



DEPARTMENT OF FOREIGN AFFAIRS  
REPUBLIC OF INDONESIA

# Regional Conference

## on the Promotion and Universalization of the Convention on Cluster Munitions Bali, Indonesia | 16 - 17 November 2009



Auswärtiges Amt



ROYAL NORWEGIAN  
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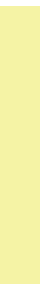
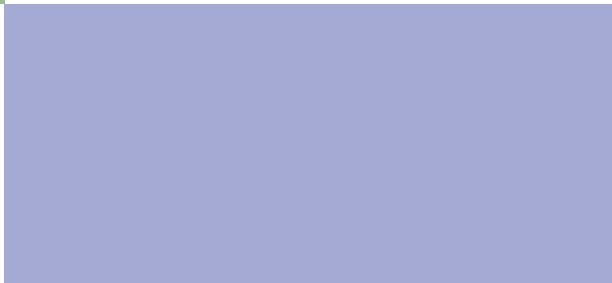


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## **Regional Conference**

on the Promotion and Universalization  
of the Convention on Cluster Munitions  
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# CONTENTS

<b>FOREWORD</b>	<b>3</b>
> Dr. R.M. Marty M. Natalegawa   Minister of Foreign Affairs   Republic of Indonesia	3
<b>EXECUTIVE SUMMARY</b>	<b>4</b>
<b>OPENING SESSION</b>	<b>9</b>
<b>Opening remarks</b>	
> Rezlan Ishar Jenie   Director General for Multilateral Affairs   Department of Foreign Affairs   Republic of Indonesia	10
> Werner Heidemann   Head of Division Arms Control   Ministry of Defence   Germany	13
> El Mostafa Benlamlih   UN Resident Coordinator and UNDP Resident Representative to Indonesia	15
> Vincent Nicod   Head of Delegation to Indonesia   ICRC	17
> Thomas Nash   Coordinator   CMC	19
> Pham Quy Thi   Vietnamese Cluster Munitions Survivor   CMC	21
<b>SESSION I: UNDERSTANDING THE CONVENTION ON CLUSTER MUNITIONS</b>	<b>22</b>
<b>Chair's summary of the discussions</b>	
> Andy Rachmianto   Republic of Indonesia	22
<b>Presenters' summaries</b>	
> <b>The CCM - a New Global Norm</b>   Jostein Leiro   Norway	23
> <b>The Humanitarian and Cooperative Perspective</b>   Alexander Marschik   Austria	24
> <b>A New Zealand Perspective</b>   George Hampton   New Zealand	25
<b>SESSION II: PERSPECTIVES FROM THE MOST AFFECTED COUNTRIES OF CLUSTER MUNITIONS AND VICTIMS</b>	<b>27</b>
<b>Chair's summary of the discussions</b>	
> Alexander Marschik   Austria	27
<b>Presenters' summaries</b>	
> <b>Lao PDR and the Cluster Munitions Problem</b>   Maligna Saignavongs   NRA - Lao PDR	28
> <b>Afghanistan and its Fight against Cluster Munitions</b>   Sharif Ahmad Waheedi   Afghanistan	29
> <b>Perspective from a Vietnamese Cluster Munitions Victim</b>   Nguyen Thi Huong   Ban Advocates	30
<b>SESSION III: COOPERATION AND ASSISTANCE</b>	<b>31</b>
<b>Chair's summary of the discussions</b>	
> Alistair Sherwin   Australia	31
<b>Presenters' summaries</b>	
> <b>Cooperation and Assistance - Japan's Experience</b>   Chisa Sato   Japan	32
> <b>Cooperation and Assistance - UN Perspectives</b>   Stephen Robinson   UNMAS	33
> <b>The Necessity of a Strong Framework for Cooperation and Assistance</b>   Kim Hoa Nguyen   CMC	35

# CONTENTS

<b>SESSION IV: NATIONAL IMPLEMENTATION</b>	<b>38</b>
<b>Chair's summary of the discussions</b>	
> Jostein Leiro   Norway	38
<b>Presenters' summaries</b>	
> <b>Australia's Efforts towards National Implementation</b>   Peter Hunter   Australia	39
> <b>LAO PDR Risk Management and Prioritisation Model</b>   Michael Creighton   GICHD	42
> <b>The Implementation of the CCM through Legislative and Administrative Measures</b>   Richard Desgagné   ICRC	43
<b>SESSION V: DESTRUCTION OF CLUSTER MUNITIONS</b>	<b>45</b>
<b>Chair's summary of the discussions</b>	
> Werner Heidemann   Germany	45
<b>Presenters' summaries</b>	
> <b>German National Stockpile Destruction Programme</b>   Thomas Frisch   Germany	46
> <b>International Standards on Cluster Munitions Stockpile Destruction</b>   Vera Bohle   GICHD	48
> <b>Regional Solutions to Cluster Munitions Disposal</b>   Lee Moroney   NPA	50
<b>SESSION VI: TOWARDS THE ENTRY INTO FORCE AND THE 1<sup>ST</sup> MEETING OF STATES PARTIES OF THE CONVENTION ON CLUSTER MUNITIONS</b>	<b>52</b>
<b>Chair's summary of the discussions</b>	
> Saleumxay Kommasith   Lao PDR	52
<b>Presenters' summaries</b>	
> <b>Towards the Entry into Force - Promoting the Universalization of the Convention on Cluster Munitions</b>   Chisa Sato   Japan	54
> <b>Promotion and Universalization of the Convention</b>   Sara Sekkenes   UNDP	56
> <b>Civil Society Advocacy to Promote the Convention on Cluster Munitions</b>   Laura Cheeseman   CMC	58
<b>CLOSING SESSION</b>	<b>61</b>
<b>Closing remark</b>	
> Fikry Cassidy   Acting Director for International Security & Disarmament   Department of Foreign Affairs   Republic of Indonesia	61
<b>ANNEX</b>	
Agenda of the Conference	63

# FOREWORD

**Dr. R.M. Marty M. Natalegawa I**  
**Minister of Foreign Affairs I Republic of Indonesia**

For several decades now, cluster munitions have killed and maimed countless civilians in various parts of the world. The use of this brutal weapon must be stopped forever. That is why the Convention on Cluster Munitions (CCM), which bans cluster munitions, was negotiated and concluded in a diplomatic conference held in Dublin in May 2008.

The implementation of this important international instrument means we will not continue to be saddled with the humanitarian problems caused by the use of cluster munitions. This is a cause that Indonesia strongly believes in. That is why we were one of the first countries to sign the convention in December 2008 in Oslo, Norway.

To encourage its universalization and hasten the entry into force of the Convention, Indonesia organized the *“Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions”* in Bali on 16 and 17 November 2009.

I am happy to learn that in the course of that regional conference, non-signatory states in our region have been extensively informed of the provisions of and obligations of State Parties to the Convention. There was also a productive and useful exchange of views on the importance of addressing the problem of cluster munitions and on the challenges to the universalization of the Convention. The discussions were intensive and enlightening.

I hope that the conference has achieved its purpose of convincing countries of the region and beyond to become Parties to the Convention. That will greatly diminish the threat posed by cluster munitions to civilian populations and contribute to a further increase in confidence in the security and stability of our region.

Let me also take the opportunity to express my gratitude to the representatives of countries, international organizations and civil society who attended the conference and contributed to its constructive discussions. May I also express Indonesia’s appreciation to the Governments of Germany, Norway, Austria and Australia as well as the UNDP, the ICRC and the GICHD for their generous support, which made the conference possible.

The conference documents and presentations published in this brochure will enhance understanding of the Convention. So I hope this brochure will serve as useful reference for stakeholders who wish to help promote the universalization of the Convention in their respective countries and communities.

Dr. R.M. Marty M. Natalegawa



# EXECUTIVE SUMMARY

## Introduction

The Indonesian Department of Foreign Affairs hosted the *Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions* in Bali in November 2009. The Bali Conference was sponsored by the Governments of Germany, Norway, Austria and Australia as well as by UNDP, the ICRC and the GICHD.



The use of cluster munitions has caused unacceptable harm to civilians for decades in many parts of the world, particularly in South-East Asia. In February 2007, Norway launched an initiative to urgently address this humanitarian harm, leading to the adoption of the Convention on Cluster Munitions (CCM) in Dublin by 107 states on 30 May 2008, and to its signature in Oslo on 3 December 2008. At the end of November 2009, 103 States have signed the Convention, and 24 have ratified it.

# EXECUTIVE SUMMARY

The CCM prohibits all use, stockpiling, production and transfer of cluster munitions. The Convention also contains provisions concerning assistance to victims, clearance of contaminated areas and destruction of stockpiles. As the Asia-Pacific region includes both affected countries and some who produce and/or stockpile cluster munitions, the promotion and the universalization of the CCM is of particular relevance for the region.



In this regard, the Government of the Republic of Indonesia invited countries from the Asia/Pacific region to participate in the Bali Conference. The meeting gathered 21 States as well as representatives from NGOs and International Organizations.

# EXECUTIVE SUMMARY

## Opening session

The host country representative, Amb. Rezlan Ishar Jenie, Director General for Multilateral Affairs, Department of Foreign Affairs, opened the Conference. Further to his introductory remarks, representatives from Germany, the United Nations, the ICRC and the Cluster Munition Coalition (CMC) delivered opening remarks. They all described the signing ceremony of the CCM as a major step to protect civilians from unacceptable humanitarian harm caused by the use of cluster munitions.

The proportion of Asian-Pacific States which have signed or ratified the Convention remains low, although this region, particularly the South-East Asian heartland, is one of the most severely affected. Therefore, the Indonesian Department of Foreign Affairs and its partners judged it to be important to organise a meeting that addresses the regional cluster munitions issue and provides a platform for productive and useful exchanges of views on the Convention's content.

## Session I: Understanding the Convention on Cluster Munitions

This first thematic session gave an overview of the achievement of the Convention on Cluster Munitions and pointed out the remaining efforts to be made to ensure efficient implementation. The comprehensive nature of the CCM was also discussed using the broad definition of a cluster munitions victim as an example. However, this powerful tool requires effective implementation to make progress. This will depend not only on the quality of international support for affected countries, but also on national ownership and political will.



# EXECUTIVE SUMMARY

## **Session II: Perspectives from the Most Affected Countries of Cluster Munitions and Victims**

In this session, representatives from Afghanistan, Lao PDR, and Vietnam, three of the most affected countries, highlighted the extent of contamination in their countries. The facts and figures are eloquent: hundreds of millions of sub-munitions have been dropped on Asia. The clearance will require decades and cost millions. In addition, cluster munitions victims shared the difficulties and numerous challenges encountered after their accidents. Human suffering has been the main reason for States to agree on the Convention on Cluster Munitions. Discussions also covered the correlation between unexploded ordnances (UXO) contamination and poverty, and provided information on national programmes created to clear ERW.



## **Session III: Cooperation and Assistance**

Article 6 of the CCM requires each State Party to cooperate with and assist other States Parties towards the completion of their obligations. The panel provided inputs on cooperation and assistance from a donor and an international organization perspective. The extent of contamination in Vietnam was outlined and participants noted that cooperation and assistance is crucial to face such a challenge. Capacity building and national ownership issues were also touched upon.

## **Session IV: National Implementation**

Experts provided the audience with legal and technical perspectives on the issue of national implementation. Concrete efforts made, on both national and international levels, to allow implementation of the CCM were also presented. Discussions stressed that strong national legislation and action plans for implementation of ERW/mine action programmes were of the utmost importance for prompt and efficient national implementation of the Convention.

# EXECUTIVE SUMMARY

## **Session V: Destruction of Cluster Munitions**

This session allowed the exchange of technical information on cluster munitions stockpile destruction, covering international standards, technical challenges, regional options for stockpile destruction and practical destruction experiences in Germany.

## **Session VI: Towards the Entry into Force and the 1<sup>st</sup> Meeting of States Parties of the Convention on Cluster Munitions**

This session focused on the upcoming entry into force of the Convention and its universalization. Nine non-signatories out of 21 participating States attended the Conference. This high proportion of non-signatories shows that the international community has managed to maintain the momentum of the signing ceremony. However, it is still crucial to keep a high level of communication among States, international organisations and civil society to best prepare the entry into force and the First Meeting of States Parties, and to favour the universalization of the CCM.

## **Closing session**

The closing session gave the Indonesian Department of Foreign Affairs and the Bali Conference participants the opportunity to highlight the main conference outputs. The first goal ahead is the entry into force of the CCM. The 30<sup>th</sup> ratification should be reached at the beginning of 2010, which will lead to the First Meeting of States Parties in Lao PDR in November 2010. The international community will remain focused on both the Convention's universalization and the concrete implementation of its core obligations. Communication among States Parties civil society, international organizations and non-States Parties will be a key element towards successful universalization. Effective implementation of the core obligations will require intensive cooperation and assistance, genuine political will and strong national ownership. Universalization and implementation are the only means of fully achieving the *raison d'être* of the Convention, which is to stop the humanitarian harm caused by the use of cluster munitions.

## **Information**

This publication contains the summaries of the Conference discussions and presentations, as provided by the chairs and the presenters. All information included in this publication, as well as further documentation such as the slides of the presentations and statements made during the Conference, are available on the conference website:

[www.bali-ccm-conference.org](http://www.bali-ccm-conference.org)

Please note that the information in this publication and on the website is attributed to the authors only; it does not represent the view of the Indonesian Department of Foreign Affairs.

# OPENING SESSION

**Speakers** H.E. Rezlan Ishar Jenie | Director General for Multilateral Affairs | Department of Foreign Affairs | Republic of Indonesia  
Col. Werner Heidemann | Head of Division Arms Control | Ministry of Defence | Germany  
Mr. El-Mostafa Benlamlih | UN Resident Coordinator and UNDP Resident Representative  
Mr. Vincent Nicod | Head of Delegation to Indonesia | ICRC  
Mr. Thomas Nash | Coordinator | Cluster Munition Coalition  
Mr. Pham Quy Thi | Cluster Munitions Survivor | Vietnam

As of mid-November 2009, a total of 103 States have signed the Convention on Cluster Munitions (CCM), and 24 of them have ratified it. The *Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions* (Bali Conference) gathered 21 States mainly from the Asia-Pacific region. Representatives from NGOs and International Organizations also participated in the conference. The Bali Conference's objectives were to promote the universalization of the CCM and prepare the ground for an efficient implementation of its core obligations as soon as the international treaty will enter into force.

The host country representative, Amb. Rezlan Ishar Jenie, Director General for Multilateral Affairs, Department of Foreign Affairs, opened the Conference. Further to his introductory remarks, representatives from Germany, the United Nations, the ICRC and the Cluster Munition Coalition (CMC) delivered opening speeches. They all described the signing ceremony of the CCM as a major step to protect civilians from unacceptable humanitarian harm caused by the use of cluster munitions.

# OPENING SESSION

## Opening Remarks by H.E. Rezlan Ishar Jenie | Director General for Multilateral Affairs | Department of Foreign Affairs | Republic of Indonesia

Excellencies,  
Distinguished Participants,

On behalf of the Government of Indonesia, I am greatly pleased to welcome you to Bali. As is well known, Bali has become a witness to many important international meetings and conferences such as this one. The subject of our meeting is a matter of great importance; it is a call for a collective effort to free mankind from the ills of this indiscriminate weapon. I am therefore grateful that you have accepted our invitation and taken the effort to participate in this Conference.

