munitions, eight<sup>88</sup> since the Fourth Meeting of States Parties.

63. Based on the information contained in the 2014 article 7 transparency reports, 19 States parties<sup>89</sup> have reported providing financial contributions for international cooperation and assistance, while eight States parties<sup>90</sup> have reported on assistance needs.

64. Since the entry into force of the Convention, 13 States parties<sup>91</sup> have reported that they have provided funding for advocacy purposes to civil society, of which six<sup>92</sup> provided funding in the reporting period.

65. Since the entry into force of the Convention, 22 States parties<sup>93</sup> have implemented **Action #33**, developing or updating national plans for meeting their obligations under the Convention.

66. National and international non-governmental organizations and/or the United Nations are reported to be partners in stockpile destruction, clearance and victim assistance activities, in line with **Action #44**.

67. Since the entry into force of the Convention, 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 contributions by technical experts, in line with **Actions #35 and #36**. The same framework has been utilized to discuss international cooperation and assistance in line with **Actions #43 and #45**.

68. 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>94</sup> Following challenges raised in the Lusaka Progress Report, at the 2014 intersessional meeting the Coordinators put an emphasis on South-South and triangular cooperation exemplified by presenting training centres located in Africa, Latin America and the

<sup>87</sup> Afghanistan, Albania, Côte d'Ivoire, Grenada, Lao People's Democratic Republic, Lebanon, Mauritania, Montenegro and Republic of Moldova.

<sup>88</sup> Afghanistan, Bosnia and Herzegovina, Côte d'Ivoire, Croatia, Lao People's Democratic Republic, Lebanon, Mauritania and the former Yugoslav Republic of Macedonia.

<sup>89</sup> Australia, Austria, Belgium, Denmark, France, Germany, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Netherlands, New Zealand, Norway, Slovenia, Spain, Sweden, Switzerland and United Kingdom of Great Britain and Northern Ireland.

<sup>90</sup> Afghanistan, Bosnia and Herzegovina, Côte d'Ivoire, Croatia, Lao People's Democratic Republic, Lebanon, Mauritania and the former Yugoslav Republic of Macedonia.

<sup>91</sup> Australia, Austria, Belgium, Denmark, France, Germany, the Holy See, Ireland, Luxembourg, New Zealand, Norway, Spain and Switzerland.

<sup>92</sup> Australia, Austria, Belgium, Denmark, Norway and Switzerland.

<sup>93</sup> Afghanistan, Albania, Bosnia and Herzegovina, Botswana, Bulgaria, Chad, Chile, Croatia, Denmark, France, Germany, Lao People's Democratic Republic, Lebanon, Mauritania, Mozambique, Japan, Peru, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland.

<sup>94</sup> Available from [www.clusterconvention.org/files/2012/11/FROM-WORDS-TO-ACTION-COOP-and-Assistance-kopi.pdf](http://www.clusterconvention.org/files/2012/11/FROM-WORDS-TO-ACTION-COOP-and-Assistance-kopi.pdf).

Middle East. A session was also dedicated to the experience of an electronic portal for cooperation and assistance established within the framework of the Anti-Personnel Mine Ban Convention. Following discussions, at the 2014 intersessional meeting it was suggested that such a portal could be created also for the Convention on Cluster Munitions and would be available to all States and organizations on the Convention's website.

### **Challenges and questions for discussion at the Fifth Meeting of States Parties**

69. How to increase the number of States parties with obligations under articles 3, 4 and/or 5, which could benefit from cooperation and assistance, to use the opportunity to communicate such needs through article 7 transparency reports?
70. How to diversify cooperation and assistance to consist not only in mobilizing and attaining financial resources from donors, but also ensuring the sharing and transfer of skills, expertise, experiences, lessons learned and technical exchanges?
71. How to maintain consistency and coordinated cooperation and assistance, ensuring the provision of well-integrated support within the framework of longer and broad-term perspectives?
72. How to increase regional cooperation for States and other implementation actors?
73. Questions to discuss at the Fifth Meeting of States Parties may include:
  - (a) How could States make their needs more clearly known? How to gain a better understanding for the policies, approaches and the best practices of donors with respect to future funding for stockpile destruction, victim assistance and other operative areas of the Convention in a long-term perspective?
  - (b) 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 equipment, technology, skills and experience?
  - (c) How can States parties and other actors providing assistance structure their support according to national plans and priorities, including through enabling long-term planning?
  - (d) How can all actors work together in building national capacities and strengthening national ownership?
  - (e) How can the provision of international cooperation and assistance be used to encourage the use of the most efficient methodologies?
  - (f) How can more States parties be mobilized to implement **Actions #37 to #42**?

