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# Convention on Cluster Munitions

13 October 2010

Original: English

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## First Meeting of the States Parties

Vientiane, Lao People's Democratic Republic

9–12 November 2010

Item 11 of the provisional agenda

### Operation and status of the Convention

## Draft Vientiane Action Plan

Submitted by the President-Designate<sup>1</sup>

### I. Introduction

1. This Action Plan was adopted by the States Parties to the Convention on Cluster Munitions (CCM) Vientiane, Lao People's Democratic Republic, 9-12 November 2010, in consultation with the United Nations, The International Committee of the Red Cross and the Cluster Munition Coalition and other partners.
2. The objective of this Action Plan is to ensure effective and timely implementation of the provisions of the CCM following the First Meeting of States. The Plan sets out concrete and measurable steps, actions and targets to be completed within specific time periods and defines roles and responsibilities. The actions are not legal requirements, but designed to assist States Parties and other relevant actors in their practical implementation of the Convention, and thus to support States Parties in meeting their obligations. With the adoption of this plan, states parties send a strong message on their commitment to the rapid implementation of the Convention.
3. The Action Plan is both a priority list for States Parties and other implementation actors, and a tool to monitor implementation progress. Some actions are designed as milestones to ensure timely implementation of comprehensive and resource intensive tasks. Others are designed to assist States Parties in structuring their response to their commitments under the Convention.
4. The Action Plan aims to ensure that the Convention can have immediate impact on the ground, address current implementation challenges, react to future developments, and to reflect changes in implementation challenges. The Plan includes actions to be taken in the year leading up to the Second Meeting of States Parties as well as actions to be undertaken prior to the First Review Conference of the Convention. Specific actions may be revised or

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<sup>1</sup> Prepared by Norway as Friend of the President.

substituted at future Meetings of States Parties, if necessary, such as when States Parties succeed in meeting their obligations and new circumstances arise due to additional States joining the Convention.

5. The States Parties to the Convention on Cluster Munitions agree on the following actions in order to fulfil their ultimate aim of ending for all time to the suffering and casualties caused by cluster munitions:

## **II. Partnerships**

6. All States Parties will:

**Action #1** Recognize, and continue to further develop, the partnerships underpinning the Convention, between affected and non-affected states, the Cluster Munition Coalition, the United Nations system, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, the Geneva International Centre for Humanitarian Demining, international and regional organizations, cluster munition survivors and victims and their representative organizations, and other civil society organizations.

## **III. Universalisation**

7. All States Parties will

**Action #2** Seize opportunities in relevant forums to promote adherence to the Convention as soon as possible.

**Action #3** Encourage and support States not Party to become States Parties in time for the Second Meeting of States Parties.

**Action #4** Cooperate with other States Parties and other relevant partners including international organisations and civil society to promote the universalization of the Convention and its norms.

**Action #5** Acknowledge the obstacles and challenges facing States not Party to the Convention and help to find solutions to facilitate their eventual adherence to the Convention, including the consideration of the provision of assistance to States that due to resource limitations may have difficulties in implementing the Convention's provisions.

**Action #6** Discourage in every possible way all use, development, production, stockpiling and transfer of cluster munitions.

**Action #7** Support, where appropriate, the efforts of States not Party to the Convention that share the humanitarian concerns caused by cluster munitions, in participating in the formal and informal meetings of the Convention in order to encourage them to become States Parties to the Convention.

## **IV. Stockpile destruction**

8. States Parties with cluster munition stockpiles will:

**Action #8** Endeavour to, within one year of entry into force for that State Party, have a plan in place for the destruction of stocks that includes a timeline and budget and begin physical destruction as soon as possible.

**Action #9** Ensure that problems that may cause obstacles to planned destruction are disclosed in a timely manner to States Parties and relevant organizations in situations where assistance is required to meet stockpile destruction obligations.

## V. Clearance and destruction of cluster munition remnants and risk reduction activities

9. States Parties that have reported cluster munition contaminated areas under their jurisdiction or control will:

**Action #10** Increase in 2011 their capacities for clearance and risk reduction activities on the basis of plans and proposals presented at and following the First Meeting of States Parties, as national and international resources become available.

**Action #11** As soon as areas under its jurisdiction or control are known to be contaminated by cluster munition remnants, take all feasible measures to prevent further civilian casualties by effectively preventing unintentional civilian access to cluster munition contaminated areas.