As representatives of Governments of the Asia-Pacific region, international organizations and civil society, your presence and participation will be useful to foster dialogue among the institutions and sectors you represent on the relevance and importance of the Convention on Cluster Munitions (CCM). This Convention, after all, is the result of successful negotiations based on a full partnership between government, international organizations and civil society.

Let me therefore take this opportunity to express our appreciation to the Governments of Germany, Norway, Austria and Australia as well as the UNDP, ICRC and GICHD for their generous support which has enabled us to organize this Conference.

Distinguished Participants,

For decades, the use of cluster munitions has inflicted grievous harm on civilians in many parts of the world. No government and no society should tolerate this kind of atrocity. That is why Indonesia not only supported but also actively participated in the “Oslo Process” towards the conclusion of the CCM. Our deep involvement in this endeavour is in line with our constitutional mandate to actively participate in a world order based on freedom, durable peace and social justice.

The Oslo Process which culminated in the signing of the Convention, in December 2008, has categorized cluster munitions as inhumane and indiscriminate weapons. Indonesia is among the first to sign the Convention because we strongly believe in its importance as a tool of disarmament and as a way of addressing a serious and widespread humanitarian problem caused by cluster munitions. And now my Government wishes to promote, with your help, its universalization and its early entry into force.

As a matter of fact, Indonesia is fully committed to working closely with the international community in solving problems that impact on human welfare anywhere. The threat to human life posed by cluster munitions is among the most serious of these problems.

# OPENING SESSION

We have therefore organized this regional conference for the following specific objectives:

First, to serve as a venue for informing non-signatory states in the Asia-Pacific region about the contents of the Convention and the obligations of signatory states that it stipulates.

Second, to provide a forum for productive and useful exchange of views regarding the importance of addressing the cluster munitions problem and the challenges to the universalization of the Convention.

Finally, to encourage countries of the region to sign and ratify the Convention.

The more countries that become Parties to the Convention, the less of a threat cluster munitions will be to human populations. And if there is a large number of State Parties to the Convention in the region, there will be a growth in confidence in our security environment.

Distinguished Participants,

I am pleased to tell you that since the signing of the Convention in Oslo in December last year, there have been encouraging developments towards its entry into force. By virtue of its own provisions, the Convention will enter into force six months after the 30th ratifying state has submitted its instrument of ratification. As of today, 103 states have signed the Convention and 24 have ratified it. This means that the Convention needs just six more ratifications before it enters into force.

We hope this will happen soon, for in the Asia-Pacific region, there are countries that produce, stockpile and are affected by cluster munitions. Historically, this region, particularly the Southeast Asian heartland, has been the most severely affected by cluster munitions and has suffered brutal and widespread damage due to their indiscriminate and irresponsible use.

Laos, Vietnam and Cambodia have the greatest number of civilian casualties, as millions of cluster munitions were abandoned on the ground in these countries during the Indochina war of the 1970s.

It is therefore ironic that so far the Asia-Pacific region is one of the regions with a small number of signatories to and ratifiers of the Convention. Among more than 40 states in the region, only 12 have signed the Convention and two – Japan and Lao PDR – have ratified it.

It is therefore urgent that we carry out intensive discussion and dialogue so that we can understand the reasons for the region's limited embrace of the Convention. Then we can find feasible ways and means of helping and encouraging States to sign and ratify the Convention.

# OPENING SESSION

Distinguished Participants,

On our part, here in Indonesia, soon after signing the Convention, we carried out activities to promote awareness of it among our national stakeholders. We continue to engage in dialogue with the military establishment and will similarly do so with the new members of parliament and other stakeholders.

Of course, the decision to be a party to the Convention is strictly within the domestic jurisdiction of the state concerned. That decision must be based on its perception of its own national interest. What we can and should do is to help shed light on the Convention so that the convergence of its provisions with the national interest of prospective parties will become more perceptible.

However, to advance the cause of disarmament and promoting humanitarianism, we cannot afford a long wait for the Convention's entry into force as the number of victims of cluster munitions keeps rising every day.

I therefore trust that through our discussions in this Conference you will gain a deeper understanding and useful insights that you can share with your constituents back home.

It is also my fervent hope that this Conference will lead to a wider understanding and appreciation of the merits of the Convention so that more States in this region will embrace it, paving the way towards reaching the ultimate goal of a world free of cluster munitions.

I now officially declare this Conference open.

Thank you.

H.E. Rezlan Ishar Jenie | Director General for Multilateral Affairs |  
Department of Foreign Affairs | Republic of Indonesia

# OPENING SESSION

## Opening Remarks by Colonel Werner Heidemann | Head of Division Arms Control | Ministry of Defence | Germany

Ministers, Excellencies, ladies and gentlemen, dear colleagues,

First, let me thank the Vice Minister for Foreign Affairs of the Republic of Indonesia for organizing this regional conference. It is a timely and highly relevant initiative that will help to ensure the promotion and universalization of the Convention on Cluster Munitions.

Just a week ago we marked an anniversary with a very special meaning for Germany and Europe. For the 20th time, we celebrated the fall of the Berlin Wall and thereby the end of a divided Europe. Around the world, this event is the symbol of the end of East-West confrontation.

My government does not see disarmament and arms control as being a threat to security in any way - on the contrary, we consider them to be a corner-stone of the global security architecture of the future. In this sense, arms control, disarmament and non-proliferation can be seen as important tools of a comprehensive security and defence policy. On nuclear disarmament we are now seeing fresh momentum and commend our American partners for their new approach. Let us all hope that this momentum also extends to conventional disarmament and do our collective best to make significant progress.

In our view, arms control and disarmament includes not only weapons of mass destruction, but also conventional munitions that cause disproportionate harm or have indiscriminate effects on the civilian population. This applies in particular to cluster munitions.

Twenty years after of the Ottawa-Convention came into force, there are 156 States Parties to this Convention including Indonesia and its immediate neighbour countries. This number of States Parties is encouraging as it is the basis on which the safety of the civilian population is increased. Therefore we can see the Ottawa-Convention on Anti-Personnel Landmines as an example of successful arms control and disarmament. The so-called “Fathers and Mothers” of this success-story are well represented here at the Bali Conference.

The success story of the Oslo-Convention on Cluster Munitions began with the signing ceremony in Oslo. Today not only more than 100 States signed, but 24 have ratified the Convention. Even though we need another six States Parties to ratify, we are well on the road towards this second success story, very similar to its “blue print”, the Ottawa-Convention.

# OPENING SESSION

At the signing ceremony in Oslo on the 3rd December last year, the Minister of Defence of the Republic of Indonesia stated: “We in Indonesia look forward to the early entry into force and subsequent universalization of this Convention. And thus we will save future generations from the humanitarian disaster due to cluster munitions that we have witnessed in our time.” I have no doubt that the States, the Non-governmental Organisations and the United Nations Organisations present here will join me in welcoming this Oslo-message from our host nation.

The threat posed to civilian populations by cluster munitions can be eliminated only if the ban on them is comprehensive. I can assure you of Germany's continued support to make the Convention truly universal.

Let me end by wishing this Conference every success as it takes this important step towards a safer region and thereby making the world a safer place.

Thank you so much.

Colonel Werner Heidemann | Head of Division Arms Control |  
Ministry of Defence | Germany

# OPENING SESSION

## Opening Remarks by El-Mostafa Benlamlih | UN Resident Coordinator and UNDP Resident Representative to Indonesia

Excellencies, Ladies and Gentlemen,

Welcome to Bali. First of all I would like to express my sincere congratulations and appreciation to the Government of Indonesia for hosting this event and for inviting me to provide some opening remarks. It is an honor to address this Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions on behalf of the United Nations.

The United Nations was established to help create a safer world and to save succeeding generations from the curse of war. The United Nations Charter identifies disarmament and arms regulation as important means by which to achieve this goal. But disarmament, non-proliferation and arms control have proven challenging in recent years and we have seen few great successes.

Among the major joint achievements towards a safer world are the Mine Ban Convention and the recent Protocol on Explosive Remnants of War under the Convention on Certain Conventional Weapons. While few in numbers, such successes are important milestones paving the way for a new era of cooperation and progress in the fields of disarmament, non-proliferation and arms control.

Soon we will be able to celebrate another encouraging event with the imminent entry into force of the Convention on Cluster Munitions. This Convention constitutes a major step forward in the broader international efforts to develop new international standards and norms to protect and promote human rights, protect civilians and control the spread of deadly and inhumane weapons.

The devastating humanitarian effects of cluster munitions are well known. Cluster munitions continue to mangle and kill men, women, boys and girls long after the end of conflict. Cluster munitions undermine food security through inaccessibility to land and loss of livestock. They exacerbate health and hygiene problems by limiting access to shelter, water and sanitation. And they prevent people from returning to their homes and make use of their land. Beyond the humanitarian impact, cluster munitions thus have the potential to exacerbate poverty, and to block economic recovery and long-term development. If communities cannot work their lands, pursue their trades or look after their cattle, they cannot and will not move forward.

Cluster Munitions cause great harm to civilians and combatants alike and continue to harm long after conflicts have ended. The devastating effects cluster munitions have had on people in the region are huge. Approximately 56% of the casualties from cluster bombs and ERWs (explosive remnants of war) from May 2008 to May 2009 occurred in the Asia Pacific region. That is 2,813 out of a total of approximately 5000 deaths globally. Between 1975 and 2007, Vietnam alone suffered a loss of 104,700 victims (35,000 killed and 69,700 injured). This is a huge loss. Yet, according to the latest figures, only three countries from the region have signed the Convention and two have ratified it. Globally, only 24 countries out of the required 30 have already ratified the Convention on Cluster Munitions. This means more lives and livelihoods will be destroyed and opportunities

# OPENING SESSION

for development missed pending the entry in force of the Convention. The Convention is not only a technical or a military issue. It is about human beings, children, families and communities across the world. It is about those youngsters dying or getting mutilated for life for no reason other than playing, going to school, taking care of cattle, or helping out in rice paddies. It is about their parents' right to safely earn a living for their family, walk without fear to sites of religious practice, or travel to the city.

We do hope that more countries, especially in this region, ratify this Convention in the near future. By doing so, we will make a significant contribution to the global advancement of International Humanitarian Law and the promotion of peace, security and development for all. It is our collective responsibility to protect these innocent people, this generation and future generations. That is what this Convention will help to do.

It is the responsibility of every country to ratify this instrument regardless of whether it has cluster munitions stockpiles or has experienced cluster munitions attacks. The United Nations strongly encourages all states to sign and ratify the Convention as quickly as possible to allow for its swift entry into force. For governments committed to the protection of civilians and to overcoming the threat to human development posed by cluster munitions, the next weeks and months offer an opportunity for decisive action. If we fail, we will have to face our responsibility. Billions of bombs still in storage around the world could cause a tremendous harm to humanity.

I wish you all the best in your endeavours towards making cluster munitions a weapon of the past. Let us make the ratification of the Convention on Cluster Munitions our contribution to a safer world for us and for our children.

Thank you.

El-Mostafa Benlamlah | UN Resident Coordinator and  
UNDP Resident Representative to Indonesia

# OPENING SESSION

## Opening Remarks by Vincent Nicod | Head of Delegation to Indonesia | ICRC

His Excellency Mr. Rezlan Jenie, Director General of the Multilateral Affairs of the Ministry of Foreign Affairs of the Republic of Indonesia, Excellencies, distinguished participants to this conference, My colleagues from the humanitarian community, Ladies and Gentlemen,

Let me first present our thanks to the Government of Indonesia and to the other sponsors to this initiative for their engagement, which made it possible to hold this regional conference and regroup so many participants from a region increasingly important in the world today. The impressive list of sponsors, whose logos everybody can see on the banner, and the good regional representation here, underlines the importance of this conference, as well as the will of the international community to deal with the humanitarian consequences entailed by the use of cluster munitions.

Since time immemorial, human beings have been developing weapons as artificial extensions to their combat capacities. However, the most enlightened among the kings and the princes of time tried to limit the destruction inflicted by war to what was necessary for their generals to achieve their military objectives. Under the influence of philosophers or religious leaders, hundreds of years ago, even several thousand years ago in some parts of Asia, they passed laws or instructions to their troops to restrict the means and methods of warfare at their disposal.

Our conference today is the continuation of the same effort, which the traditional Asiatic wisdom launched so long ago to limit the suffering inflicted by armed violence and conflict. We must put our participation to this conference in this perspective and leave the law of the jungle to the animals.

The modern notion of International Humanitarian Law is not simply the codification of old rules. IHL has always been able “to catch up each time conduct of warfare outraged the conscience of humanity”, says the ICRC website, because IHL is a dynamic force, following closely the evolution of the military strategy developed throughout the ages, influenced mostly by the deployment of new weapons entailing the use of new tactics. Therefore, from Chivalry to Terrorism, IHL has permanently been able to adjust to new situations created by all new sources of violence, in order to bring a glimpse of Humanity, even in the midst of the worst kind of “man-made disasters”. The development of over ten new IHL instruments in the past 15 years is a solid indication that the field of IHL is not static.

# OPENING SESSION

For instance, the use of poisonous gas and chemical weapons during World War I led to the prohibition of chemical and biological warfare in 1925. From Solferino, the path that led to Oslo last December passed through St. Petersburg, Russia 140 years ago, when an international military commission established the principle that, for certain weapons, “the necessities of war ought to yield to the requirements of humanity.” This path continued with the adoption of the two Additional Protocols to the Geneva Conventions, in 1977. The first of these requires that the civilian population “shall enjoy general protection against dangers arising from military operations” and that “all feasible precautions”, including in the choice of weapons, be taken to protect these populations. This path is also traced in the groundbreaking precedents set by the Convention on the Prohibition of Anti-personnel Mines and the Protocol on Explosive Remnants of War. These instruments establish that States have a responsibility to prevent and address the harm caused to civilians by “weapons which can't stop killing.”

Today, the same path brings us to Bali and we hope that you will take advantage of this opportunity to stimulate a frank debate on a terrible problem.

The experience of Southeast Asia has been at the centre of the international efforts on cluster munitions. Cambodia, Laos and Vietnam have been regularly cited as some of the most affected countries in the world and their experience has furthered the consideration of new rules to end the use of these weapons. At this regional meeting, Southeast Asian countries will highlight the problems they face in dealing with the long-term effects of cluster munitions.

Today, the work of the international community on cluster munitions provides an opportunity to prevent further untold human suffering. Such occasions do not occur often. The ICRC believes that governments must seize this chance to end the era of cluster munitions and the suffering they cause. We urge all States to become party to the Convention established in Oslo and to ratify and implement its provisions as a matter of priority as the comprehensive approach taken in this Convention will finally put an end to the long-term suffering that cluster munitions cause among civilian populations.

Once again, I thank the Government of Indonesia and more particularly its Ministry of Foreign Affairs and H. E. Mr. Rezlan Ishar Jenie, its Director General for Multilateral Affairs, and all other sponsors supporting this initiative and I wish you a good success in this conference.

Thank you for your attention.

Vincent Nicod | Head of Delegation to Indonesia | ICRC

# OPENING SESSION

## Opening Remarks by Thomas Nash on behalf of the Cluster Munition Coalition

Thank you very much indeed to the government of Indonesia for your warm hospitality in welcoming us to this beautiful island and for inviting me to make some opening remarks on behalf of the Cluster Munition Coalition. The last time we met together for a regional meeting on cluster munitions in the Asia Pacific was about this time last year in the beautiful Lao province of Xieng Khouang. I remember all of the participants being struck by the sheer scale of the deadly contamination when we went on a field trip to see the clearance operations taking place right next to a school and in the middle of a fertile valley. Of course the same tragic picture is valid for many parts of Vietnam and Cambodia. This region is without doubt the worst affected in the world from cluster bombs.