## **VII. Implementation support**

74. States, the United Nations, ICRC, the Cluster Munition Coalition, civil society and several other entities have participated in and contributed to the formal and



informal meetings of the Convention since its entry into force. The Presidencies,<sup>95</sup> friends of presidencies, Coordinators and other States parties have consulted broadly with relevant organizations, in accordance with **Actions #51 and #52**.

75. Since the adoption of the Vientiane Action Plan at the First Meeting of States Parties, an intersessional programme of work has been established, and since the Second Meeting of States Parties, a Coordination Committee has met regularly, succeeding the Group of Friends under the First Presidency. Coordinators of six thematic working groups<sup>96</sup> as well as the working group Chairs on Transparency Reporting and National Implementation Measures, have been progressively involved in the preparations for and the execution of intersessional meetings. Further, they have provided progress reports and substantive input at the Meetings of States parties. The Coordination Committee includes representatives from the Cluster Munition Coalition, ICRC, the United Nations Development Programme (UNDP) Bureau for Crisis Prevention and Recovery (BCPR) (as interim implementation support and executive coordination) and the Office for Disarmament Affairs of the Secretariat. UNDP BCPR, ICRC and the Cluster Munition Coalition have, together with others, continued to play vital roles in the implementation of the Convention, including as panellists in various thematic sessions and workshops at meetings under the Convention. In addition, the Geneva International Centre for Humanitarian Demining has provided logistical support to the organization of the intersessional meetings.

76. Based on decisions during the Fourth Meeting of States Parties to overcome a challenge raised, the two-and-a-half day intersessional meeting in 2014 took place back-to-back with the Standing Committees of the Anti-Personnel Mine Ban Convention, from 7 to 9 April.

77. At the Second Meeting of States Parties, States parties decided to establish an interim Implementation Support Unit, and the President of the Meeting was mandated to negotiate a hosting agreement and a funding model for its establishment.<sup>97</sup> The President of the Third Meeting of States Parties continued consultations on a funding model and the subsequent establishment of the Implementation Support Unit, building on the work undertaken by the President of the Second Meeting of States Parties. That has included consultations with the Geneva International Centre for Humanitarian Demining on a hosting agreement for a future Implementation Support Unit. The consultations conducted by the President of the Third Meeting of States Parties have led to the formulation of the document entitled “Draft decision on the establishment of a CCM ISU at the 4MSP”<sup>98</sup> that was presented at the 2013 intersessional meeting, and of the document entitled “Draft decision on implementation support for the Convention on Cluster Munitions” (CCM/MSP/2013/L.2), which was discussed at the Fourth Meeting of States Parties. Following consultations and discussions among States, the Meeting decided to mandate the President of the Fourth Meeting of States Parties to conclude, in consultation with States parties, an agreement with the Centre on the

<sup>95</sup> Lao People’s Democratic Republic, Lebanon, Norway and Zambia.

<sup>96</sup> General Status and Operation of the Convention, Universalization, Victim Assistance, Clearance and Risk Reduction, Stockpile Destruction and Retention, Cooperation and Assistance.

<sup>97</sup> See the final document of the Second Meeting of States parties, CCM/MSP/2011/5, para. 29; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/507/82/PDF/N1150782.pdf?OpenElement>.

<sup>98</sup> Available from [www.clusterconvention.org/files/2013/01/Draft-as-of-April-11-2013-web.pdf](http://www.clusterconvention.org/files/2013/01/Draft-as-of-April-11-2013-web.pdf).

hosting of an Implementation Support Unit as rapidly as possible<sup>99</sup> and 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.<sup>99</sup> In line with the mandate given by the Fourth Meeting of States Parties, the President held a series of consultations with States parties and the Geneva International Centre for Humanitarian Demining and concluded the hosting agreement document.

