

Review Conference of States Parties to the Convention on Cluster Munitions

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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 II. The Convention on Cluster Munitions – achievements and areas for further action

Submitted by the President to the Fifth Meeting of States Parties

1. The Convention on Cluster Munitions was born of a collective awareness of the perverse humanitarian consequences of cluster munitions with the objectives to prevent new victims by prohibiting the use, production, transfer and stockpiling of cluster munitions, as well as tackling the consequences, remedying the effects of past use by assisting victims, their families and communities as well as in clearing contaminated lands, the very elements that constitute the backbone of this Convention. Since entry into force, on 1 August 2010, the Convention has made substantial progress in these efforts and as such represents one of the most important developments in international humanitarian law in recent times. States parties have, from the outset, shown great determination to implement the Convention rapidly and thoroughly and agreed to consult and cooperate with each other regarding the implementation of the provisions of the Treaty and to work together in a spirit of cooperation.

2. In the five years following entry into force, most of the affected countries and many former users, producers and stockpilers have joined this effort. To date, 115 States have committed to the goals of the Convention and 88 of them have become full States Parties through ratification or accession, while 27 still have to submit their instruments of ratification. 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 already making a difference on the ground.

3. Deadlines with regard to the operational components under Article 3 on stockpile destruction will occur only in 2018. Similarly, deadlines for clearance of cluster munitions remnants under Article 4 will only start occurring in 2020, with countries like the Lao People's Democratic Republic, Lebanon and additional other States Parties having declared cluster munition affected areas at the time of entry into force—and with three of them having declared compliance already. At this time however, relevant compliance issues therefore extend only to reporting requirements, e.g. overdue submissions of initial and

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annual transparency reports. In reviewing the implementation of the Vientiane Action Plan, it is also worth making a reference to Article 21.

4. Raised as a concern since the Second Meeting of States Parties, reporting levels remain low. To date, 26 States Parties have yet to submit their initial transparency report and only 49 per cent of the States have submitted all required annual transparency reports. Secondly, since entry into force, the use of cluster munitions has been recorded at seven occasions, either as an isolated occurrence or, as in the case of the Syrian Arab Republic, been ongoing since first recorded in 2012.¹ Civilians are still subject to unacceptable harm. It is therefore crucial to further strengthen the norm established by the Convention, including the obligations outlined in Article 21 paragraph 2 which states that “Each State Party... shall promote the norms [this Convention] establishes and shall make its best efforts to discourage States not party to this Convention from using cluster munitions” and consequently and systematically raise concern with regards to any use of cluster munitions wherever and whenever it occurs. As a measure to put an end to all use and uphold the new standard set by the Convention by which States now are judged, it is imperative to clarify allegations of use and demand that those at fault discontinue the practice without delay.

5. The seven instances of use are of great concern. Notwithstanding, vehement denials by alleged users following public disclosure are all good indicators of the stigma now associated with cluster munitions. Also States not party to the Convention no longer want to be associated with these weapons. In response to use, Presidencies of the Convention on Cluster Munitions, States Parties as well as the United Nations, the International Committee of the Red Cross and civil society organisations have expressed concern and condemned this use. Several States and organisations have undertaken fact-finding missions and/or requested clarifications or investigations by parties to the conflict when use of cluster munitions has been confirmed. More specific actions taken when use have occurred since entry into force include:

(a) Several States as well as the President of the Convention on Cluster Munitions responded publically to the use of cluster munitions by Thailand in 2011 condemning the use and requesting a fact finding mission;

(b) The Secretary-General of the United Nations, several United Nations agencies and the civil society organisation Cluster Munitions Coalition all reacted to media reports on the allegation of use by Sudan in South Kordofan in 2012;

(c) Some 58 States condemned or expressed concern about the use in South Sudan and 52 States condemned or expressed concern about the use in Ukraine, both believed to have occurred in 2014;

(d) Some 157 States, including States Parties and states not yet parties to the Convention, condemned or otherwise expressed concern in the context of ongoing and widespread use in the Syrian Arab Republic, by means of national statements, through resolutions 67/262 and 68/182 of the General Assembly, through statements made by the European Union at the Meeting of States Parties and as contained in the “London 11” Friends of Syria Core Group of countries communique”.

¹ Used in Cambodia and in Libya (2011); in Syrian Arab Republic (2012, 2013 and 2014); in South Sudan and in Ukraine (2014) and allegedly used in Sudan (2012) and in Myanmar (2013).