This is why we call on countries in the region to show solidarity with their Lao colleagues who have led the way in negotiating, signing and ratifying the Convention and offering to host its First Meeting of the States Parties. Indonesia's decision to host this regional conference in Bali is exactly the kind of concrete manifestation of this solidarity that we need to see and we congratulate Indonesia for putting your words into action.

This is the most affected region but also a region demonstrating great leadership – Lao PDR has made the Convention a higher priority than perhaps any other country in the world and the voices from this region helped to ensure throughout the negotiations that the Convention is as strong as it is. We will work over the next year to push at the Convention higher up the list of priorities for all countries in this region and around the world and, as our host just mentioned, help to show that this Convention is in the national interests of every country in the region.

We believe the non-signatories in this region have everything to gain and nothing to lose by joining the Convention. The military utility of cluster munitions is increasingly questionable, in particular the ageing stockpiles in several countries in this region, which may now in fact be a liability to store and a hazard for armed forces themselves if they were ever used. We have seen this year that stockpile destruction can be done and that many different options exist for the various different stockpiles and contexts around the world. We know from the Mine Ban Treaty that cooperation and assistance can facilitate unprecedented progress and we are confident that if we work together to get all countries on board the Convention in this region we can ensure a similar commitment is made bringing real progress and outcomes in clearance and victim assistance programmes.

We feel a real sense of opportunity for the region with the First MSP set to take place here in Asia next year. We are deeply encouraged by the fact that 10 non-signatory countries have joined us here to discuss the Convention on Cluster Munitions. We are also remarkably far along in preparations for First MSP: Lao PDR has formed a national committee to prepare the Meeting and has convened the informal Lao Support Group of interested States, civil society and international organisations, which has already met five times to support its work. We are moving swiftly towards entry into force – 24 ratifications in less than a year is an impressive pace – and tentative dates are already on the table for November next year.

# OPENING SESSION

Our CMC delegation of 35 campaigners has come from 15 countries to work with you all and we appreciate the strong involvement of civil society in this conference. We particularly want to pay tribute to the campaigners from affected countries and especially the many survivors here with us today thanks to Handicap International.

By continuing to work together in partnership we know we can generate the political will around the world to make this Convention a success beyond the words on paper. When we raised our voices together before the Oslo Signing Conference we were heard loud and clear: almost half of the 94 countries that signed the Convention in December 2008 did so by the hand of a government Minister. The global media was watching eagerly in Oslo just as it was in Dublin. We know we are capable of making the same impact in 2010 when the Convention enters into force and even more so when we meet for the historic First MSP in Lao PDR.

2010 will be our biggest year yet in the history of the Convention. With the dedicated and hard working leadership from States, civil society and international organisations and the strong partnership we have together we are on track to make it happen. We will need that dedication, hard work, leadership and partnership more than ever in reaching the success we all seek in 2010.

Thank you.

Thomas Nash | Coordinator | CMC

# OPENING SESSION

## Opening Remarks by Pham Quy Thi | Vietnamese Cluster Munitions Survivor | CMC

Ladies and Gentlemen,

First of all, I would like to thank the host country, Indonesia, and sponsoring countries of Australia, Austria, Germany and Norway, and the international organizations for organizing such an important conference in Asia, the most cluster munition affected region in the world.

It's an honor for me to speak on behalf of the thousands of cluster bomb survivors in this important conference. My name is Pham Quy Thi and I am a cluster bomb survivor from Vietnam. In 1977 while I was working in my rice field, I accidentally hit a cluster bomb and lost my right arm. Suddenly I became an amputee, I was too depressed to live but thanks to support from the community and my family, I survived the tragedy and continue working to support my children. But to this day, a number of metal fragments are still lodged in my body.

More than three decades after the war ended in Vietnam, explosive remnants, including unexploded cluster bombs, still pose a deadly threat to the lives and livelihoods of Vietnamese people. Actually, more than 100,000 people have been killed or injured because of explosive remnants of war. Like a lot of my fellow people, I am expecting Vietnam to sign the Convention on Cluster Munitions soon to secure much needed international assistance for cluster munition victims.

I have a dream of a peaceful world in which cluster munitions are banned by all countries forever for the sake of our children who will have a safe environment to study and prosper. Therefore, I call on more countries to jointly participate in this global effort to make it happen by signing, ratifying and putting the Convention into practice and implement the Convention very soon.

I desperately call on the international community to take action in providing support to the affected countries, including Vietnam, which is struggling to overcome the consequences of war. This is a great chance to speed up clearing contaminated land, for our farmers to continue working without fear, for our children to have a brighter future as well as to bring new hope and opportunities to the survivors of cluster munitions.

I wish you a successful conference.

Thank you very much.

Pham Quy Thi | Vietnamese Cluster Munitions Survivor | CMC

# SESSION I: UNDERSTANDING THE CONVENTION ON CLUSTER MUNITIONS

## Chair's summary of the discussions

**Chair** Mr. Andy Rachmianto | Deputy Director for International Security and Disarmament | Department of Foreign Affairs | Republic of Indonesia

**Speakers** Mr. Jostein Leiro | Deputy Director General | Ministry of Foreign Affairs | Norway  
Amb. Alexander Marschik | Director of the Department of Disarmament, Arms Control and Non-Proliferation | Ministry for European and International Affairs | Austria  
Mr. George Hampton | Policy Officer | Ministry of Foreign Affairs and Trade | New Zealand

This first thematic session gave a clear overview of the achievement of the Convention on Cluster Munitions (CCM) and pointed out the remaining efforts to be made to ensure the CCM efficiency. The discussions addressed the following topics: 1) the success of the Oslo process, 2) the CCM as a comprehensive instrument of International Humanitarian Law (IHL), and 3) the next steps towards an effective implementation of the Convention. A documentary film on cluster munitions and their humanitarian impacts made by the ICRC was played at the beginning of the session.

### 1. The Oslo process

Norway, together with a core group of countries, took the lead in negotiations on a Convention banning cluster munitions, a process successfully concluded by the CCM signing ceremony held in Oslo in December 2008. The Bali Conference's participants agreed that the partnership amongst the civil society, international organizations as well as affected and non-affected countries has been crucial to this achievement.

### 2. The CCM as a comprehensive instrument of IHL and disarmament obligations

The CCM is a comprehensive instrument of IHL, which can be seen as a second success story more than ten years after the Anti-Personnel Mine Ban Convention's entry into force (March 1999). The panel highlighted that the CCM has created new norms to protect civilians from armed conflict by issuing a comprehensive prohibition and a complete framework for the Convention's implementation. Austria pointed out the various functions of the CCM such as arms control, disarmament and humanitarian functions, specifying that the humanitarian dimension and support to victims is one of Austria's main priorities. The broad definition of a cluster munitions victim - including the persons directly impacted by cluster munitions as well as their affected families and communities - and the Art. 5 detailing the procedures towards concrete implementation of victim assistance can be considered as major achievements. In addition, the CCM also prohibits the use of the existing cluster munitions and calls for their stockpile destruction within a certain time frame.

### 3. Next steps towards the CCM effective implementation

Participants noted that the signing ceremony was only the first stage of progress of the CCM. Many efforts have still to be made towards the Convention's entry into force and an effective implementation of its core obligations. New Zealand provided an insight into its national legislative process towards the ratification, including challenging aspects such as the issue of interoperability. It was also stressed that the Convention's effective implementation does not only depend on funding, but also on management as well as national ownership. This latter might be strengthened by involving national media and parliamentarians in the whole process.

# SESSION I: UNDERSTANDING THE CONVENTION ON CLUSTER MUNITIONS

## The CCM - a New Global Norm | Jostein Leiro | Norway

### The Convention on Cluster Munitions as a norm

The Convention on Cluster Munitions has become a new benchmark for assessing how states conduct warfare. The Convention's prohibition is absolute, with no exceptions or loopholes, and it is a comprehensive framework for implementation. The Convention effectively bans a whole category of weapons, and international and public condemnation will meet states or actors using cluster munitions.

The Convention not only prohibits the use of cluster munitions, it also reinforces the international norm for the protection of civilians in armed conflicts. Within a decade, two formerly accepted legitimate means of warfare – anti-personnel mines and cluster munitions – have been prohibited because of their unacceptable humanitarian consequences. We need to continue to view security as an issue that directly affects people and their communities, and we need to directly address the threats against human security from armed violence at all levels – locally, nationally and globally – with remedial and preventive measures. To be successful we need to build on and further develop the knowledge gained in these processes and the networks that have been established.

### The partnerships

A central element in the process that led to the Convention on Cluster Munitions was the effective, cross-regional partnership between affected and non-affected states, including states that have stockpiles of cluster munitions. Furthermore, the partnerships between states, civil society, humanitarian and human rights organisations, the UN and the International Committee of the Red Cross have been key to the success of our work so far. This partnership model strengthened both the process and the result, ensuring that what we achieved will make a true difference for the people and communities affected by these weapons.

### Implementation of the Convention on Cluster Munitions

The Convention is a framework for effective action to clear affected areas, assist victims and destroy the enormous stockpiles. We will not wait for implementation until the formal entry into force of the Convention. States, the UN, the ICRC and NGOs are already engaged in programmes to clear contaminated areas, to destroy stockpiles and to assist the victims. Such early implementation programmes are supported through various forms of international cooperation and assistance. When the Convention enters into force, the right to seek, and obligations to provide such support, will be facilitated by Article 6.

The Oslo Process came about as a response to a humanitarian problem caused by the use of cluster munitions. Therefore, the real success of our work will be, and should be, what actual difference the Convention on Cluster Munitions will make on the ground in affected communities.

# SESSION I: UNDERSTANDING THE CONVENTION ON CLUSTER MUNITIONS

## The Humanitarian and Cooperative Perspective | Alexander Marschik | Austria

### 1. Background

Austria was closely involved in the process to ban cluster munitions from the beginning.

- > 2007: National moratorium; Vienna Conference on Cluster Munitions.
- > 2008: Austrian national law banning CM (in force January 2008), destruction of stockpiles
- > 2nd April 2009: Deposit of Instrument of Ratification of CCM

### 2. Understanding the CCM | the humanitarian and cooperative perspective

CCM has several functions, in particular:

- > **Arms control:** forbids the use, development, possession, production and transfer of CM.
- > **Disarmament:** requires stockpile destruction.
- > **Humanitarian function:** states must provide assistance to victims.
- > **Cooperation and support for those states affected by CM.**

From the perspective of the survivors and of the affected states, the Convention contains several important provisions:

- > **Definition of “cluster munitions victim” maximizes potential assistance:** the definition applies to all persons who have been killed or suffered physical or psychological injury, economic loss, social marginalization or substantial impairment of the realization of their rights caused by the use of cluster munitions. “Victims” include persons directly impacted by cluster munitions as well as their affected families and communities.
- > **Article 5:** each State Party provides to victims in areas under its jurisdiction or control adequate assistance including medical care, rehabilitation and psychological support and provides for their social and economic inclusion, in accordance with applicable international humanitarian and human rights law and in an age and gender sensitive manner. This includes needs-assessment, developing a national plan and budget, setting up a national focal point, mobilizing resources, etc – and thereby consulting with and actively involving victims.
- > **Article 6:** each State Party in a position to do so provides technical, material and financial assistance to states affected by CMs, eg exchange of equipment and information, assistance for clearance and destruction of CM remnants, the provision of assistance for the destruction of stockpiles, and contributions to the economic and social recovery.

### 3. Conclusion

The CCM prescribes a new and uniquely strong level of victim assistance. Key to success was the full participation of affected states and civil society – in particular the survivors of CM – in the elaboration of the convention. The CCM’s level of victim assistance should become the new international standard for helping victims of inhumane weapons and affected states in general. Early entry into force and wide membership of the CCM will substantiate that goal.

Alexander Marschik | Director for Disarmament, Arms Control and Non-Proliferation |  
Ministry of European and International Affairs | Austria

# SESSION I: UNDERSTANDING THE CONVENTION ON CLUSTER MUNITIONS

## Understanding the Convention on Cluster Munitions: A New Zealand Perspective | George Hampton | New Zealand

*NB When this presentation was given New Zealand had not passed or finalised the legislation implementing some obligations under the Convention on Cluster Munitions. All comments made were caveated on this basis and clauses of the bill presented were draft. New Zealand has since passed the Cluster Munitions Prohibition Bill.*

### 1. Background on New Zealand and the Convention on Cluster Munitions

New Zealand has long been a supporter of the fight against cluster munitions. Through our aid agency we have contributed to clearance operations as well support to assist victims. The Defence Force has helped clear unexploded cluster munitions around the world. These experiences have shown New Zealanders at first-hand the horrible cost paid by the victims of cluster munitions.

Individual New Zealanders have also been active in the campaign against cluster munitions as part of the local and global Cluster Munitions Coalition. New Zealand commends these individuals and groups for their work.

New Zealand had a leading role in the process toward the Convention on Cluster Munitions. We were a member of the small Core Group of States that drove the Convention and hosted a crucial meeting in the process in Wellington last year. New Zealand was one of 94 States to sign the Convention at a ceremony in Oslo on 3 December 2008.

For New Zealand ratification of a Treaty requires a parliamentary process and sometimes implementing legislation. If passed, the Cluster Munitions Prohibition Bill will implement New Zealand's obligations which require legislation under the Convention on Cluster Munitions. The main purpose of the Bill is to create the offences needed to implement the prohibition relating to cluster munitions, found in Article 1 of the Convention. Looking at the Bill and legislative process in New Zealand is a good way to see how the country's understanding of the Convention is developing.

### 2. The iterative process to ratification

In brief New Zealand's legislative process for treaties can go through several phases, including:

- > International Treaty Examination (considers National Interest Analysis)
- > First Reading
- > Select Committee
- > Second Reading (and Committee of the Whole)
- > Third Reading
- > Deposit of ratification document

# SESSION I: UNDERSTANDING THE CONVENTION ON CLUSTER MUNITIONS

The Foreign Affairs, Defence and Trade Select Committee is made up of a representative sample of MPs from various parties. They examine the legislation, hear submissions and recommend any amendments deemed necessary. Officials appear before the Committee to answer questions and input into the debate on the legislation.

This process breathes life into the Bill as the Committee debates the legislation and the public makes submissions and shares perspectives. This can highlight changes that may need to be made and inform the decision-making of the Committee.

### 3. New Zealand's draft legislation

Some of the major issues dealt with in the draft legislation included penalties, training exceptions and interoperability (*the most up to date version of the legislation and these clauses are available from [parliament.govt.nz](http://parliament.govt.nz)*).

Under New Zealand's legal system not all treaty obligations require implementation by legislation, although such non-legislative obligations still bind New Zealand. For example, the Convention's article 21 obligations will be implemented through non-legislative mechanisms such as diplomatic representations. These obligations are equally important to New Zealand as those that will be implemented by legislation.

### 4. Beyond the legislation

In the Asia Pacific region there are still many countries which have not ratified the Convention on Cluster Munitions. Events that share experiences and lessons learned from promoting universalisation of the Convention will be valuable as we build towards best practices. The Meeting of States Parties next year, which Laos has graciously offered to host, will be an excellent opportunity to have such discussions.