78. In conformity with the Lusaka decision, the interim implementation support and executive coordination of work provided by UNDP remain in place until the first day of the first Review Conference. In the meantime, the process of the recruitment of the Director of the Convention on Cluster Munitions-Implementation Support Unit has been initiated. The selection process and appointment of a Director to lead the work of the future Implementation Support Unit of the Convention will follow in the months ahead.

### **Challenges and questions for discussion at the Fifth Meeting of States Parties**

79. One challenge that remains is to decide on a sustainable and predictable funding model for the Implementation Support Unit that ensures universal ownership and accountability towards all States parties. Experience gained from intersessional meetings also demonstrates the need to continue to adapt the intersessional work programme to ensure that it develops to constantly reflect the realities and needs of, and in, affected areas.

80. Questions to discuss at the Fifth Meeting of States Parties may include:

How can the formal and informal meetings be organized so that they function to best support the norms of the Convention and its effective implementation?

## **VIII. Transparency**

### **Scope**

81. Eighty-three States parties<sup>100</sup> have had initial or annual article 7 transparency reporting deadlines in the period since the entry into force of the Convention to the Fifth Meeting of States Parties. Three additional States have submitted initial reports<sup>101</sup> on a voluntary basis.

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<sup>99</sup> Final document of the Fourth Meeting of States Parties, CCM/MSP/2013/6, para. 31; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/K13/540/89/PDF/K1354089.pdf?OpenElement>.

<sup>100</sup> All States parties with Saint Kitts and Nevis initial submission due on 28 August 2014.

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

## Progress

82. To date, 64 States parties<sup>102</sup> have submitted their initial article 7 transparency reports in accordance with article 7.1 and **Action #58**. Twenty States parties<sup>103</sup> have not yet submitted their initial article 7 transparency reports; of these, one<sup>104</sup> is not yet due. Since the publication of the Lusaka Progress Report, an additional three States parties<sup>105</sup> have submitted initial reports.

83. Eighty States parties<sup>106</sup> were required to submit their annual article 7 transparency reports by 30 April 2014 in accordance with article 7.2 and **Action #59**. Of these, to date, 40<sup>107</sup> States parties had yet to submit their annual report. From 2012 to 2013, the delivery rate of annual article 7 transparency reports continuously decreased from 72 per cent to 51 per cent in 2014.<sup>108</sup>

84. The working group Chair on Reporting, with the support of the interim Implementation Support Unit, has sent letters on a regular basis reminding States parties of reporting obligations and matters of outstanding reports.

85. Since the entry into force of the Convention, reporting formats have been prepared by the Coordinator with the aim of facilitating coherent and comprehensive reporting. These and a draft “Guide to reporting”, in line with **Action #62**, are available on the Convention’s website.<sup>109</sup> In line with **Action #59**, the working group Chair on Reporting presented at the Fourth Meeting of States Parties the paper entitled “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.4) aimed at maximizing reporting as a tool to assist and cooperate in the implementation of the Convention.

## Challenges and questions for discussion at the Fifth Meeting of States Parties

86. How to ensure the timely submission of article 7 transparency reports by States parties, how to improve the quantity and quality of information contained in the reports, how to promote reporting as an essential component of the monitoring progress and how to raise awareness on implementation challenges? — are all questions for discussion.

<sup>102</sup> See annex I, “Tables outlining progress updates in the various thematic areas: Transparency reporting — States parties that have submitted an annual article 7 transparency report”.

<sup>103</sup> See annex I, “Tables outlining progress updates in the various thematic areas: Transparency reporting — States parties that have yet to submit an initial article 7 transparency report”.

<sup>104</sup> Saint Kitts and Nevis, initial submission due on 28 August 2014.

<sup>105</sup> Costa Rica, Iraq and Liechtenstein.

<sup>106</sup> See annex I, “Tables outlining progress updates in the various thematic areas: Transparency reporting — States parties required to submit an annual article 7 transparency report by 30 April 2014”.

<sup>107</sup> See annex I, “Tables outlining progress updates in the various thematic areas: Transparency reporting — States parties that have yet to submit an annual article 7 transparency report for 2014”.

<sup>108</sup> Annex II, “Graphs outlining progress updates in the various thematic areas: Transparency reporting — Number of annual article 7 reports due and actual submitted”.