**Action #12** Endeavour to, within one year of entry into force for that State Party, identify as precisely as possible locations and size of all cluster munition contaminated areas under their jurisdiction or control, prioritize clearance based on assessed level of impact, and report this information as required by Article 7, as well as to the Meeting of States Parties.

**Action #13** Endeavour to, within one year of entry into force for that State Party, systematically use contamination and prioritisation information to develop and begin implementing a national clearance plan, which includes transparent and consistent criteria for clearance priorities and builds, where appropriate, upon existing structures, experiences, related plans and methodologies. The national clearance plan should be linked to broader country development plans and related mine action plans, where appropriate, and encourage national ownership and commitment.

**Action #14** Ensure that affected communities are informed of, and included in, the development of national clearance plans, planning and prioritisation of clearance activities and land release, by utilising community liaison or similar means to ensure they are able to participate in a meaningful and gender-sensitive manner.

**Action #15** Apply all available and relevant methods of non-technical survey, technical survey and clearance for full and expedient implementation of Article 4, which should be included within national standards, policies and procedures, and share best practices and lessons learnt with other States Parties.

**Action #16** Provide annually precise and comprehensive information on the size and location of cluster munition contaminated areas released. This information should be disaggregated by release methods.

**Action #17** Develop and provide risk reduction education programmes that focus on preventing and proving alternatives to risk-taking behaviour and target the most at-risk populations. Risk reduction education programmes should be tailored to the needs of affected communities, gender sensitive and age appropriate, consistent with national and international standards and integrated into clearance, survey and victim assistance activities. Risk

reduction education activities should also be integrated, as appropriate, into schools, community-based programs and public information campaigns. Large-scale awareness rising should be mainly used in immediate post-conflict situations.

10. All States Parties will:

**Action #18** Strive to ensure that States Parties affected by cluster munitions remnants fulfil their obligations under Article 4, paragraph 1, as expeditiously as possible, and that the least number of States Parties possible will be compelled to request an extension in accordance with the procedure set out in Article 4, paragraphs 5 to 8, of the Convention.

**Action #19** Monitor and actively promote the achievement of clearance goals and the identification of assistance needs, making full use of the transparency measures set out in Article 7, the Meetings of States Parties, intersessional work and regional meetings as arenas for affected States Parties to present their challenges, plans, progress and priorities for assistance.

## **VI. Victim assistance**

11. States Parties with cluster munition victims in areas under their jurisdiction or control will:

**Action #20** Increase in 2011 their capacities to assist cluster munition victims on the basis of plans and proposals presented at and following the First Meeting of States Parties, as national and international resources become available.

**Action #21** Designate a focal point within the government to coordinate the development, implementation, and monitoring of victim assistance policies and plans in accordance with Article 5, paragraph 2, within six months of the Convention's entry into force for that State Party and make sure that the focal point has the authority, expertise and adequate resources to carry out its task.

**Action #22** Collect all necessary data, disaggregated by sex and age, and assess the needs and priorities of cluster munition victims within one year of the Convention's entry into force for that State Party. Such data should be made available to all relevant stakeholders and contribute to national injury surveillance and other relevant data collection systems for use in programme planning.

**Action #23** Integrate the implementation of the victim assistance provisions of this Convention in existing coordination mechanisms, such as coordination systems created under the Convention on the Rights of Persons with Disabilities (CRPD) or other relevant Conventions. In the absence of such mechanisms, establish such a coordination mechanism actively involving cluster munition victims and their representative organizations as well as relevant health, rehabilitation, social services, education, employment, gender and disability rights experts within one year of the Convention's entry into force for that State Party.

**Action #24** Ensure that existing victim assistance and/or disability plans can ensure fulfilment of the victim assistance obligations under the Convention or adapt such plans accordingly. States Parties that have not yet developed such a plan, should do so and ensure that a comprehensive national plan of action and budget address the needs and human rights of cluster munition victims.