New Zealand will be a strong advocate for the Convention. Through diplomatic channels we have begun to press upon other States the importance of the Convention and encouraged their ratification. The more States that commit to the Convention, the stronger the norm against cluster munitions will become.

New Zealand urges all States that have not already done so to sign and ratify the Convention as soon as possible. Efforts to universalise the Convention are key to creating a sense of moral repugnancy and ridding the world of these hideous weapons.

New Zealand hopes that our finalised legislation will be useful to other countries as they strive to implement the Convention themselves (for example, New Zealand's Pacific neighbours which have similar Westminster-based constitutional systems).

George Hampton | Policy Officer | Ministry of Foreign Affairs and Trade | New Zealand

# SESSION II: PERSPECTIVES FROM THE MOST AFFECTED COUNTRIES OF CLUSTER MUNITIONS AND VICTIMS

## Chair's summary of the discussions

**Chair** Amb. Alexander Marschik | Director of the Department of Disarmament, Arms Control and Non-Proliferation | Ministry of European and International Affairs | Austria

**Speakers** Dr. Maligna Saignavongs | Director of the National Regulatory Authority for the UXO/Mine Action Sector (NRA) | Lao PDR

Mr. Sharif Ahmad Waheedi | Official | Ministry of Foreign Affairs | Afghanistan

Mrs. Nguyen Thi Huong | Ban Advocates - Vietnam

In this session, representatives from Afghanistan, Lao PDR, and Vietnam, three of the most affected countries, highlighted the extent of contamination in their countries. Cluster munitions victims shared the difficulties encountered after their accidents. This reminded the audience that alleviating human suffering has been the main reason for States to agree on the Convention on Cluster Munitions (CCM). The discussions focused on the following aspects: 1) correlation between unexploded ordnances (UXO) contamination and poverty, 2) examples of national programmes created to clear ERW, and 3) challenges faced by cluster munitions victims.

### 1. Correlation between UXO contamination and poverty

The example of Lao PDR clearly shows that there is a correlation between UXO contamination and poverty. Contamination impedes local communities' ability to cultivate, or use for other purposes, part or all of their lands, creating food vulnerability and decreasing community income. In addition, UXO contamination creates victims, which often imposes a complete family reorganization and changes their economic circumstances, as most of the victims lose their working ability.

### 2. National programmes set to clear ERW

Afghanistan gave the participants an update on its ERW activities that are integrated into a broader humanitarian programme including DDR and mine action projects. Lao PDR highlighted the various components of the country's effort to reduce the impact of ERW contamination. These include clearance activities, ERW risk education and victim assistance. Australia stated that a new Australian mine action strategy to guide their assistance to mine and ERW activities has just been released. Asia remains a priority of Australian support to this sector.

### 3. The numerous challenges faced by cluster munitions victims

Art. 2 §1 specifies that cluster munitions victims "include those persons directly impacted by cluster munitions as well as their affected families and communities".

Through their testimonies, the indirect and direct cluster munitions victims outlined the numerous challenges faced by themselves and their families. Such an accident will lead to death or physical injury and pain. It also, however, involves financial difficulties due to medical costs or the loss of economically-active members of the community, educational difficulties caused by a potential handicap, and traumatic experiences, reducing the productivity of the whole community. The CCM has set high standards for victim assistance and once in force, it will require special efforts both by the affected countries and by the donor community to ensure that all provisions are fully implemented, leading to concrete results.

# SESSION II: PERSPECTIVES FROM THE MOST AFFECTED COUNTRIES OF CLUSTER MUNITIONS AND VICTIMS

## Lao PDR and the Cluster Munitions Problem | Maligna Saignavongs | NRA - Lao PDR

### Background

- > Between 1964-1973, over 580,000 bombing missions were carried out over Laos dropping more than 2 million tons of bombs, including more than 270 million cluster sub-munitions bomblets. 30% of these weapons failed to explode on impact. Cluster Munitions alone accounted for around 80 million items of UXO.
- > More than 87,000 sq km of the country's land area (or 37%), 14 out of 17 provinces of the country are contaminated.

### Effects of the contamination

- > Contamination prevents access to agricultural land, slows down development projects and caused accidents and casualties to local communities. It is closely linked to poverty, food insecurity and disability.

### Government Action to address the Problem

- > Establishment of the National UXO Programme (UXO Lao) in 1996
- > Adoption of the National Strategic Plan in 2004. It was revised in May 2009, so as to be in line with obligations under the National Socio-Economic Development Plan and other Treaties.
- > Establishment of the National Regulatory Authority for Mine/UXO Action (NRA) in 2004 to implement the National Strategic Plan, regulate and coordinate all activities of the UXO/Mine Sector in the country
- > Adoption of the National Standards for Mine/UXO Action Sector, based on the International Mine Action Standards (IMAS), in 2008

### UXO Sector Activities from January 1996 to July 2009

- > Accomplishments in Clearance operations and Risk Reduction Education
- > Nationwide survey of accidents and victims conducted in order to collect reliable relevant data as required by Article 5, Paragraph 1, of the Convention

### Conclusion

- > Importance of the Convention and of International Assistance to cluster munitions affected countries underlined.
- > Urging States that have not yet signed the Convention to do so.

Maligna Saignavongs | Director | NRA - Lao PDR

# SESSION II: PERSPECTIVES FROM THE MOST AFFECTED COUNTRIES OF CLUSTER MUNITIONS AND VICTIMS

## Afghanistan and its Fight against Cluster Munitions | Sharif Ahmad Waheedi | Afghanistan

The topic of cluster munitions and its threat to the well-being of civilians is an issue often of great concern to the international community. Cluster munitions have affected lives spanning various countries and numerous continents. And Afghanistan, as a country that experienced incessant years of strife and armed conflict, has suffered immensely from cluster munitions. Afghanistan's experience with this dangerous phenomenon dates back to the early 1980s, when the forces of the former Soviet Union invaded Afghanistan in their quest for regional dominance.

The national resistance of the Afghan people led to the withdrawal of Soviet forces in 1989 and subsequent collapse of the Soviet backed regime in April of 1992. Yet, this historic achievement came at a grave cost – close to two and a half million Afghan casualties; thousands severely maimed and wounded, as well as the destruction of Afghanistan's infrastructure. Much of this devastation is attributed to the use of advanced weaponry, including cluster munitions.

The use of cluster munitions remained predominant following the withdrawal of Soviet forces in Afghanistan. It was commonly used during the internal conflicts of the 1990s, leading up to the international community's engagement in Afghanistan.

Among the various achievements in Afghanistan since the fall of the Taliban regime, the Islamic Republic of Afghanistan has made steady progress towards disarmament, including the elimination of cluster munitions. Afghanistan is among the first countries to sign the Convention on Cluster Munitions (CCM) on the day of its opening.

Afghanistan desires a world free of arms and munitions as necessary for world peace. In a relatively short period of time, Afghanistan has signed the Oslo Convention on Cluster Munitions and Ottawa Convention on Landmines, both of which constitute the main objective of the CCM.

Even though Afghanistan has not yet ratified the CCM, it has taken numerous important measures at the national level towards disarmament. These include the strict implementation of the Disarmament Demobilization and Reintegration (DDR) and Disbandment of Illegal Armed Groups (DIAG) process. Additionally, Afghanistan has made progress in the collection of light and heavy weapons and their munitions and clearance of areas contaminated by landmines.

Afghanistan is fully committed to achieving the goal of a world free of arms and munitions and is convinced of the success of the joint journey, which begins with safe-guarding and protecting civilians from the drastic effects of cluster munitions.

# SESSION II: PERSPECTIVES FROM THE MOST AFFECTED COUNTRIES OF CLUSTER MUNITIONS AND VICTIMS

## Perspective from a Vietnamese Cluster Munitions Victim | Nguyen Thi Huong | Ban Advocates - Vietnam

Distinguished participants,  
Ladies and gentlemen,

It is a great honor for me to participate in the regional conference on the promotion and universalization of the Convention on Cluster Munitions.

My name is Nguyen Thi Huong. I am an indirect victim of cluster munitions from Vietnam.

In 1991, my husband had a cluster bomb accident while working in our own garden. Because of the explosion, my husband lost his left leg and more painfully, my then four-year-old daughter who was playing near her father was killed. I still feel terrified whenever I recall it. The accident caused a huge pain and a nothing can compensate these losses to my life.

My family has encountered a lot of difficulties since then because my husband as the breadwinner was made permanently disabled, thus placing all family affairs on my shoulders.

Distinguished participants,  
Ladies and gentlemen,

Three decades after the war, the unexploded cluster munitions that remain still kill or injure people in Vietnam, one of the most affected countries. In my home province alone, cluster bomb accidents account for about 35% of the total casualties since the war ended. Children are the most vulnerable to cluster bomb risk because of their restless and curious nature. Last July in Hai Lang District, three children were killed on the spot because of cluster munitions while herding buffaloes.

Obviously, the impact of cluster munitions is enormous, not only to my family but also to the community. There is no peace of mind for those who have to work on contaminated land. Most of the cluster bomb survivors, such as my husband, lose their working ability forever, resulting in a huge burden on their families and the society as well.

I would like to end my speech by taking the opportunity of being present in this regional conference to call for more international efforts towards quick entry into force of the Convention on Cluster Munitions, for more countries to sign, and for more international cooperation and assistance for victims and help for affected communities.

Finally, I wish you all good health and a successful conference.

Thank you

Nguyen Thi Huong | Ban Advocates - Vietnam

# SESSION III: COOPERATION AND ASSISTANCE

## Chair's summary of the discussions

**Chair** Mr. Alistair Sherwin | Assistant Director General Middle East and West Asia Branch | AusAID | Australia

**Speakers** Ms. Chisa Sato | Official | Conventional Arms Division | Ministry of Foreign Affairs | Japan  
Mr. Stephen Robinson | Program Manager | UNMAS  
Ms. Kim Hoa Nguyen | Monitoring & Evaluation Officer | Landmine Survivor Network in Vietnam | Cluster Munition Coalition

Article 6 of the CCM specifies that each State Party has the right to seek and receive assistance in fulfilling its obligations under the Convention. On the other hand, States Parties in a position to do so shall provide technical, material and financial assistance for clearance and destruction of cluster munitions.

The panel provided inputs on cooperation and assistance from, respectively, a donor and an international organization perspective. The extent of contamination in Vietnam was outlined and participants observed that cooperation and assistance is of utmost importance to face such a big challenge. The session led to fruitful discussions that included the following topics: 1) the various types of support that can be provided, 2) the advantage of international cooperation and assistance, and 3) the issue of capacity building and national ownership.

### 1. The various types of support

The whole range of support provided to affected countries was outlined during this session. Concrete examples of assistance projects and the various funding channels were presented to the audience. UNMAT gave an overview of the whole range of activities the fourteen UN agencies involved in mine action carry out in affected countries. This covers a wide spectrum of ERW activities, from management issues to broader development activities via technical aspects directly related to clearance operations. Participants pointed out that, as most of the affected countries are developing countries, the provision of cooperation and assistance is necessary for efficient implementation of the CCM core obligations.

### 2. The advantage of international cooperation and assistance

Representatives of States, international organisations and NGOs attending the conference outlined the importance of international cooperation and assistance, not only among States Parties, but also with relevant international organizations and NGOs. As learnt from the implementation of the Anti-Personnel Mine Ban Convention, this will create an exchange of knowledge, supporting States Parties in completing their obligations by the deadlines.

### 3. Capacity building and national ownership

Together with the external support provided to implement any project linked to ERW/mine action, participants outlined the importance of maintaining national ownership as well as strengthening efforts towards capacity building. They also pointed out the difficulty of defining the right time to draw down and ultimately withdraw support or when affected developing countries would be in a position to take full responsibility for an ERW/mine action programme. Developing countries need to advise donors of the priority they want mine action to be given in the allocation of development assistance funding.

# SESSION III: COOPERATION AND ASSISTANCE

## Cooperation and Assistance - Japan's Experience | Chisa Sato | Japan

### 1. Article 6 of the Convention (International Cooperation and Assistance)

International Cooperation and Assistance is strongly encouraged in Article 6 of the Convention on Cluster Munitions (CCM). Article 6(2) stipulates that “Each State Party in a position to do so shall provide technical, material and financial assistance to States Parties affected by cluster munitions, aimed at the implementation of the obligations of the Convention.”

Japan ratified the Convention in July 2009 and intends, as a future State Party to the CCM, to continue providing assistance for the implementation of the CCM.

### 2. Assistance through different channels

- (1) Cluster munitions contamination not only poses lethal risks to communities living next to affected areas but also hampers the economic development of those areas. The Government of Japan provides assistance to projects for clearance of cluster munitions and supports those affected by UXOs through various channels such as international organizations, regional organizations, bilateral relations, and NGOs.
- (2) Japanese assistance activities vary from clearance of UXOs - including cluster munitions, training of staff, and provision of equipment - to vocational training for victims.
- (3) Examples
  - > Technical assistance to Lao PDR
  - > Afghanistan
  - > Victim assistance in Lebanon (through UN Trust Fund for Human Security)

### 3. Lessons learnt – comprehensive approach and wide participation

There are lessons learnt from the Japanese experience in assistance. A comprehensive approach toward reconstruction and development of a community as a whole produces a meaningful outcome, which further contributes to post-conflict peace building. At the same time, participation of a wide range of actors such as civil society, media, and private-sector corporations in assistance activities enables those activities to be sustainable.

### 4. Next steps

Japan intends to engage in the clearance of cluster munitions and victim assistance from a human security viewpoint. Therefore, Japan focuses on the partnership with cluster munitions affected countries and victims, and cooperates with the whole range of actors who have expertise in the cluster munitions issue.

Steps towards preparing for further assistance are taken. In July 2009, a joint mission with NGOs was sent to Cambodia and Lao PDR to conduct a survey on the needs of people and communities affected by cluster munitions. The Tokyo Declaration of the Mekong-Japan Summit Meeting issued on 7th November this year refers to the cooperation between the Mekong region and Japan to overcome vulnerability to achieve economic development in the Mekong region. Moreover, it was also announced that Japan will assist with clearance of UXOs in Lao PDR.

Chisa Sato | Conventional Arms Division's Official | Ministry of Foreign Affairs | Japan

# SESSION III: COOPERATION AND ASSISTANCE

## Cooperation and Assistance - UN Perspectives | Stephen W. Robinson | UNMAS

Ladies and gentlemen,

It gives me great pleasure to address this Conference on behalf of the United Nations Mine Action Team and I take the opportunity to congratulate and also thank the Government of Indonesia for hosting this event and maintaining the momentum behind the Oslo process to address the humanitarian impact and development challenges caused by cluster munitions.

The provisions on international cooperation and assistance are critical to the success of any new treaty. Particular attention needs to be paid to establishing frameworks for cooperation and assistance to affected governments that require support in their efforts to solve the problem posed by cluster munitions, which, for signatories of the new Convention on Cluster Munitions, soon will be required under the provisions of the treaty. In this regard it is encouraging to see that work has started already, with prime examples like Lao PDR where efforts have in fact been ongoing for many, many years. The Convention however, assists in further strengthening these efforts and calls for attention to the problem.

Although signatories are themselves responsible for full compliance, we need to be mindful of the need to sustain levels of international assistance, and to ensure that an emphasis is placed on supporting in particular those states that require and request assistance to address the problems posed by cluster munitions.