<sup>109</sup> Available from [www.clusterconvention.org/files/2011/01/Reporting\\_guide\\_CCM\\_-August-2012.pdf](http://www.clusterconvention.org/files/2011/01/Reporting_guide_CCM_-August-2012.pdf).

87. Questions to discuss at the Fifth Meeting of States Parties may include:

(a) What steps could be taken to ensure that States fulfil the reporting obligations in due time?

(b) How can article 7 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<sup>110</sup>**

### **Scope**

88. Twenty-three States parties<sup>111</sup> have now adopted legislation specifically aimed at the implementation of the Convention on Cluster Munitions, while 14<sup>112</sup> States parties consider their existing legislation to be sufficient, and 3 States parties<sup>113</sup> consider that no specific legislation is required. Seventeen States parties<sup>114</sup> and two signatories<sup>115</sup> are in the process of adopting legislation. Two States parties<sup>116</sup> are undertaking reviews of their national legislation to ensure compliance with article 9 of the Convention on Cluster Munitions. Six States parties<sup>117</sup> have reported on how they have informed other relevant State agencies about the prohibitions and the requirements of the Convention.

### **Progress**

#### **Action #63**

89. Of the 23 States parties<sup>118</sup> that have reported having adopted legislation specifically aimed at implementing the Convention on Cluster Munitions, one State Party<sup>119</sup> has done so since the Fourth Meeting of States Parties. Among these States parties, one<sup>120</sup> has reported on adopting legislation additional to that adopted previously. Of the 14 States parties having stated that they consider their existing

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<sup>110</sup> Annex I, “Tables outlining progress updates in the various thematic areas: National implementation measures”.

<sup>111</sup> Australia, Austria, Belgium, the Cook Islands, Czech Republic, Ecuador, France, Germany, Guatemala, Hungary, Ireland, Italy, Japan, Liechtenstein, Luxembourg, New Zealand, Norway, Portugal, Samoa, Spain, Sweden, Switzerland and United Kingdom of Great Britain and Northern Ireland.

<sup>112</sup> Albania, Côte d’Ivoire, Denmark, the Holy See, Lithuania, Malta, Mexico, Montenegro, Netherlands, Nicaragua, Republic of Moldova, San Marino, Slovenia and the former Yugoslav Republic of Macedonia.

<sup>113</sup> Bulgaria, Costa Rica and Senegal.

<sup>114</sup> Afghanistan, Antigua and Barbuda, Botswana, Burkina Faso, Burundi, Croatia, Ghana, Grenada, Iraq, Lao People’s Democratic Republic, Lebanon, Lesotho, Malawi, Saint Vincent and the Grenadines, Sierra Leone, Swaziland and Zambia.

<sup>115</sup> Canada and Democratic Republic of the Congo.

<sup>116</sup> Mozambique and the Seychelles.

<sup>117</sup> Australia, Croatia, Denmark, Ireland, Lebanon and Norway.

<sup>118</sup> See footnote 111.

<sup>119</sup> Liechtenstein.

<sup>120</sup> Ecuador.

legislation to be sufficient, two States parties<sup>121</sup> reported in their article 7 transparency reports that as countries not affected by cluster munitions, no specific national legislation was required. Among the 17 States parties<sup>122</sup> and two signatories<sup>123</sup> having reported being in the process of adopting legislation, two States parties<sup>124</sup> and one signatory<sup>125</sup> have provided updates on this matter since the Fourth Meeting of States Parties.

90. As indicated in past progress reports, ICRC has published a guidance paper entitled “Model law: Convention on Cluster Munitions — Legislation for Common Law States on the 2008 Convention on Cluster Munitions” to help States to develop appropriate legislation.<sup>126</sup> Likewise, the working group Chair on National Implementation Measures prepared and published a framework entitled “Model Legislation: Cluster Munitions Act 201[ ]” (CCM/MSP/2011/WP.6) which was presented at the Second Meeting of States Parties. These two documents are available on the Convention’s website. In addition, Ghana is working with the support of ICRC and the Cluster Munition Coalition on the drafting of model legislation for African countries under civil and common law, with a view to holding a workshop, with the support of the working group Chair on National Implementation Measures, on the development of these texts in the near future.