- Action #25** Review the availability, accessibility and quality of services in the areas of medical care, rehabilitation and psychological support, economic and social inclusion, and identify which barriers prevent access to these services for cluster munition victims. Take immediate action to increase availability and accessibility of services also in remote and rural areas so as to remove the identified barriers and to guarantee the implementation of quality services.
- Action #26** Within one year of the Convention entering into force for that state, review national laws and policies, with a view to meeting the needs and protecting the human rights of cluster munition victims, ensuring that national legal and policy frameworks do not discriminate against or among cluster munition victims and those who have suffered injuries or disabilities from other causes. Implement relevant national laws and policies, which were newly developed or modified as needed, no later than the First Review Conference of the Convention.
- Action #27** Raise awareness among cluster munition victims about their rights and available services, as well as within government authorities, service providers and the general public to foster respect for the rights and dignity of persons with disabilities, including cluster munition victims.
- Action #28** Implement existing international standards, guidelines and recommendations in the areas of medical care, rehabilitation and psychological support as well as social and economic inclusion, inter alia through education, training and employment incentive programmes of persons with disabilities in both public and private sectors, as well as through the micro-crediting possibilities and best practices, recognizing in particular the vulnerability of women with disabilities.
- Action #29** Mobilize adequate national and international resources through existing and innovative sources of financing, bearing in mind the immediate and long-term needs of cluster munition victims.
12. All States Parties, in support of the implementation of Article 5, will seek to:
- Action #30** Encourage and enable States Parties to include cluster munitions victims and their representative organisations in the work of the convention in a manner that is gender and age sensitive, sustainable, meaningful and non-discriminatory.
- Action #31** Include relevant experts, including clusters munitions survivors, and representatives of disabled persons organisations, to be part of their delegations in all convention related activities.
- Action #32** Promote and enhance the capacity of women, men and organizations of survivors as well as other national organisations and institutions delivering victim assistance services, including by financial and technical resources, effective leadership and management training, exchange programmes, with a view to strengthening national ownership and sustainability.

## VII. International cooperation and assistance

13. States Parties with obligations to destroy stockpiles, clear affected areas and assist victims should:
- Action #33** Endeavour to, within one year after entry into force for that state party, develop or update comprehensive national plans for meeting all obligations

concerning stockpile destruction, clearance and victim assistance, identify resources currently available to meet these obligations and identify needs for international cooperation and assistance.

- Action #34** Identify and engage with relevant civil society groups, corporations, international organisations, and other States Parties that may be in a position to assist in addressing these gaps,
- Action #35** Identify other affected States Parties as soon as possible and use meetings of the Convention and other bilateral and regional opportunities to exchange of information and technical expertise so as to be able to gain from each other's experience in implementation of the Convention.
- Action #36** Promote technical cooperation, information exchange on good practices and other forms of mutual assistance with other affected States Parties to take advantage of the knowledge and expertise acquired in the course of fulfilling their obligations.

14. States Parties in a position to do so should undertake the following:

- Action #37** Respond to requests for assistance to increase clearance, victim assistance and stockpile destruction work by States Parties made at and following the First Meeting of States Parties to ensure that the pace and effectiveness of these activities increases in 2011 and beyond.
- Action #38** Promptly assist States Parties that have requested support for implementing their victim assistance, clearance and stockpile destruction obligations, respond to their national priorities in these areas, and strive to ensure continuity, predictability and sustainability of resource commitments.
- Action #39** Support the cluster munitions related programming being undertaken by civil society actors, United Nations and international organisations.
- Action #40** Support cluster munitions programmes by providing funding to facilitate long-term planning for these programmes, under national management and ownership, paying particular attention to the specific needs and circumstances of the least developed States Parties, and ensuring that actions to address the consequences of cluster munitions remains a high priority, including in broader humanitarian, development assistance, disarmament and security programmes.
- Action #41** Support, as appropriate, actions to address cluster munition contamination and victim assistance in areas where non-state actors operate, including by facilitating access for humanitarian organisations.
- Action #42** Inform affected States Parties of resources, capacities and programmes available for supporting stockpile destruction, clearance and victim assistance

15. All States Parties will:

- Action #43** Ensure that the Convention and its informal and formal implementation mechanisms include and provide a specific and effective framework to discuss assistance and international cooperation issues in order to identify needs and mobilise resources as well as to allow other States to present lessons learned and good practices by other States
- Action #44** Strive to ensure that the cluster munitions related activities of the United Nations, national and international non-governmental organisations and other actors, where relevant, are incorporated into national planning frameworks and are consistent with national priorities and international obligations.