In considering the scope and focus of the provisions on cooperation and assistance particular attention should be given to establishing a framework for cooperation and assistance which ensures that affected states can:

- > provide adequate care and rehabilitation to survivors and their communities
- > clear contaminated areas in a timely manner
- > provide risk education and
- > ensure the destruction of stockpiles of prohibited munitions.

But assistance and cooperation comes in many shapes and forms and all countries have an important role to play in assisting in the Convention's universalization and implementation:

- > in signing and ratifying the Convention to contribute to a swift entry-into-force, and by so signaling its solidarity with affected states but also its view to promote international humanitarian law and humanitarian disarmament
- > in sharing experience and information, both from earlier clearance, victim assistance and risk reduction activities and in providing information on, for example, contamination data

# SESSION III: COOPERATION AND ASSISTANCE

- > for those in the position to do so, to provide financial and technical assistance as part of broader ODA and also as possible provisions under other instruments such as the APMBT and Protocol 5 of the CCW
- > for those who have used cluster munitions, the moral obligation to provide for example, financial and other types of assistance and cooperation, and the sharing of information to assist in addressing the contamination problem in affected countries and territories.

With reference to the UN, as the Depositary of the treaty, the Secretary-General of the United Nations has a special role to play in the implementation of the Convention and the whole UN system stands ready to assist states as they move forward to implement the provision of the Convention.

Through its agencies, departments, funds and programmes, the United Nations is present in all countries known to be affected by explosive remnants of war (ERW), including cluster munitions. Combined, the agencies that constitute the UNMAT have a presence in all of the currently known 36 countries and territories affected by cluster munitions; UNDP and UNICEF are present in all; UNDP already assists national mine action programmes in 24 of these whilst UNMAS has directly managed mine action programmes in Afghanistan, Chad, DRC, Lebanon, and Sudan and in Western Sahara, all of which are contaminated by cluster munitions. In addition, some 63 countries in which the UN is present have stockpiles which need to be destroyed.

The members of the United Nations Mine Action Team, therefore, have first-hand experience of both the short-term humanitarian impact and the longer-term development impact that cluster munitions have on populations and communities. They have useful experience to offer on clearance activities, stockpile destruction, risk education and other mine-action related activities as well as on how to frame the response programmes within broader development and reconstruction efforts and for example, again with reference to Lao PDR, how international assistance can be provided within the framework of Trust Funds to ensure a coordinated, effective and efficient approach.

For those present and affected who wish to request assistance from the UN, we encourage you to contact the Resident Coordinator of the UN in your respective countries. She or he will, based on the priority you place on this, discuss with you and facilitate for further cooperation and assistance. In accordance with the main principles of United Nations, and as highlighted earlier by the Resident Coordinator of the UN in Indonesia, this assistance should, as appropriate, be placed under the coordination of national institutions in affected states to ensure national ownership and accountability towards affected populations and compliance with the international obligations signatories have signed up to. This would also help to ensure the sustainability of efforts.

Thank you.

Stephen W. Robinson | Programme Manager - Nepal | UNMAS

# SESSION III: COOPERATION AND ASSISTANCE

## The Necessity of a Strong Framework for Cooperation and Assistance | Kim Hoa Nguyen | CMC

Mr. Chairman, Excellencies, ladies and gentlemen,

My name is Nguyen Thi Kim Hoa. I am currently working for Landmine Survivors Network in Vietnam. LSN is one of the Cluster Munition Coalition member organizations in Vietnam, working with survivors of cluster bombs and landmines and working to promote the Convention on Cluster Munitions. On the behalf of the CMC, we would like to thank to the Government of Indonesia for hosting this conference. We all feel privileged and honoured to be here.

We come here today from different areas of the world, but we all hold a common goal: to promote the Convention on Cluster Munitions, leading to a more peaceful and safer world without the deadly threat of cluster munitions.

The Asia-Pacific region includes many heavily affected countries that are the most significant examples of how the use of cluster munitions can create serious, immediate damage as well as obstruct longer term development.

During the conflict we experienced in Vietnam, more than 6,300,000 tons of bombs were dropped on Indochina, of which 3.9 million tons fell on South Vietnam. In comparison, 1,360,000 tons were dropped on Germany by all Allied aircraft during World War II.<sup>1</sup>

US Department of Defense statistics indicate that about 285 million BLU 26 series submunitions were dropped on Vietnam, Cambodia, and Laos, which equates to seven bomblets for every woman, man, and child in those three countries. The total number of submunitions dropped by US forces on Southeast Asia, including air-delivered mines, is estimated to be as many as 360 million.

The humanitarian consequences of cluster munitions on human life are obviously huge. I felt very bad to know that in my country, Vietnam, as estimated since 1975, more than 100,000 Vietnamese people have been killed or seriously wounded by unexploded munitions including cluster munitions. Even today, over thirty years after the war has ended, some 100 new casualties are being reported every year. It is even more shocking that, according to recent data, an estimated 62 percent of these casualties are children.

In addition to claiming lives, cluster munitions are also a significant impediment to development at the local level. The explosive contamination hampers post-conflict socio-economic development, renders agricultural land inaccessible, or forces people to live and work in contaminated areas despite the risk because there is no other means for them to earn an income. In other words, cluster munitions exacerbate poverty and present barriers to economic recovery and development.<sup>2</sup>

<sup>1</sup> Monan, J. (1998). Curse of the bombies: A case study of Saravan Province, Lao. Hong Kong: Oxfam

<sup>2</sup> Speech by UN Resident Coordinator, John Hendra, at the national workshop on Cluster Munitions on 27 October 2008, Hanoi, Vietnam

# SESSION III: COOPERATION AND ASSISTANCE

So how can we address the problem in an effective way?

It is very true that “making change globally” requires several things: a clear and common goal shared across a range of actors; a partnership between like-minded governments willing to lead the way; a strong, active and coordinated civil society campaign. Among these, I do believe that the partnership between affected and non-affected states, user states and affected states plays an important role to ensure that the problem of cluster bombs will become something of the past.

According to the treaty, States Parties can request assistance from the international community to help with:

1. clearance
2. risk education
3. stockpile destruction
4. victim assistance (including both social and economic recovery)

The Convention requires all states “in a position to do so” to provide technical, material, and financial assistance to affected states. Affected states will therefore not have to meet their obligations alone. In particular, user states have a special responsibility to assist affected states with clearance. Article 4(4) strongly encourages user states to provide assistance for clearance of submunitions they left before the treaty enters into force. In addition, heavily affected states can request five-year extensions for clearance if their territory is too contaminated to clear within the ten-year deadline.

With all known facts about the serious problems faced by all civilians and communities in this most heavily affected region of the world, we urge donors to provide more assistance to soon-to-be States Parties in the region, like Laos, now that the CCM is in place. As recognized in the CCM Article 6, the affected countries most often do not have the resources or the capacity to implement these obligations by themselves. As a result, countries have an interest in signing up to the CCM in order to receive more funding from countries with cooperation and assistance obligations under the CCM. From the experience of landmines over the past decade, the Mine Ban Treaty has resulted in a huge amount of funding to assist countries to fulfill their obligations and deadlines under that treaty. Since 2004, more than \$2 billion was generated for cooperation and assistance. Thus we are convinced that the same will happen with the CCM once implementation begins and we need to hear commitments from donors that this is indeed the case.

# SESSION III: COOPERATION AND ASSISTANCE

In other words, the CCM is an opportunity for better and more coordinated work between the donor and recipient countries. Cooperation cannot be solely limited to funding. Technical cooperation and informational exchange on good practices and other forms of mutual assistance are important additional ways for cooperation. Cooperation must also extend to mutual assistance between affected states, to take advantage of the knowledge and expertise acquired in the implementation of their obligations. Cooperation must be targeted to address specific needs identified by affected countries, and must be conducted in a way that ensures national ownership and sustainability.

In conclusion, cross-sectoral partnerships between signatories and non signatory states, civil society, the UN and the ICRC that have helped bring about the CCM are essential for ensuring that the assistance matches the needs of the affected states and that the funds are used in the most cost-effective way. We strongly urge all states in the region to join the CCM soon, which is a key to promoting stability and economic development. We call on all states to take the cooperation obligations seriously, and both donor and affected states to make sure the investment matches the need expressed by the states. At the conference, we have a number of important donors to this region: Australia, Germany, Japan, New Zealand and Norway. We expect these countries will have concrete plans for funding to this region and to other regions to ensure that the implementation of the Convention will be a success.

Thank you very much for your attention!

Kim Hoa Nguyen | Monitoring and Evaluation Officer |  
Landmine Survivors Network-Vietnam | CMC

# SESSION IV: NATIONAL IMPLEMENTATION

## Chair's summary of the discussions

**Chair** Mr. Jostein Leiro | Deputy Director General | Ministry of Foreign Affairs | Norway

**Speakers** Mr. Peter Hunter | Executive Officer | Arms Control Branch, DFAT | Australia  
Mr. Michael Creighton | Land Release Expert | GICHD  
Mr. Richard Desgagné | Regional Legal Adviser | ICRC

Art. 9 of the Convention on Cluster Munitions specifies that “each States Party shall take all appropriate legal, administrative and other measures to implement this Convention”. Art 7, on transparency measures, requests States Parties to report on the concrete efforts made towards the completion of the Convention’s obligations.

Experts provided the audience with legal and technical perspectives on the issue of national implementation. Concrete efforts made, on both national and international levels, to ensure the implementation of the CCM were also presented. The session’s discussions stressed that 1) strong national rules and legislation in accordance with the provisions of the Convention, and 2) concrete action plans for national implementation should be developed.

### 1. The importance of strong national rules and legislation

A number of the Convention’s provisions such as those related to clearance activities, stockpile destruction and victim assistance require the adoption of legislative and other types of regulatory measures. The need for integrating provisions defining penal sanctions to prevent any activity prohibited by the CCM was highlighted. Pursuant to Article 1, “prohibited activities” include the use, development, production, acquisition, stockpiling, retention and transfer, whether directly or indirectly, of cluster munitions. Furthermore, States Parties should also criminalize assistance, encouragement and inducement to engage in any of the prohibited activities. The ICRC offered its support in drafting such national legislation.

Australia provided an update on its ratification process requiring new national legislation to be passed through its parliament.

### 2. The development of national action plans

The participants stressed that the real success of the Convention on Cluster Munitions will be, and should be, the implementation of its obligations and what actual difference the Convention will make on the ground in affected communities. The discussions not only addressed the issue of national legislation, but also focused on the strong need for concrete action plans for field operation activities such as victim assistance, ERW/mine risk education and clearance. The knowledge already exists to support such objectives. As an example, the GICHD presented a decision support tool designed to assist the Lao UXO/Mine Action programme in the management and prioritization of its clearance activities.

# SESSION IV: NATIONAL IMPLEMENTATION

## Australia's Efforts towards National Implementation | Peter Hunter | Australia

Mr Chairman,

I should like to thank Indonesia for hosting this important meeting on cluster munitions. Australia is most pleased to participate in this meeting: it marks a significant development in the life of the Convention by demonstrating the importance attached to the Convention by governments and NGOs in the Asia Pacific region.

Australia was one of the original signatories to the Convention in Oslo on 3 December 2008. The Convention was negotiated, and agreed unanimously by participating States, in the short period of 15 months.

The speed and purpose of that process reflected widespread international support for the Convention, the active and focused negotiations, and the determination to end as quickly as possible the suffering caused by cluster munitions.

As Australia's Foreign Minister, Mr Smith, said in Oslo when he signed the Convention for Australia, "Rarely has the international community acted with such determined common purpose as in the negotiation of this Convention".

The outcome reflected a close partnership between States and civil society. And it reflected the firm conviction of Australia and other states that the time had come for the international community to firmly act against cluster munitions that cause unacceptable humanitarian harm.

Mr Chairman

As Australia's Foreign Minister, Mr Smith, has said in the Australian Parliament, the Convention on Cluster Munitions is a "significant humanitarian achievement which will contribute to the well-being and security of ordinary families and communities around the globe."

The Convention prohibits cluster munitions that randomly scatter tens or hundreds of sub-munitions that have no self-destruct capability or capacity and which pose a threat to civilians long after hostilities have ceased.

Importantly, the Convention also contains provisions to assist the victims of cluster munitions, their families and also their communities by including provisions which go to the clearance of land to make land free from cluster munitions.

# SESSION IV: NATIONAL IMPLEMENTATION

## Region

Mr Chairman

Our region has experienced first-hand the devastating impact of unexploded cluster munitions, which continue to maim and kill civilians long after the cessation of hostilities.

The severe socio-economic impact of these weapons and other explosive remnants of war continue to plague countries like Laos, Cambodia and Vietnam. Australia works closely with these countries to alleviate the burden.

Over the last five years, through its A\$75 million Mine Action Strategy, Australia has delivered support to countries across Asia and the Pacific. Australia's aid has not only helped to clear landmines and explosive remnants of war, it has also supported victims and their affected families and communities.

Australia recognises that Laos is one of the most cluster munitions-affected countries in the world, and has been a strong supporter of this Convention. Laos hosted in October 2008 a regional meeting in support of the Convention, in conjunction with the United Nations Development Program, and with funding support from Australia and Norway.

The Australian permanent mission to the UN in Geneva has been actively supporting the Laos Support Group, a group of likeminded donors who are providing logistic and other support to Laos as it prepares to host the First meeting of States Parties, which will take place after 30 countries have ratified the Convention, most likely in the latter half of 2010.

The Australian Government is developing a new strategy to guide our future engagement on mine action.<sup>1</sup> Australia looks forward to continued work with our partners to achieve a world free from landmines, cluster munitions and other explosive remnants of war.

Australia will work towards attracting the widest possible adherence to the Convention, including by major producers and users of cluster munitions which did not participate in the negotiation of the Convention.

Australia will also continue its efforts to help progress a UN-based process on cluster munitions in order to achieve significant limitations on the use of cluster munitions by those outside the Cluster Munitions Convention.

<sup>1</sup> On 18 November 2009, the Australian Minister for Foreign Affairs, the Hon Stephen Smith MP, launched a new Mine Action Strategy for the Australian aid program 2010 – 2014. The Minister's statement can be found at [http://www.usaid.gov.au/media/release.cfm?BC=Speech&ID=3892\\_8373\\_7768\\_3916\\_4199](http://www.usaid.gov.au/media/release.cfm?BC=Speech&ID=3892_8373_7768_3916_4199) and a copy of the strategy at [http://www.usaid.gov.au/publications/pubout.cfm?ID=9122\\_1232\\_8366\\_4003\\_7783&Type=](http://www.usaid.gov.au/publications/pubout.cfm?ID=9122_1232_8366_4003_7783&Type=).

# SESSION IV: NATIONAL IMPLEMENTATION

## Implementation

Mr Chairman

The Australian government is taking action to ratify the Convention.

This requires, among other things, implementation measures in Australian law. In particular, Article 9 of the Convention requires states to enact criminal offences to prevent and suppress any activity prohibited under the Convention. These offences will reflect the primary obligations contained in Article 1 of the Convention.

Because the relevant implementing legislation needs to be passed through the Australian parliament, we cannot at this stage specify a date for Australia's ratification of the Convention.

However, I would like to underscore the importance Australia attaches to its ratification of the Convention, and to stress that the Australian Government is making this a high priority.

In conclusion, I would like to once again thank Indonesia for hosting this important regional meeting on cluster munitions.