## **Challenges and questions for discussion at the Fifth Meeting of States Parties**

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

92. Questions to discuss at the Fifth Meeting of States Parties may include:

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

## **X. Compliance**

### **Compliance under article 7**

93. At the intersessional meeting in 2014, the working group Chair on Reporting raised the issue of compliance of States parties with regard to article 7 transparency reporting under the Convention on Cluster Munitions. Since the First Meeting of States Parties, Belgium as working group Chair has continuously recalled that reporting is an obligation as outlined in articles 7 and 3.8 of the Convention, which stipulate that all States parties must submit an initial report as soon as practicable

<sup>121</sup> Costa Rica and Senegal.

<sup>122</sup> See footnote 114.

<sup>123</sup> Canada and Democratic Republic of the Congo.

<sup>124</sup> Afghanistan and Croatia.

<sup>125</sup> Canada.

<sup>126</sup> Available from [http://www.clusterconvention.org/files/2013/03/model\\_law\\_clusters\\_munitions.pdf](http://www.clusterconvention.org/files/2013/03/model_law_clusters_munitions.pdf).

but no later than 180 days after the entry into force of the Convention for that State party, and that States parties must also submit an annual update on 30 April covering the previous year's calendar.

94. Several tools, such as the "Guide to reporting under Article 7 of the CCM",<sup>127</sup> as well as the working paper entitled "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.4) submitted at the Fourth Meeting of States Parties, have been drafted by the working group Chair to support States parties in fulfilling their obligation under article 7 and in increasing the quality and quantity of the reports provided. Despite these efforts, 49 per cent of States parties have not yet submitted their initial or annual article 7 transparency report in 2014.<sup>128</sup>

#### **Action #66**

95. In May 2014, national and international media reported on air-dropped cluster munitions in South Sudan in late 2013 or early 2014.<sup>129</sup> On 8 May 2014, the United Nations Mission in the Republic of South Sudan (UNMISS) published the report entitled "Conflict in South Sudan: a human rights report",<sup>130</sup> which refers to the alleged use and findings of sub-munitions in the Malek area of Bor County in South Sudan. The report states that "While opposition forces controlled Bor town, from 31 December to 18 January, they pushed south, and heavy fighting occurred between Government forces supported by the Uganda People's Defence Force (UPDF) and opposition forces along the Bor-Juba road. Between 11 and 16 January, UNMISS was aware of several instances of aerial bombardments by Ugandan forces in areas south of Bor. UNMISS military personnel in Bor at the time reported hearing loud explosions believed to be anti-aircraft fire from approximately 12 kilometres south of the UNMISS compound in Bor, in the vicinity of Malek, while Human Rights Officers in Awerial County heard air strikes across the river. This is further supported by information received from retreating combatants and opposition forces leadership at the time". While South Sudan is not a party to the Convention, Uganda has signed but not yet ratified it. Both States have denied the use of cluster bombs.

#### **Challenges and questions for discussion at the Fifth Meeting of States Parties**

96. A key challenge under compliance is how States parties should address compliance concerns among States parties, as well as how to promote respect for the norm among signatories and other States not parties.

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<sup>127</sup> Available from [www.clusterconvention.org/files/2011/01/Reporting\\_guide\\_CCM\\_-August-2012.pdf](http://www.clusterconvention.org/files/2011/01/Reporting_guide_CCM_-August-2012.pdf).

<sup>128</sup> See annex II, "Graphs outlining progress updates in the various thematic areas: Transparency (as of 18 June 2014)".

<sup>129</sup> Available from [www.bbc.co.uk/afrique/region/2014/05/140513\\_uganda.shtml](http://www.bbc.co.uk/afrique/region/2014/05/140513_uganda.shtml); <http://www.newvision.co.ug/news/655471-updf-not-leaving-south-sudan-uganda-protests-un-report-on-cluster-bombs.html>.

<sup>130</sup> Available from <http://unmiss.unmissions.org/Portals/unmiss/Human%20Rights%20Reports/UNMISS%20Conflict%20in%20South%20Sudan%20-%20A%20Human%20Rights%20Report.pdf>, paras. 107 & 108.