- Action #45** Promote cooperation amongst all States Parties in order to identify possible areas of support and cooperation such as exchange of information and technical expertise with a view to ensuring the full implementation of the Convention.
- Action #46** Initiate and promote bilateral and regional cooperation, including South-South and triangular cooperation, in sharing experience, good practices, resources, technology and expertise to ensure the full implementation of the Convention.
- Action #47** Share good practices at meetings of the CCM through their experience in destroying cluster munitions stockpiles, clearing cluster munition remnants and/or providing assistance to victims, especially in response to specific calls for assistance from other States Parties.
- Action #48** Exchange views and share experiences in a cooperative and informal manner on practical implementation of the various provisions of the Convention pertaining to international cooperation and assistance.
- Action #49** Strengthen the partnerships between affected and non-affected States Parties and among affected States Parties to identify and mobilize new technical, material and financial sources of support for activities to implement the Convention.
- Action #50** Ensure that assistance in addressing the consequences of cluster munitions is based on appropriate surveys, needs analysis and cost-effective approaches.

## VIII. Actions in support of implementation

### Implementation support

16. All States Parties will:

- Action #51** Strive to actively involve and include relevant international and regional organisations and civil society in the development, implementation, monitoring and reporting of efforts to fulfil obligations under this Convention.
- Action #52** Conduct the formal and informal meetings of the Convention in a manner that facilitates systematic input from a range of actors in civil society and international organizations and allows for the emergence of new partnerships for example with the private sector.
- Action #53** Assist the efforts of the President to develop a regular work programme and meeting schedule, a system of thematic leadership among States Parties and a coordinating mechanism for consideration by the Second Meeting of States Parties.
- Action #54** Assist the efforts of the President to develop, for consideration at the Second Meeting of States Parties the most appropriate means to facilitate implementation, including consideration of an implementation support unit to prepare formal and informal meetings of the Convention, support the President and future coordination mechanisms, provide advisory services to the States Parties and administer a Sponsorship Programme.
- Action #55** Enhance and make use of synergies between the Convention and other relevant instruments of international humanitarian and human rights law.

**Action #56** Take full advantage of victim assistance, risk reduction education, clearance and other related efforts already undertaken within other frameworks and explore ways to facilitate closer cooperation and meet overlapping obligations in a way that maximizes efficiency and impact of efforts in areas such as plans, budgets, coordination, service provision, monitoring and reporting.

17. States Parties in a position to do so will:

**Action #57** Facilitate and support widespread representation at meetings of the Convention, particularly by cluster munition affected developing States Parties.

### **Transparency and exchange of information**

18. All States Parties will:

**Action #58** Fulfil their obligation to provide initial transparency reports under Article 7, and where relevant, include information in accordance with article 3, paragraph 8, without delay.

**Action #59** Fulfil their obligations to annually update Article 7, and where relevant Article 3, paragraph 8, transparency reports and maximize reporting as a tool to assist and cooperate in implementation, particularly in cases where States Parties must take action to destroy stockpiled cluster munitions, clear cluster munitions remnants, assist victims or take legal and other measures referred to in Article 9.

**Action #60** To the extent possible, take full advantage of the flexibility of the reporting process, to provide information on matters not specifically required but which may assist in the implementation process and in resource mobilization.

**Action #61** Exchange views and share their experiences in a cooperative and informal manner on the practical implementation of the various provisions of the Convention.

**Action #62** Contribute to the development of the reporting format and, when relevant, of synergies with reports existing in other disarmament or humanitarian conventions.

### **National implementation measures**

19. States Parties that have not adopted national implementation measures will:

**Action #63** As a matter of urgency develop and adopt comprehensive legislative, administrative or other implementing measures, as appropriate, in accordance with Article 9 in order to implement all obligations under the Convention.

20. All States Parties will:

**Action #64** Share information on the content and application of implementing measures through reports made in accordance with Article 7 and at formal and informal meetings of the Convention. In instances when assistance is required to develop implementing measures, States will make their needs known to States Parties, the ICRC or other relevant actors.



**Action #65** Provide clear directives to all relevant state agencies about the prohibitions and requirements of the Convention.

### **Compliance**

21. All States Parties will:

**Action #66** Respond in a robust manner to any allegations of non-compliance, including through bilateral discussions, the use of the good offices of the President, and any other means consistent with Article 8, paragraph 1.

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