Peter Hunter | Executive Officer | Arms Control Branch, DFAT | Australia

# SESSION IV: NATIONAL IMPLEMENTATION

## LAO PDR Risk Management and Prioritisation Model | Michael Creighton | GICHD

Land Release is the process of applying all reasonable effort, to identify, or better define, an area suspected of containing a mine/ERW hazard, and removing all suspicion of mines/ERW through non-technical survey, technical survey and/or clearance.

In the Mine Action community to date, most effort has been placed on the development of Land Release processes for landmine hazards. It should be noted however that Land Release processes not only apply to landmines, but also to ERW, and therefore cluster munitions.

The Lao PDR Risk Management and Prioritisation Model is a decision support model developed by the GICHD for the National Regulatory Authority of Lao PDR. The model prioritises areas suspected of containing an ERW hazard so that more effective Land Release decisions can be made; ie survey and clearance assets can be focused on releasing those areas suspected of containing an ERW hazard that are of the highest risk to the community.

The model is an excel-based decision support system that utilised field survey inputs and US bombing data to provide a priority output for each individual area suspected of containing an ERW hazard. The output is then used as planning data for follow-on operations.

Michael Creighton | Land Release Expert | GICHD

# SESSION IV: NATIONAL IMPLEMENTATION

## The Implementation of the Cluster Munitions Convention through Legislative and Administrative Measures | Richard Desgagné | ICRC

The Convention requires each State Party to take all appropriate legal, administrative and other measures required to implement the Convention. A number of provisions of the Convention will require the adoption of legislative or other types of regulatory measures, in particular those related to the prevention and suppression of prohibited activities, the destruction of stockpiles, the clearance of areas contaminated with remnants of cluster munitions, victim assistance and the reporting and compliance procedures.

Article 9 of the Convention requires the imposition of penal sanctions to prevent and suppress any activity prohibited by the Convention undertaken by persons or on the territory under its jurisdiction or control. Pursuant to Article 1, the “prohibited activities” include the use, development, production, acquisition, stockpiling, retention and transfer, whether directly or indirectly, of cluster munitions. Thus, States Parties should adopt or amend their penal legislation to include such activities as penal offences. Furthermore, they should also criminalize assistance, encouragement and inducement to engage in any of the prohibited activities.

In contrast to the Ottawa Convention on anti-personnel landmines, the Cluster Munitions Convention deals expressly with the issue of joint military operations with States not party to the Convention. Under Article 21, State Parties or their nationals may engage in military cooperation and operations with States not party that might engage in prohibited activities. However when they do so, they are not authorized to develop, produce or otherwise acquire cluster munitions, to themselves stockpile or transfer cluster munitions, to themselves use cluster munitions, or to expressly request the use of cluster munitions in cases where the choice of munitions used is within their exclusive control.

In order to define the scope of application of the legislation, in particular to define the scope of the prohibited activities, the law should incorporate the definition of “cluster munition” provided for in the Convention. In addition, the penal provisions should also extend to “explosive bomblets that are specifically designed to be dispersed or released from dispensers affixed to aircraft” as provided in Article 1(2) of the Convention. Further issues should also be considered with regard to the prevention and suppression of prohibited activities, including the application of the penal provisions to legal persons and the corresponding penalties in case of offence; the extra-territorial application of the law to the State's nationals or members of the armed forces; other actions or penalties in relation to cluster munitions such as seizure, confiscation or forfeiture; and exceptions if cluster munitions may be retained or acquired, for the development of, or training in techniques for the detection, clearance or destruction of cluster munitions, as allowed under Article 3(6) .

# SESSION IV: NATIONAL IMPLEMENTATION

In addition to the imposition of penal sanctions, the implementation of the Convention might require additional legal or administrative provisions to achieve the destruction of stockpiles, as well as the determination of the stock retained for the development of, or training in techniques for the detection, clearance or destruction of cluster munitions, and the clearance of contaminated areas. Also, the Convention contains an important provision on victim assistance that provides for assistance, including medical care, rehabilitation and psychological support to cluster munition victims, as well as for their social and economic inclusion that may require the development, implementation and enforcement of national laws and policies.

The Convention establishes reporting and “request for clarification” procedures. In order to collect the information associated with those procedures, the implementing legislation should provide for the power to obtain the required information from third parties if necessary, as well as penal sanctions in case of failure to comply or providing false information to a request from the competent authority.

In summary, the full implementation of the Convention will require comprehensive legislative measures, either special or specific laws or regulations, or amendment to existing laws and regulations, or a combination of both.

Richard Desgagné | Regional Legal Adviser | ICRC

# SESSION V: DESTRUCTION OF CLUSTER MUNITIONS

## Chair's summary of the discussions

**Chair** Col. Werner Heidemann | Head of Division Arms Control | Ministry of Defence | Germany

**Speakers** Mr. Thomas Frisch | Deputy Head of Division Arms Control | Ministry of Defence | Germany

Ms. Vera Bohle | Senior Expert | GICHD

Mr. Lee Moroney | Project Manager on Cluster Munitions Stockpile Destruction | Norwegian People's Aid

Art 3 of the CCM specifies that all cluster munitions prohibited by the Convention have to be destroyed as soon as possible but not later than eight years after the entry into force of the Convention for that State Party. It adds that the destruction must comply with international standards for protecting public health and environment. If a State Party believes that it will be unable to destroy or ensure the destruction of all cluster munitions it may submit a request to a Meeting of States Parties or a Review Conference for an extension of the deadline for completing the destruction of such cluster munitions by a period of up to four years. A State Party may, in exceptional circumstances, request additional extensions of up to four years.

The session on the destruction of cluster munitions provided much technical information and led to fruitful discussions, which included the following aspects: 1) international standards for destruction of cluster munitions, 2) technical challenges of destruction, 3) existing methods for destruction, and 4) the importance of the political will.

### 1. International standards

There is a lack of international standards specifically focused on the destruction of cluster munitions. In order to fill this gap, experts are currently working on developing such an instrument, which will support States Parties in the planning of their destruction activities.

### 2. Technical challenges

The destruction of cluster munitions and submunitions is technically more complex than the destruction of landmines. In addition to the technical complexity, the number of submunitions to be destroyed is much higher than the number of landmines which had to be destroyed by States Parties to the Anti-Personal Mine Ban Convention (APMBC). Therefore, the destruction process will have to be carefully planned as soon as possible.

### 3. Existing methods for destruction

Various methods to destroy cluster munitions were outlined during the session, each of them having their advantages and disadvantages. Destruction programmes based on a strong collaboration between military and industrial sectors might be convenient for the destruction of substantial stockpiles. Temporary destruction facilities may be appropriate in other situations, especially in those countries which do not have access to existing destruction facilities and which may have smaller stockpiles. Experts also pointed out the importance of recycling, a process having the advantages of both reducing the costs of destruction and complying with current environmental standards.

# SESSION V: DESTRUCTION OF CLUSTER MUNITIONS

## 4. Political will

Civil society representatives reminded State Parties that from their point of view eight years is the maximum deadline for the destruction of cluster munitions. The possible extension of an additional four plus four years should be avoided. They also stressed that the biggest potential obstacle to the completion of the Article 3 obligation is the lack of political will to start the destruction as soon as possible, rather than the technical challenges.

## German National Stockpile Destruction Programme | Thomas Frisch | Germany

### Political and Parliamentary Aspects

The day before the adoption of the text of the Convention on Cluster Munitions (CCM), the Federal Minister of Defence, Dr. Jung, and the Federal Minister for Foreign Affairs, Dr. Steinmeier, jointly stated: “Germany was a pioneer in the efforts to effectively ban cluster munitions and began destroying its own stockpile back in 2001. We have decided today that Germany will ... destroy its remaining stocks as fast as it can. ... This step is designed to send an unequivocal message: We want other states to follow our example...”

The Bundestag (Federal German Parliament) welcomed the joint statement and signing of the CCM in Oslo and one day later agreed a Motion under the title “Requiring swift ratification and translation into international law of a convention banning cluster munitions of any kind”. With regard to destruction, “the German Bundestag calls on the Federal Government to press ahead and to give priority to destruction and disposal of all decommissioned cluster munitions stockpiled by the Bundeswehr (Federal Armed Forces), to complete this within four years if possible, and to make available the funds required for this from the Federal budget”.

The Federal German Cabinet decided in January 2009: “Depending on industrial and budgetary aspects, the destruction of cluster munitions will be finalized preferably within eight years.” A “detailed working plan, schedule and budgetary plan” for the destruction of the stocks of the Bundeswehr was approved by the Committees for Defence and Budgets in June 2009. Against this background, Germany will finalize its destruction obligation according Article 3 of the CCM – depending on industrial and budgetary aspects – in 2015, that means without extension and before the end of the initial eight year period.

# SESSION V: DESTRUCTION OF CLUSTER MUNITIONS

## **Stocks of the Bundeswehr and National Destruction Programme**

The stocks of the Air Force included the Multipurpose Weapon MW-1 and the BL-755. Army stocks included the Deutsches Modell DM 602, 612, 632, 642 and 652 as part of the 155mm Artillery as well as M26 Rockets. All together, this totalled 440,000 containers including 50,000,000 explosive submunitions.

The destruction of BL-755 started in 2001 and was completed in 2008. The 155mm Artillery destruction began in 2007 with the DM 612, followed by the DMs 602, 632, 642 and 652 in 2009 and will be finalized preferably in 2012. The destruction of the MW-1 began in 2009 and will last until 2011. In parallel, M26 destruction has begun and will preferably not last beyond 2015, depending on budgetary and industrial aspects.

## **Relationship: Government and Destruction Industry**

The above mentioned stocks of the Bundeswehr are taken out of the operational ones and are handed over to the respective destruction industries. The Government retains ownership of the munitions until they are licensed as demilitarised, which means that there is no remaining military capability. The Government's quality assurance representatives monitor every step of the movement of ammunition from its receipt to disposal/utilization of its components. The Government certifies the end of the destruction process.

The North Atlantic Treaty Organisation (NATO), of which Germany is a member state, published "NATO Quality Assurance Requirements for Inspection and Tests" (AQAP-130) in February 1995. It is the minimum basis for the relationship between destruction industry and governments. Therefore industry must maintain systems for the management of quality, which include: planning, controlling, inspection and assurance.

In addition, the German Government's continuous supervision and validation of demilitarisation and destruction by industry is ensured by national law. This includes, for example: the war weapons log (War Weapons Control Act), the explosives register (Explosives Act) and the operating license (Emission Control Act).

Commander Thomas Frisch | Deputy Head of Division Arms Control |  
Ministry of Defence | Germany

# SESSION V: DESTRUCTION OF CLUSTER MUNITIONS

International Standards on Cluster Munitions Stockpile Destruction | Vera Bohle | GICHD

## Background

The Convention on Cluster Munitions obliges State Parties to ensure that destruction methods comply with applicable international standards for protecting public health and the environment.<sup>1</sup>

## International Standards

There are a number of standards available for the destruction of conventional ammunition stockpiles. The International Mine Action Standards contain a “Guide for the destruction of stockpiled anti-personnel mines” (IMAS 11.10), but as the title indicates, this refers to the destruction of anti-personnel mines only.

The NATO Standardization Agreement (STANAG) provides a number of standards related to conventional ammunition overall, for example on storage, transport, qualification for military use or whole life assessment. However, it does not provide cluster munitions specific information.

There is also a Handbook published by the Organization for Security and Co-operation in Europe (OSCE) named “Best Practices on Conventional Ammunition”. It provides general guidance on the Destruction of Conventional Ammunition. Again, nothing in particular on cluster munitions.

In addition, countries have their own national laws and regulations relevant to cluster munition stockpile destruction to protect human health; for example on accident prevention, worksite safety, transport, explosive handling, weapon’s control, foreign trade and demilitarisation.<sup>2</sup>

## Environmental Standards

There are internationally accepted standards for the determination and measurement of air pollution from industrial processes, which also apply to cluster munition stockpile destruction. However, these standards only apply to the measurement of emissions, as they do not provide guidance on what the overall emission limits should be: this remains the responsibility of the national authority.

The only supra-national legislation that covers emissions into the atmosphere from incineration of waste is Directive 2000/76/EC of the European Parliament and Council on the incineration of waste. It is relevant for the destruction of cluster munitions in the European Union and associated countries.

<sup>1</sup> Article 3, paragraph 2: “... Each State Party undertakes to ensure that destruction methods comply with applicable international standards for protecting public health and the environment.”

<sup>2</sup> The latter says for example in some countries that ammunition which is collectively secured, such as cluster munitions, must not be manually reverse assembled.

# SESSION V: DESTRUCTION OF CLUSTER MUNITIONS

The Directive is aiming at environmental protection and human health by preventing or limiting negative effects on the environment from the incineration of waste, in particular pollution by emissions into air, soil, surface water and ground water. This aim shall be met by means of stringent operational conditions and technical requirements, through setting emission limit values, and by meeting the requirements of other Directives dealing with waste. The Directive also foresees control and monitoring, and it defines measurement requirements.

## **Conclusions**

At this stage, there are no international standards specifically for cluster munitions stockpile destruction beyond what is set out in the Convention on Cluster Munitions. Work is in progress to make the IMAS CCM-coherent. There are however a number of related international, regional and of course national regulations which have to be applied, particularly when it comes to the protection of the environment and human health.

Vera Bohle | Senior Expert | GICHD

# SESSION V: DESTRUCTION OF CLUSTER MUNITIONS

## Regional Solutions to Cluster Munitions Disposal | Lee Moroney | Norwegian People's Aid

### Background / Introduction

Article 3 of the convention states: All States Parties must destroy all stockpiles of cluster munitions under their jurisdiction and control as soon as possible but no later than eight years after the Convention enters into force for the State Party.

Various countries are already successfully leading with destruction programmes to meet the obligations. There are a vast number of countries that have inherited their stockpiles and may not have the technical capability, infrastructure or economic backing to destroy their stockpiles in the same manner as other nations. These points might possibly hold back nations from signing the CCM and/or ensuring prompt ratification and implementation of disposal programmes.

To this end, with Norwegian Ministry of Foreign Affairs funding, Norwegian People's Aid developed an initiative with technical partners in 2008, to refine a concept towards implementation of technical support programmes to countries presenting safe and cost efficient "local" means to dispose of their stockpiles of Cluster Munitions.

### Development

The Technical development team provided extensive technical knowledge of submunitions and their parent munitions with vast practical engineering and Explosive Ordnance Disposal (EOD) experience that led to a successful feasibility study in 2008, providing the basis for future support projects to nations that wish to receive assistance.

Future projects will aim to provide practical options, with support training of local capacity, provision of procedures and supervision for any nation seeking assistance with the destruction of their stockpiles. Each project would be country specific but the general "template" for implementation would remain the same with the focus on a local, safe, cost efficient solution.

Options for the disposal processes will encompass a combination of manual disassembly, mechanised processes and explosive or pyrotechnic destruction. Above all, these systems will be:

- > safe
- > affordable
- > easily constructed
- > simple to maintain and operate
- > built using readily-available materials
- > capable of sustaining high rates of output.

# SESSION V: DESTRUCTION OF CLUSTER MUNITIONS

## **Advantages**

With a number of stockpiling countries in SE Asia, NPA is keen to promote Regional stockpile destruction options as these have a number of potential benefits over centralized industrial options. These include:

- > greater “ownership”, participation and regional cooperation in CCM implementation
- > savings on transportation, storage and security costs
- > lower inclusive costs
- > local investment, employment and capacity-building
- > community benefits through the re-use of by-products and materials.