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## Annex I

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

#### Universalization

84 States parties (by region)<sup>a</sup>

29 Signatories

##### Africa (23)

Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Comoros, Côte d'Ivoire, Ghana, Guinea-Bissau, Lesotho, Malawi, Mali, Mauritania, Mozambique, Niger, Senegal, the Seychelles, Sierra Leone, Swaziland, Togo, Tunisia, Zambia

##### Americas (18)

Antigua and Barbuda, Bolivia (Plurinational State of), Chile, Costa Rica, Dominican Republic, El Salvador, Ecuador, Grenada, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru, *Saint Kitts and Nevis*, Trinidad and Tobago, Saint Vincent and the Grenadines, Uruguay

##### Asia (3)

Afghanistan, Japan, Lao People's Democratic Republic

##### Europe (32)

Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, France, Germany, the Holy See, Hungary, Ireland, Italy, Liechtenstein, Lithuania, the former Yugoslav Republic of Macedonia, Malta, Monaco, Montenegro, Netherlands, Luxembourg, Norway, Portugal, Republic of Moldova, San Marino, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland

##### Middle East (2)

Iraq, Lebanon

##### Pacific (6)

Australia, the Cook Islands, Fiji, Nauru, New Zealand, Samoa

##### Africa (19)

Angola, Benin, Central African Republic, Congo, Democratic Republic of the Congo, Djibouti, Gambia, Guinea, Kenya, Liberia, Madagascar, Namibia, Nigeria, Rwanda, São Tomé and Príncipe, Somalia, South Africa, Uganda, United Republic of Tanzania

##### Americas (5)

Canada, Colombia, Haiti, Jamaica, Paraguay

##### Asia (2)

Indonesia, the Philippines

##### Europe (2)

Cyprus, Iceland

##### Middle East

##### Pacific (1)

Palau



## Stockpile destruction and retention

<i>States parties with obligations under article 3</i>	<i>States parties that have completed their article 3 obligations<sup>b</sup></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, Croatia, France, Germany, Guinea-Bissau, Iraq, Italy, Japan, Mozambique, Peru, Spain, Sweden, Switzerland	Afghanistan, Austria, Belgium, Chile, Czech Republic, Côte d'Ivoire, <b>Denmark</b> , Ecuador, Honduras, Hungary, Mauritania, Montenegro, Netherlands, Norway, Portugal, Republic of Moldova, Slovenia, <b>the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland</b>	Bosnia and Herzegovina, Botswana, Croatia, Denmark, Germany, France, Spain, Switzerland	Bosnia and Herzegovina, Botswana, Croatia, Germany, France, Italy, Japan, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland

## Clearance and risk reduction

<i>States parties with obligations under article 4</i>	<i>States parties that have completed their article 4 obligations<sup>c</sup></i>	<i>States parties that provided updates on the status and progress of their clearance programmes</i>
Afghanistan, Bosnia and Herzegovina, Chad, Chile, Croatia, Germany, Iraq, Lao People's Democratic Republic, Lebanon, Montenegro, Mozambique	Albania, Grenada, <b>Mauritania</b> , <b>Norway</b> , Zambia	Afghanistan, Bosnia and Herzegovina, Croatia, Germany, Lao People's Democratic Republic, Lebanon, Montenegro, Norway
<i>States that provided information on the size and location of contaminated areas and on survey activities</i>	<i>States parties that have reported on the development of risk reduction programmes</i>	
Afghanistan, Bosnia and Herzegovina, Croatia, Democratic Republic of the Congo, Germany, Lao People's Democratic Republic, Lebanon, Mauritania, Montenegro, Norway	Bosnia and Herzegovina, Croatia, Lao People's Democratic Republic, Lebanon	

## Transparency reporting

<i>States parties that have submitted initial article 7 transparency reports<sup>d</sup></i>	<i>States parties that have yet to submit an initial article 7 transparency report<sup>e</sup></i>	<i>Signatories that have voluntarily submitted article 7 transparency report and updates</i>
Afghanistan (2012), Albania (2011), <b>Andorra</b> (2014), Antigua and Barbuda (2012), Australia (2013), Austria (2011), Belgium (2011), Bosnia and Herzegovina (2011), Botswana (2012), Bulgaria (2012), Burkina Faso (2011), Burundi (2011), Chile (2012), <b>Costa Rica</b> (2014),	Bolivia (Plurinational State of), Cameroon, Cape Verde, Chad, the Cook Islands, Comoros, Dominican Republic, El Salvador, Fiji, Guinea-Bissau, Honduras, Mali, Nauru, Niger, Panama, Saint Kitts and Nevis, Togo, Trinidad and Tobago, Tunisia	Canada (2011, 2012 and 2013), Democratic Republic of the Congo (2011, 2012 and 2014), Palau (2011)

