

Review Conference of States Parties to the Convention on Cluster Munitions

19 December 2014

Original: English

First Preparatory Meeting for the First Review Conference

Geneva, 5 February 2015

Item 7 of the provisional agenda

**Exchange of views on a political declaration
to be adopted at the First Review Conference**

Exchange of views on a draft political declaration outline

Submitted by the President-designate of the First Review Conference

I Introduction

1. The Convention on Cluster Munitions was born of a collective awareness of the severe humanitarian consequences of cluster munitions that cause unacceptable harm to civilians during use and long afterwards. The Convention's establishment of a categorical ban on cluster munitions because of their impact on civilians makes it one of the most important developments in international humanitarian law in recent times.
2. Its main objectives are: to prevent new victims by prohibiting the use, production, transfer and stockpiling of cluster munitions, and to remedy the effects of past use by assisting victims, their families and communities as well as by clearing contaminated land.
3. Since its entry into force, the Convention has made substantial progress toward these goals, demonstrating its early success and the determination of its States Parties to see it reach its full potential as soon as possible.
4. To date, 115 States have committed themselves to the goals of the Convention and 88 of them have become full States Parties through ratification or accession, while 27 still need to ratify.

II Key messages and achievements

5. The adoption, entry into force and implementation of the Convention on Cluster Munitions constitute truly ground-breaking progress toward putting an end to the unacceptable harm caused by cluster munitions. Less than six years after the opening for signature, a sub-region, Central America, became the first sub-region free of cluster munitions and most of the affected countries and a substantial number of former users, producers and stockpilers have joined this effort. The work of State Parties to implement the provisions of the Convention, in clearance and risk reduction activities, in stockpile

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destruction and in assistance and support to victims, their families and communities, is making a real difference on the ground.

6. These advances are the result of the invaluable partnership between States, international organisations such as the United Nations, the International Committee of the Red Cross, and the International Federation of the Red Cross and Red Crescent Societies and civil society organisations working together. But there is yet some way to go for the Convention to achieve universal adherence and for cluster munitions to be eliminated once and for all time. Despite the commitment of 115 States that are bound by the ban on cluster munitions, the weapon has been used—with seven instances recorded since entry into force, and continue to kill and injure people with as many as 94 percent being innocent civilians, including women and children.

7. However, the international norm, whereby any use of cluster munitions, by whom and wherever in the world, is regarded as detestable, is becoming stronger and stronger. Most States not party are influenced by international pressure and comply with the Convention's requirements in practice, although not legally bound to do so.

8. States Parties have continuously renewed their commitment to the CCM and stand ready to do more, for as long as people remain at risk, to accomplish their collective goal: a world free of cluster munitions.

9. The Convention is the first international treaty to contain precise obligations on assistance by States Parties to victims of a given weapon in areas under the State Party's jurisdiction or control. The Convention continues to set the highest standards for victim assistance in international humanitarian law. Its strong victim assistance provisions, as well as its reaffirmation of the rights of cluster munitions victims (including persons directly and indirectly impacted), has already led to progress on the ground for cluster munition survivors, their families, and their communities.

10. With States Parties having collectively destroyed over 80 per cent of their reported cluster munition stockpiles, and thereby well on track to complete all destruction in conformity with their respective deadlines stipulated by the Convention, national ownership and commitment for the destruction of stockpiled cluster munitions have proven to be very high.

11. Many States Parties with high levels of contamination from cluster munitions are actively working to meet their treaty obligation to clear the land of cluster munitions and protect the communities still facing a daily threat from such remnants.

12. The Convention has promoted new thinking on clearance and risk reduction in the context of Article 4. In particular, it continues to stimulate international discourse on, and the implementation of, efficient clearance activities and a sound land release approach has increased the efficiency and speed of survey and clearance of cluster munitions activities in some countries.

III Remaining challenges

13. **To ensure no use:** Cluster munitions are known or alleged to have been used since the entry into force in seven States not yet parties (used in Cambodia and Libya in 2011; Syrian Arab Republic in 2012, 2013 and 2014; South Sudan in 2014 and Ukraine in 2014 and alleged use in Sudan in 2012 and Myanmar in 2013). It is crucial for all actors to continue to emphasize the norm established by the Convention by condemning any use of cluster munitions wherever and whenever it may occur. States Parties should give high priority to the obligations outlined in Article 21 paragraph 2 of the Convention 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.”

14. Continued progress towards universalisation:

(a) Continue advocating for accessions hand in hand with all concerned actors, including civil society organizations and International Committee of the Red Cross with the aim of increasing the number of States Parties to the Convention.

(b) Encourage and support by all means possible the signatory states in order for them to finalize their ratification process as soon as possible.

15. Full compliance with victim assistance obligations: States need to do more to make relevant programs and services available and sustainable and ensure that all cluster munitions victims have access to programs that meet their specific needs. Although all States Parties with cluster munition victims provided some victim assistance services and nearly all States Parties have acted in accordance with the time-bound actions of the Convention’s victim assistance plan, agreed at the Convention’s first meeting of States Parties in 2010, further effort is needed to ensure measurable improvements in the accessibility of services in many States Parties and that the rights of all victims, including those in remote and rural areas, are fulfilled.

16. Efficiency and effectiveness in clearing cluster munitions remnants: Affected States need to stay abreast of methodological and technological developments within the sector to ensure the most effective and efficient means and application of clearance assets as possible to ensure the safety and security of civilians and the prompt release of contaminated land back to productive use. States are encouraged to present the plans and timelines for clearance in annual Article 7 updates and Convention meetings on their progress, results, challenges and assistance requirements with regards to their clearance activities.

17. Maintaining the momentum of stockpile destruction: Many States have undertaken rapid destruction of their stocks, demonstrating effective and cost efficient ways to do so, but several States with stockpiles have yet to present clear plans for their destruction. States are therefore encouraged to present the plans and timelines for stockpile destruction in annual Article 7 updates and Convention meetings to maximum transparency on their progress, results, challenges and assistance requirements with regards to stockpile destruction activities.

18. Strengthened partnerships for enhanced cooperation:

(a) States are encouraged to make additional efforts to enhance and implement effectively their national plans with a view to comply with the Convention as well as to ensure synergies under other international instruments pertinent in different countries.

(b) The advocacy and constructive support functions provided by the Cluster Munition Coalition as well as the United Nations, International Committee of the Red Cross, International Federation of the Red Cross and Red Crescent Societies, and its many national Red Cross and Red Crescent societies, is an essential and welcomed feature of the unique partnership of this Convention, monitoring the performance of States so as to allow States Parties to be accountable for the commitments they have made. Preserving this partnership is also a prerequisite for maintaining and furthering implementation, universalisation and the progress achieved.

IV Commitment:

19. A commitment by States Parties, in partnership with international organisations and civil society, to fulfil their convention obligations.
 20. A commitment to ensure that cluster munitions remain a stigmatized weapon.
 21. A commitment of the international community to stay focused and work together to fulfil the obligations of the convention as soon as possible guided by the overall actions outlined in the Dubrovnik Action Plan.
 22. A cluster munitions free world is an achievable goal.
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