## **Conclusion / Recommendations**

Article 6 of the CCM provides the basis for International Cooperation and assistance, and with civil society support being very strong, there are experienced NGOs within the Mine Action Sector, such as Norwegian People’s Aid, that have the technical experience in assistance to nations in implementation of stockpile disposal projects.

Lee Moroney | Project Manager Cluster Munitions Stockpile Destruction |  
Norwegian People’s Aid

# SESSION VI: TOWARDS THE ENTRY INTO FORCE AND THE 1<sup>ST</sup> MEETING OF STATES PARTIES OF THE CONVENTION ON CLUSTER MUNITIONS

## Chair's summary of the discussions

**Chairs** Amb. Saleumxay Kommasith | Director General | Ministry of Foreign Affairs | Lao PDR

**Speakers** Ms. Chisa Sato | Official | Conventional Arms Division | Ministry of Foreign Affairs | Japan  
Ms. Sara Sekkenes | Senior Advisor Armed Violence, Mine Action and Small Arms | BCPR | UNDP  
Ms. Laura Cheeseman | Campaign Manager | Cluster Munition Coalition

The last thematic session of the Bali Conference was focused on the upcoming entry into force of the Convention and its universalization. Nine non-signatories out of twenty-one participating States attended the Conference. This high proportion of non-signatories shows that the international community has managed to maintain the momentum of the signing ceremony. However, it is still crucial to keep a high level of communication among States, international organisations and civil society to best prepare 1) the entry into Force and the First Meeting of States Parties, and 2) favour the universalization of the CCM.

### 1. Entry into Force and the First Meeting of States Parties

Art. 17 of the CCM specifies that “the Convention shall enter into force on the first day of the sixth month after the month in which the thirtieth instrument of ratification, acceptance, approval or accession has been deposited”.

By mid-November 2009, the Convention was six ratifications away from its entry into force. Participants were confident that the thirtieth ratification will be reached by the end of the year or beginning of 2010 at the latest. Lao PDR expects to host the First Meeting of States Parties in November 2009. The Lao Support Group is currently focused on the preparation of this meeting. It is composed of the core group of countries leading the Oslo process, other States willing to contribute to the preparation, as well as international organisations working on cluster munitions' issue. During the discussion, a number of States' representatives expressed their commitment to provide support and assistance to the organisation of the First Meeting of States Parties.

# SESSION VI: TOWARDS THE ENTRY INTO FORCE AND THE 1<sup>ST</sup> MEETING OF STATES PARTIES OF THE CONVENTION ON CLUSTER MUNITIONS

## 2. Universalization of the CCM

Art. 21 § 1 specifies that “each States Party shall encourage States non party to the Convention to ratify, accept or accede to this Convention, with the goal of attracting the adherence of all States to this Convention”.

The importance of the CCM universalisation was stressed during the session. It is the only way of fully achieving the *raison d'être* of the Convention, which is to stop the humanitarian harm caused by the use of cluster munitions. The panel highlighted the various diplomatic efforts to increase the number of ratifications such as the organisation of bilateral meetings and international conferences, the publication of informative documents, as well as the involvement of media and the civil society in this process. The cluster munitions-affected countries were encouraged to adopt the treaty taking into account that a ratification will require them to make efforts to fulfil the related obligations.

The international framework, benefiting from long-term experience in ERW/mine action, is already well in place and ready to support States Parties towards the timely completion of the CCM obligations such as stockpile destruction, clearance and victim assistance.

# SESSION VI: TOWARDS THE ENTRY INTO FORCE AND THE 1<sup>ST</sup> MEETING OF STATES PARTIES OF THE CONVENTION ON CLUSTER MUNITIONS

## **Towards the Entry into Force; Promoting the Universalization of the Convention on Cluster Munitions | Chisa Sato | Japan**

### **1. Importance of universalization**

The Convention awaits ratification by six more signatories to reach the 30 ratifications required for its entry into force. The First Conference of States Parties is planned to take place next year after entry into force of the Convention, and Japan will fully cooperate with other states parties to lead the conference successfully.

In working towards the First Conference, it should be emphasized that universalization of the Convention is a key element for the successful operation of the Convention. To reach the ultimate goal of dispelling humanitarian concerns caused by cluster munitions, these concerns should be shared by a great majority of nations, which take practical measures to prevent cluster munitions from being used, developed, produced, acquired, stockpiled, and transferred. Article 21(1) of the Convention will play an important role in achieving this goal.

### **2. Japan's efforts**

After having concluded the Convention, through diplomatic channels, the Government of Japan has approached 29 countries in Asia and Oceania which have not signed or ratified the Convention and encouraged them to take steps to ratify it. From their responses, it was clearly recognized that many countries were aware of cluster munitions problems.

### **3. Factors to be considered for promoting universalization**

While security consideration was an overwhelming factor making some countries hesitate to conclude the Convention, other factors influencing national positions were also pointed out by many countries. For instance: lower prioritization of the cluster munitions issue in the national policy compared with other urgent and high-priority issues, insufficient capacity to take a necessary procedure for ratification (incl. lack of human resources), and a lack of financial resources and confidence to bear additional financial responsibility as State Party to the Convention.

# SESSION VI: TOWARDS THE ENTRY INTO FORCE AND THE 1<sup>ST</sup> MEETING OF STATES PARTIES OF THE CONVENTION ON CLUSTER MUNITIONS

## **4. The way forward**

To move towards universalization of the Convention, two suggestions can be made. Firstly, capacity building of countries which have not ratified the Convention is one of the areas where international cooperation can play a key role. Secondly, Japanese experiences from the Ottawa Convention show that dialogues with non-States Parties and giving advice tailored to each country's situation are effective methods in promoting universalization. Sharing information and exchanging opinions among States Parties and non-States Parties in a certain region contribute to the strengthening of mutual understanding and creation of confidence building. Japan intends to promote adherence to the Convention by a large number of states, especially in the Asia-Pacific, by taking account of region-specific factors.

## **5. Information**

At the Second Review Conference of the Ottawa Convention held in Cartagena, Japan is hosting a side-event on 4th December aimed at promoting universalization of the Convention. The event aims to examine how experiences gained in the Ottawa Convention can be utilized for the universalization of the Convention on Cluster Munitions.

Chisa Sato | Conventional Arms Division's Official | Ministry of Foreign Affairs | Japan

# SESSION VI: TOWARDS THE ENTRY INTO FORCE AND THE 1<sup>ST</sup> MEETING OF STATES PARTIES OF THE CONVENTION ON CLUSTER MUNITIONS

## Promotion and Universalization of the Convention | Sara Sekkenes | UNDP

It gives me great pleasure to address this forum on behalf of the United Nations Mine Action Team, particularly in reference to this session on universalization, as the Conference itself is an excellent example of concrete action that helps to promote the universalization of the Convention on Cluster Munitions. Sincere gratitude to our host for taking this important initiative.

As mentioned by many already, we are on the brink of seeing the Convention entering into force. States that have now ratified have made a significant contribution to the global advancement of International Humanitarian Law and the promotion of peace, security and development.

We also know that a number of other states are finalizing their domestic procedures and will soon be in the position to submit their instruments of ratification. From updates given by States at occasions such as this conference and the work of CMC, we have learned that some ten, maybe 15 countries are nearing this stage. This leaves us to believe that the entry into force is within reach as the 30th ratification is only six ratifications away, possibly just around the corner.

But as we know, the success of this new Convention lies in its universalization and implementation, and not only in how quickly we can see it enter into force. It will require a lot of work, national ownership and, perhaps most importantly, national leadership.

And such leadership needs to come from within – a determination to sign this Treaty, to ratify it, and in order to make a difference to those directly affected, to fully implement it.

Therefore, and equally important, we must continue to promote the ratification and universalization of the Convention also beyond the 30<sup>th</sup> ratification. We need to encourage as many States as possible to become full States Parties to the Convention in time for the 1<sup>st</sup> Meeting of States Parties, which Lao PDR so kindly and courageously has offered to host.

It is the strong national leadership of these States Parties that will be in a position to influence and contribute to the future shape and form of this new instrument towards the end of next year. And we encourage these States to already start thinking about the desired outcomes of this crucial First Meeting of States Parties. Member States, national actors, affected communities, survivors and the international humanitarian and disarmament community already possess vast experience in this area. We will, together, need to analyze existing frameworks, practices and lessons learnt in order to identify the frameworks and measures that will most effectively and efficiently advance the objectives and core spirit of the Convention. Together, we will need to ensure that policy is translated into action that makes a difference on the ground.

# SESSION VI: TOWARDS THE ENTRY INTO FORCE AND THE 1<sup>ST</sup> MEETING OF STATES PARTIES OF THE CONVENTION ON CLUSTER MUNITIONS

Because, as we know, and as so vividly described and shared by our colleagues, the survivors and their family members here this week, the treaty is about safeguarding the lives and livelihoods of survivors who have had the misfortune to encounter sub-munitions and also their families and communities across the world. It is about the youngsters tending cattle, collecting scrap metal or helping out in fruit orchards and rice paddies or simply playing around. It is about their parents' right to safely earn a living for their family and walk without fear. That is what this Convention ultimately must do.

As stated by the UN High Representative for Disarmament Affairs earlier this year, these core objectives should be the very reasons for every country to ratify this instrument regardless of whether they have cluster munitions stockpiles or have experienced cluster munitions attacks.

On the 21<sup>st</sup> of October, in the margins of the First Committee of the 64<sup>th</sup> session of the United Nations General Assembly, a special event on cluster munitions took place to promote the universalization of the Convention. It was organized by UN agencies, civil society and the ICRC and saw declarations by the Former Yugoslav Republic of Macedonia and Malawi of their recent ratifications and also heard Lao PDR address some 60 Member States, describing the nature of the problem they face due to cluster munitions. Curiously, among the participating States were 19 that have yet to sign the new Convention. Given similar attendance at this week's important regional event with nine non-signatories present here today, this no doubt signals a growing interest for the Convention among States.

While attending the Latin American Regional Conference on the Convention in Santiago, Chile a few weeks ago, we heard Jamaica elaborate on its views on the importance of ratifying the Convention. They stated that they were not affected by cluster munitions, nor do they have stockpiles but that they face severe challenges with high levels of armed violence and the circulation of large numbers of illicit firearms and therefore sensed a dependency and expectation on other states to engage on the problems posed by SALW.

The logic that followed was based on the notion of human security and solidarity and that Jamaica therefore see their ratification of the Convention on Cluster Munitions as imperative in order to promote disarmament, peace and security, show solidarity with affected victims, communities and states and in return also secure support from other States in tackling the problem posed by illicit small arms and the armed violence that has followed with it.

This is also the logic of the Charter of the United Nations and therefore we strongly encourage all States to ratify the Convention as quickly as possible to allow for its swift entry into force and a successful First Meeting of States Parties. For governments committed to the protection of civilians and to overcoming the threat to human security and development posed by cluster munitions, the next weeks, months and year will offer an excellent opportunity for decisive action.

Thank you.

Sara Sekkenes | Senior Adviser Armed Violence, Mine Action and Small Arms | BCPR | UNDP

# SESSION VI: TOWARDS THE ENTRY INTO FORCE AND THE 1<sup>ST</sup> MEETING OF STATES PARTIES OF THE CONVENTION ON CLUSTER MUNITIONS

## Civil Society Advocacy to Promote the Convention on Cluster Munitions | Laura Cheeseman | Cluster Munition Coalition

Thank you Mr. Chairperson, Ambassador Saleumxay. I would like to take this opportunity to thank the Lao government for its continued leadership on this issue.

I would also like to thank the government of Indonesia for hosting this important conference and for taking a leadership role in promoting the Convention in this part of the world and internationally. Asia is a priority for our campaigning, and for this Convention. It is the region most heavily affected by cluster munitions, but it is also one with many countries that have not yet joined this Convention. Just 12 countries out of 40 have signed the Convention so we are very pleased to see nine countries that have yet to join, showing a strong interest by participating in this meeting. We hope to see many of you participate as signatories at the First Meeting of States Parties next year.

Having heard the challenges on clearance and victim assistance laid out over the past two days, nobody should have any doubt over the value and importance of this Convention and the urgent need for it to be implemented fully and effectively.

We believe we have made very solid progress since the Convention opened for signature in Oslo, Norway in December last year. As of today there are 103 countries that have signed the Convention. This includes former users, producers, some of the world's largest stockpilers of the weapon and crucially includes many affected states, from every region of the world. Over the last few weeks we have seen five more countries sign the Convention, and most recently on Thursday we were pleased to see Iraq, another affected country, sign the Convention.

We are on the verge of achieving entry into force. Twenty-four signatories have ratified the Convention, leaving just six spaces for those countries that want to be among the first thirty that will trigger its entry into force. We are all intrigued to know which country will have that honour. But states must hurry if they want to be in the first 30 to ratify. We understand that around 15 countries are close to completing domestic procedures for ratification, or have already completed ratification domestically. We're confident therefore that the remaining six ratifications will continue to roll in over the next couple of months and hopefully by the end of this year. But we won't stop campaigning after achieving 30 – every signatory needs to ratify.

# SESSION VI: TOWARDS THE ENTRY INTO FORCE AND THE 1<sup>ST</sup> MEETING OF STATES PARTIES OF THE CONVENTION ON CLUSTER MUNITIONS

As we move swiftly towards entry into force and towards the First Meeting of States Parties, we will continue to challenge all governments to undertake initiatives right now to help build the continuing momentum and success of the Convention.

States that have not yet signed the Convention should show solidarity with Lao PDR and sign before the First Meeting of States Parties. In particular we urge those countries whose citizens and communities suffer from the impact of cluster munitions to join. Leadership is crucial from those who are directly affected by the problem we are trying to solve, and who will benefit most from this Convention. But it is not just affected countries that must join: broad adherence by all countries is needed to help build the growing stigma and norm against these weapons. Do not wait for your neighbours to join this Convention. Make this Convention a national priority and join now. Every country should see it as in their national interests to do so.

There has been a widespread change in governments' policies over the last couple of years. Many countries that possess cluster munitions and that argued for the need to keep these weapons for national security purposes have since signed the ban and rejected these weapons, recognising that the humanitarian impact far outweighs any military utility. We have seen countries that have not yet joined the ban, such as Singapore and the United States, take national steps by putting in place a permanent export ban on cluster munitions. Cluster munitions do not have a place in any modern military's arsenal. Any future use of cluster munitions would result in widespread condemnation.

Implementation of the Convention including clearance, victim assistance and stockpile destruction will pose challenges for some countries in this region but these are not insurmountable: the most important factor is the political decision and priority. In many countries implementation is already happening. Clearance and victim assistance are ongoing in affected countries and many countries have significant experience in this work already. Stockpile destruction is a routine element of responsible stockpile management for all armed forces. To ensure full and effective implementation, technical, financial and other assistance will be needed from the international community. Our campaign will also be calling on donor countries to provide this assistance as obligated under the Convention. But the best way to receive assistance to undertake clearance, victim assistance and stockpile destruction as set out in the Convention is by being a part of it.

# SESSION VI: TOWARDS THE ENTRY INTO FORCE AND THE 1<sup>ST</sup> MEETING OF STATES PARTIES OF THE CONVENTION ON CLUSTER MUNITIONS

We are grateful to those states working with us and our campaigners around the world through concrete initiatives to promote adherence to the Convention. The genuine partnership that we have seen between States, civil society and international organisations, including UN agencies and the International Committee of the Red Cross is crucial. We urge all signatories and other key partners to continue to work with us to promote the Convention and its obligations and to help explain what is required and what is to be gained by joining the Convention. Talk to your neighbours, friends and allies and encourage them to take steps towards joining the Convention.