<i>States parties that have submitted initial article 7 transparency reports<sup>d</sup></i>	<i>States parties that have yet to submit an initial article 7 transparency report<sup>e</sup></i>	<i>Signatories that have voluntarily submitted article 7 transparency report and updates</i>
<p>Côte d'Ivoire (2013), Croatia (2011), Czech Republic (2012), Denmark (2011), Ecuador (2011), France (2011), Germany (2011), Ghana (2011), Grenada (2012), Guatemala (2011), the Holy See (2011), Hungary (2013), Ireland (2011), <b>Iraq</b> (2014), Italy (2012), Japan (2011), Lao People's Democratic Republic (2011), Lebanon (2011), Lesotho (2011), <b>Liechtenstein</b> (2014), Lithuania (2011), Luxembourg (2011), Malawi (2011), Malta (2011), Mauritania (2013), Mexico (2011), Monaco (2011), Montenegro (2011), Mozambique (2012), Netherlands (2011), New Zealand (2011), Nicaragua (2011), Norway (2011), Peru (2013), Portugal (2011), Republic of Moldova (2011), Saint Vincent and the Grenadines (2012), Samoa (2012), San Marino (2011), Senegal (2012), the Seychelles (2013), Sierra Leone (2011), Slovenia (2011), Spain (2011), Swaziland (2013), Sweden (2013), Switzerland (2013), the former Yugoslav Republic of Macedonia (2011), United Kingdom of Great Britain and Northern Ireland (2011), Uruguay (2011), Zambia (2011)</p>		
<i>States parties required to submit an annual article 7 transparency report by 30 April 2014</i>	<i>States parties that have submitted an annual article 7 transparency report</i>	<i>States parties that have yet to submit an annual article 7 transparency report for 2014</i>
<p>Afghanistan, Albania, Andorra, Antigua and Barbuda, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Chile, the Cook Islands, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Fiji, France, Germany, Ghana, Grenada, Guatemala, Guinea-Bissau, the Holy See, Honduras, Hungary, Ireland,</p>	<p>Afghanistan (2013, 2014), Albania (2012, 2013), Australia (2014), Austria (2012, 2013, 2014), Belgium (2012, 2013, 2014), Bosnia and Herzegovina (2012, 2013, 2014), Botswana (2014), Bulgaria (2013, 2014), Burkina Faso (2013), Chile (2013), Côte d'Ivoire (2014), Croatia (2012, 2013, 2014), Czech Republic (2013, 2014), Denmark (2012, 2013, 2014), Ecuador (2013), France (2012, 2013, 2014), Germany (2012, 2013, 2014),</p>	<p>Albania, Andorra, Antigua and Barbuda, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Chile, the Cook Islands, Comoros, Dominican Republic, Ecuador, El Salvador, Fiji, Grenada, Guatemala, Guinea-Bissau, the Holy See, Honduras, Hungary, Lesotho, Malawi, Mali, Malta, Mozambique, Nauru, Nicaragua, Niger, Panama, Republic of Moldova, Saint Vincent and the Grenadines, Samoa, the Seychelles,</p>

*States parties required to submit an annual article 7 transparency report by 30 April 2014*

*States parties that have submitted an annual article 7 transparency report*

*States parties that have yet to submit an annual article 7 transparency report for 2014*

Italy, Japan, Lao People's Democratic Republic, Lebanon, Lesotho, Lithuania, Luxembourg, Malawi, Mali, Malta, Mauritania, Mexico, Monaco, Montenegro, Mozambique, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Peru, Portugal, Republic of Moldova, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Seychelles, Sierra Leone, Slovenia, Spain, Swaziland, Sweden, Switzerland, Togo, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia

Ghana (2012, 2013, 2014), Grenada (2013), Guatemala (2012, 2013), the Holy See (2012, 2013), Ireland (2012, 2013, 2014), Italy (2013, 2014), Japan (2012, 2013, 2014), Lao People's Democratic Republic (2012, 2013, 2014), Lebanon (2012, 2013, 2014), Lithuania (2012, 2013, 2014), Luxembourg (2012 and 2014), Mauritania (2014), Mexico (2012, 2013, 2014), Monaco (2012 and 2014), Montenegro (2013, 2014), Mozambique (2013), Netherlands (2012, 2013, 2014), New Zealand (2012, 2013, 2014), Nicaragua (2013), Norway (2012, 2013, 2014), Peru (2014), Portugal (2012, 2013, 2014), Republic of Moldova (2012, 2013), San Marino (2012, 2013, 2014), Senegal (2014), Slovenia (2012, 2013, 2014), Spain (2012, 2013, 2014), Swaziland (2014), Sweden (2014), Switzerland (2014), the former Yugoslav Republic of Macedonia (2012, 2013, 2014), United Kingdom of Great Britain and Northern Ireland (2012, 2013, 2014), Uruguay (2013), Zambia (2012, 2013, 2014)

Sierra Leone, Togo, Trinidad and Tobago, Tunisia, Uruguay

## National implementation measures

*States parties that have adopted legislation relating to the Convention's implementation*

*States considering existing legislation to be sufficient*

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

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

Albania, Bulgaria, Denmark, the Holy See, Lithuania, Malta, Mexico, Montenegro, Netherlands, Nicaragua, Republic of Moldova, San Marino, Slovenia, former Yugoslav Republic of Macedonia

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

<sup>a</sup> New State party since the Fourth Meeting of States Parties in **bold** and *italics*.

<sup>b</sup> States parties that have completed their obligation since the Fourth Meeting of States Parties in **bold** and *italics*.

<sup>c</sup> States parties that have completed their obligation since the Fourth Meeting of States Parties in **bold** and *italics*.

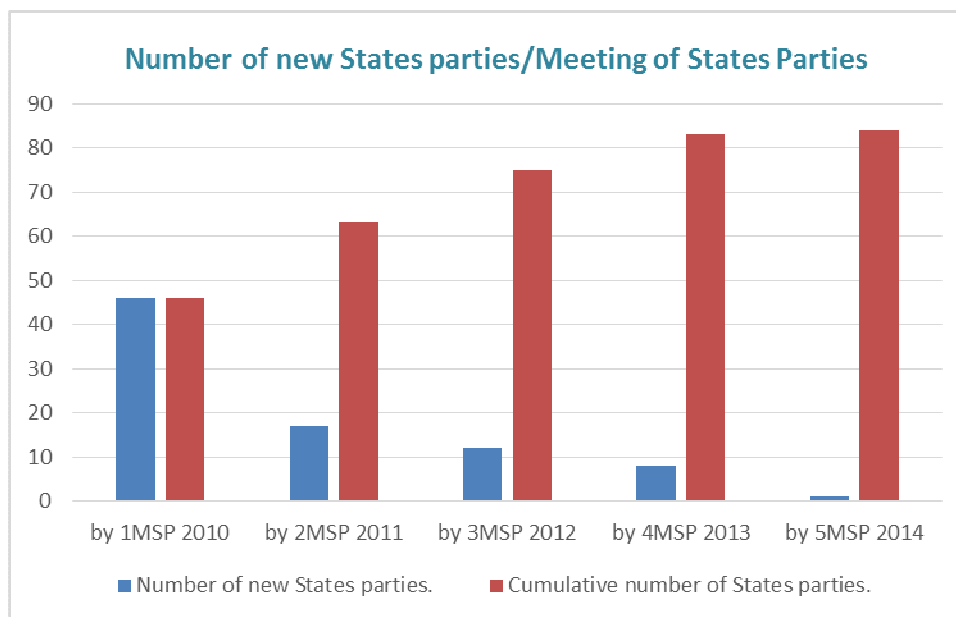
<sup>d</sup> States in bold have submitted their initial article 7 report since the Fourth Meeting of States Parties.

<sup>e</sup> Saint Kitts and Nevis (initial submission due on 28 August 2014).

## Annex II

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

#### Universalization



#### Transparency