Our campaign will take every opportunity to promote the Convention on Cluster Munitions. When the 30th ratification is deposited we will mark this important milestone around the world. On the day of entry into force of the Convention, we intend to hold a worldwide celebration and we urge all States to join us in celebrating the historic occasion of the Convention becoming a new piece of international law.

We will be promoting the First Meeting of States Parties in Lao PDR over the coming year, seizing all existing opportunities and creating new ones to reach out to states. We will be encouraging all states to take part in this important conference and working with them along the way. We will urge those countries that have not yet signed the Convention to take part as signatory states and be part of the community that sets the direction for the future work on this Convention. We will also continue to urge signatory states to complete ratification and strive to be a State Party in time for the meeting in Lao PDR. To promote these objectives in advance of the First Meeting of State Parties, CMC plans to hold a Global Week of Action during which campaigners from around the world will mobilise for widespread and high-level participation, a strong declaration of support at the conference, and an action plan for the future work.

The CMC is very pleased to have heard such widespread support for the offer by Lao PDR to host this event and we look forward to working closely with our Lao colleagues in ensuring its success by setting the course for the full and effective implementation of the Convention in the years ahead.

We look forward to returning to this region towards the end of next year, if not before, and we hope to see many of you in Lao as well, hopefully all as signatories or States Party to the Convention.

Thank you.

Laura Cheeseman | Campaign Manager | Cluster Munition Coalition

# CLOSING SESSION

**Chair** Mr. Andy Rachmianto | Deputy Director for International Security and Disarmament | Department of Foreign Affairs | Republic of Indonesia

**Rapporteur** Ms. Vera Bohle | Senior Expert | GICHD

This last session gave the Indonesian Department of Foreign Affairs and the Bali Conference participants the opportunity to highlight the main conference outputs. The first goal ahead is the entry into force of the CCM. The 30<sup>th</sup> ratification should be reached at the beginning of 2010, which will lead to the organization of the 1<sup>st</sup> Meeting of States Parties in Lao PDR in November 2010. The international community will remain focused on both the Convention's universalization and the concrete implementation of its obligations. States Parties, international organizations and civil society will have to keep on promoting the CCM through various channels in order to substantially increase the number of States Parties. International cooperation and assistance, political will and national ownership will be crucial to succeed in the implementation of the CCM obligations such as the destruction of stockpiles (Art. 3), the clearance of cluster munitions remnants located on contaminated areas (Art. 4), and victim assistance (Art. 5). The Asia-Pacific region, which includes some of the most affected countries, will be part of the universalization effort. States Parties from the region will also be supported in the completion of their CCM obligations. Universalization and implementation are the only means of fully achieving the *raison d'être* of the Convention, which is to stop the humanitarian harm caused by the use of cluster munitions.

**Closing Remarks by Mr. Andy Rachmianto | Deputy Director for International Security and Disarmament on behalf of Mr. Fikry Cassidy | Acting Director for International Security and Disarmament | Department of Foreign Affairs | Republic of Indonesia**

Excellencies,  
Distinguished Participants,  
Ladies and Gentlemen,

On behalf of the Director-General for Multilateral Affairs, Ambassador Jenie, who had to return to Jakarta yesterday, and on behalf of my Government, I should like to extend my sincere thanks to you for participating actively throughout the two-day conference. Without such engagement the objective of this meeting, which was outlined by Ambassador Jenie in his opening remarks, would not have been met.

# CLOSING SESSION

We have noted that the conference - attended by a good balance of signatory and non-signatory states from the region and beyond - has seen a good exchange of information and experiences with regards to the obligations of the Convention. In addition, frank assessment of the situation in relation to the embrace of the Convention on Cluster Munitions in the region was shared by regional countries.

I believe these types of engagements are useful to gain better understanding of the provisions of the Convention and ultimately to get countries closer to signing and ratifying the Convention.

Distinguished participants and colleagues,

The partnership between governments, the United Nations and other international organizations as well as civil society, which has marked the process towards the conclusion of the Convention on Cluster Munitions, is also replicated here in our conference. Active participation and engagement by representatives of international organizations and civil society in this conference have enriched the discussion.

I would like to pay tribute therefore to the good cooperation and partnership between the “three pillars of stakeholders” in promoting the Convention.

I hope that the conference and the engagement during the last two days have been useful and that the insights you have gained can be shared with your relevant constituents back home.

Let me also take this opportunity to extend our deepest appreciation to all the sponsors – the Governments of Germany, Norway, Austria and Australia, as well as UNDP, ICRC and GICHD for their generous support to make this Conference proceed as planned. My appreciation also goes to my dear colleagues in the Secretariat, the staff of the Event Organizer, the Discover Kartika Plaza Hotel and the media.

Finally, we look forward to the First Meeting of States Parties to be held in Lao PDR sometime next year. It is our hope that we will reach the 30th ratification and be able to witness the entry into force of the Convention before the First Meeting of States Parties.

Thank you and until we meet again in Lao.

Fikry Cassidy | Acting Director for International Security and Disarmament |  
Department of Foreign Affairs | Republic of Indonesia

# ANNEX

## Agenda of the Conference

Organized by the Government of the Republic of Indonesia and sponsored by the Governments of Germany, Norway, Austria, Australia, UNDP, ICRC and GICHD | Bali, Indonesia | 16 - 17 November 2009

**Venue** Discovery Kartika Plaza Hotel | Jl. Kartika Plaza | South Kuta 80361 | Bali | Indonesia

### Sunday, 15 November 2009

- |               |  |
|---------------|--|
| 16.00 – 18.30 | Registration of participants in the Lobby Corner   |
| 19.00 – 20.00 | Welcoming Reception hosted by H. E. Amb. Rezlan Ishar Jenie   Director-General for Multilateral Affairs   Department of Foreign Affairs   Republic of Indonesia<br>Venue: The Pond Cafe (Open Air) |

### Monday, 16 November 2009

- |               |   |
|---------------|---|
| 08.00 – 09.00 | Registration of participants in Kharisma Ballroom |
| 09.00 – 09.30 | Opening session                                   |

#### Remarks by

- > H. E. Amb. Rezlan Ishar Jenie | Director General for Multi-lateral Affairs | Department of Foreign Affairs | Republic of Indonesia
- > Col. Werner Heidemann | Head of Division Arms Control | Ministry of Defence | Germany
- > H. E. Mr. El Mostafa Benlamlih | Resident Coordinator UN/Resident Representative UNDP to Indonesia
- > H. E. Mr. Vincent Nicod | Head of Delegation to Indonesia | ICRC
- > Mr. Thomas Nash | Coordinator | Cluster Munition Coalition
- > Mr. Pham Quy Thi | a Vietnamese Cluster Munitions Survivor

(to be followed by a photo session)

# ANNEX

## Monday, 16 November 2009

- 09.30 – 10.00 Press Briefing in the Rama Room
- 09.30 – 10.00 Coffee break in the Garuda Foyer
- 10.00 – 10.15 ICRC Movie Presentation  
*“The Convention on Cluster Munitions: Time to Act”*
- 10.15 – 11.45 **Session I - Understanding the Convention on Cluster Munitions**
- Chair** Mr. Andy Rachmianto | Deputy Director for International Security and Disarmament | Department of Foreign Affairs | Republic of Indonesia
- Speakers**
- > Mr. Jostein Leiro | Deputy Director General | Ministry of Foreign Affairs | Norway
  - > Amb. Alexander Marschik | Director of the Department of Disarmament, Arms Control and Non-Proliferation | Ministry for European and International Affairs | Austria
  - > Mr. George Hampton | Policy Officer | Ministry of Foreign Affairs and Trade | New Zealand
- 11.45 – 13.00 **Session II - Perspectives from the Most Affected Countries of Cluster Munitions and Victims**
- Chair** Amb. Alexander Marschik | Director of the Department of Disarmament, Arms Control and Non-Proliferation | Ministry for European and International Affairs | Austria
- Speakers**
- > Dr. Maligna Saignavongs | Director of The National Regulatory Authority for the UXO/Mine Action Sector in the Lao PDR (NRA) | Lao PDR
  - > Mr. Sharif Ahmad Waheedi | Official | Ministry of Foreign Affairs | Afghanistan
  - > Mrs. Nguyen Thi Huong | Ban Advocates - Vietnam
- 13.00 – 14.00 Lunch in the Pond Cafe (outside)

# ANNEX

**Monday, 16 November 2009**

14.00 – 15.30

## **Session III - Cooperation and Assistance**

**Chair** Mr. Alistair Sherwin | Assistant Director General Middle East and West Asia Branch | AusAID | Australia

### **Speakers**

- > Ms. Chisa Sato | Official, Conventional Arms Division | Ministry of Foreign Affairs | Japan
- > Mr. Stephen Robinson | Program Manager | UNMAS
- > Ms. Kim Hoa Nguyen | Monitoring & Evaluation Officer | Landmine Survivor Network in Vietnam | Cluster Munition Coalition

15.30 – 16.00

Coffee break in the Garuda Foyer

16.00 – 17.30

## **Session IV - National Implementation**

**Chair** Mr. Jostein Leiro | Deputy Director General | Ministry of Foreign Affairs | Norway

### **Speakers**

- > Mr. Peter Hunter | Executive Officer | Arms Control Branch, DFAT | Australia
- > Mr. Michael Creighton | Land Release Expert | GICHD
- > Mr. Richard Desgagne | Regional Legal Adviser | ICRC

19.00 – 20.30

Dinner hosted by Australia & Norway  
Venue: Rumah Bali Restaurant

Remarks by Mr. Jostein Leiro | Deputy Director General | Ministry of Foreign Affairs | Norway and Mr. Alistair Sherwin | Assistant Director General Middle East and West Asia Branch | AusAID | Australia

# ANNEX

**Tuesday, 17 November 2009**

09.00 – 10.30

## **Session V - Destruction of Cluster Munitions**

**Chair** Col. Werner Heidemann | Head of Division Arms Control | Ministry of Defence | Germany

### **Speakers**

- > Mr. Thomas Frisch | Deputy Head of Division Arms Control | Ministry of Defence | Germany
- > Ms. Vera Bohle | Senior Expert | GICHD
- > Mr. Lee Moroney | Project manager | Cluster Munitions Stockpile Destruction | Norwegian People's Aid

10.30 – 10.45

Coffee break in the Garuda Foyer

10.45 – 12.15

## **Session VI - Towards the Entry Into Force and the First Meeting of States Parties of the Convention on Cluster Munitions**

**Chair** Amb. Saleumxay Kommasith | Director General | Ministry of Foreign Affairs | Lao PDR

### **Speakers**

- > Ms. Chisa Sato | Official | Conventional Arms Division | Ministry of Foreign Affairs | Japan
- > Ms. Sara Sekkenes | Senior Advisor | UNDP
- > Ms. Laura Cheeseman | Campaign Manager | Cluster Munition Coalition

12.15 – 13.00

## **Closing Session**

**Chair** Mr. Andy Rachmianto | Deputy Director for International Security and Disarmament | Department of Foreign Affairs | Republic of Indonesia

### **Rapporteur**

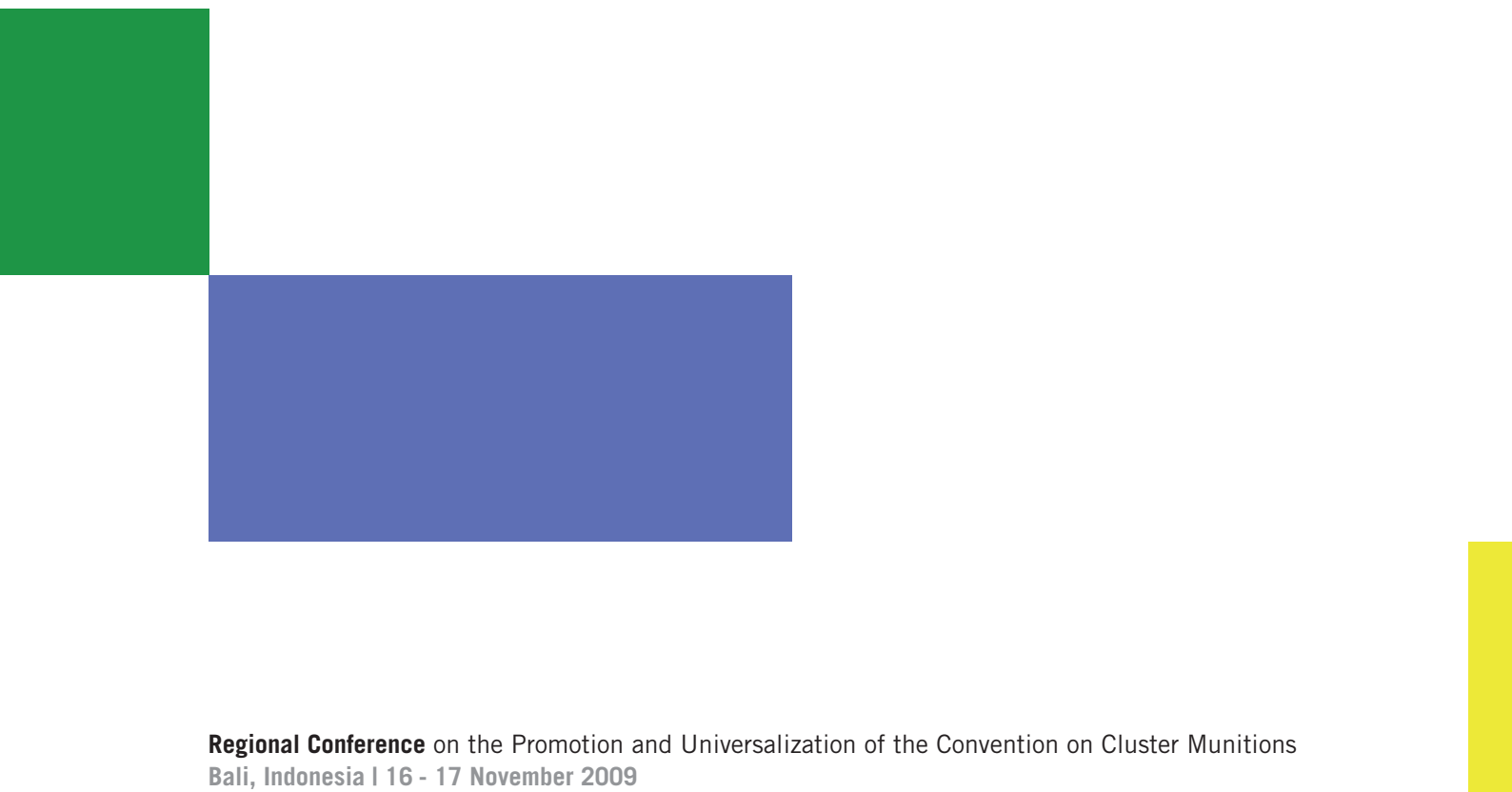
Ms. Vera Bohle | Senior Expert | GICHD

Summary of the Conference

Closing Remarks by Mr. Fikry Cassidy | Acting Director for International Security and Disarmament | Department of Foreign Affairs | Republic of Indonesia

13.00

Lunch



**Regional Conference** on the Promotion and Universalization of the Convention on Cluster Munitions  
**Bali, Indonesia | 16 - 17 November 2009**

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Directorate of International Security and Disarmament |  
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