
Convention on Cluster Munitions

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Consideration of matters pertaining to the universalization of the Convention on Cluster Munitions

Universalization of the Convention

Submitted by Zambia

Introduction

1. The Fourth Meeting of States Parties (4MSP) to the Convention on Cluster Munitions (CCM) takes place in Lusaka, Zambia from 9th to 13th September 2013. For the first time, the meeting is taking place in a country that has never used, produced or stockpiled cluster munitions and which has declared the completion of clearance of all cluster munitions remnants from its territory more than three years ago.
2. As President of the 4MSP, Zambia seeks to bring to the fore the seriousness and lethal effects of cluster munitions on civilians wherever they have been used. We all have a shared responsibility and moral conscience to ensure that innocent lives are not lost to this deadly weapon and that the world is clear of cluster munitions.
3. While maintaining momentum on the theme of the 3MSP, namely, how the Convention could contribute to enhancing the protection of civilians and thus strengthening the body of international humanitarian law, Zambia will use her Presidency to draw special attention to the importance of universalization of the Convention by focusing on new strategies that can be used to achieve full universalization of the Convention.
4. Members States may wish to recall that the year 2015 will mark five years of the Convention and the Review Conference will be an opportune time to demonstrate the achievement of the core goals of the Convention.

Background

5. States Parties will recall the efforts that were made by various stakeholders to bring the Convention into force. The emerging significance of our collective initiatives in the quest for full universalization of the Convention cannot be overemphasized. From the beginning, Zambia has been fully involved in these efforts. Indeed, Zambia hosted the *All-Africa Regional Conference on Cluster Munitions* in Livingstone (2008) prior to the Dublin conference and co-organized the *Accra Regional Conference on the Universalization of the*

CCM in May 2012 as well as the *Lomé Regional Conference on the Universalization of the CCM* in May 2013. Furthermore, Zambia was among the first 30 ratifications that triggered entry into force of the CCM on 1st August 2010, and since then, Zambia has remained committed and actively involved in the implementation and universalization of the Convention. States Parties, signatories, observers and other participants to the 4MSP are therefore reminded that the CCM is the framework by which we, States Parties, may render this world a cluster munitions-free world for the good of all mankind.

6. However, Zambia believes that the realization of this objective will only be possible if the number of States signing up to, and ratifying the Convention continues to grow. In this regard we welcome the ratification of the Convention by Peru, Australia, Nauru, Liechtenstein, Chad, Andorra, Bolivia and Iraq since the 3rd MSP.

7. We are also concerned with recent reports of increased use of cluster munitions in an ongoing conflict. To this end we urge the immediate discontinuation of use and call on all states that have not yet done so, to join the CCM.

Status of the Convention and successes since 2008

8. Zambia believes that the universalization efforts conducted over the last few years through regional dialogues have helped to further accelerate adherence to the Convention. All States Parties that have been advocating for more states to come on board are commended for their respective efforts and encouraged to continue with the promotion of the CCM in all relevant international fora.

9. Since 3rd December 2008, when the Convention opened for signatures in Norway, the number of countries that have joined the Convention is 112, of which 83 are States Parties. This number is impressive by all accounts given the short life-time of the Convention. Furthermore, a large number of countries that neither produce, stockpile or transfer cluster munitions have also joined the CCM, which has not only gone a long way in raising the profile of the Convention, but has also sent a strong signal to those countries that have not yet signed, that cluster munitions cause unacceptable harm to civilians, and should never again be used.

Challenges to full universalization of the Convention

10. As host of the 4MSP, Zambia continues to note with concern various challenges regarding the full universalization of the Convention. These challenges may be addressed under four categories:

- (a) Countries that have not yet signed up to the Convention;
- (b) Countries that are signatories, but are yet to ratify the Convention;
- (c) Countries that are States Parties but have not yet adopted or implemented appropriate national legislation; and
- (d) Countries that are affected but find challenges in the implementation of clearance, victim assistance and stockpile destruction provisions.

11. It is really regrettable that the first category includes those countries that are the major producers and users of these weapons. As long as these countries remain outside of the Convention, our vision of a world free of cluster munitions will be compromised. We would therefore like to implore these countries to address this matter with the urgency and seriousness it deserves, in order to give the many innocent victims a better and safer life and avoid any future casualties.

12. The second category must be commended for their recognition of the urgent need to end the suffering caused by cluster munitions. However, we would like them to go a step further by accelerating their respective domestic processes of ratification.

13. The third category should also be commended for their leadership in ratifying the Convention. Yet, these efforts must be followed by the adoption and implementation of effective national legislation prohibiting all actions that could in any way contribute to the continued use of cluster munitions. We urge these States parties to take the necessary steps to address these measures, and to ensure that national legislation fully reflects both the letter and spirit of the CCM, in particular, Article 19 which states that “the Articles of this Convention shall not be subject to reservations”.

14. The fourth category highlights the need for international, bilateral, regional, triangular and south-south cooperation and assistance as technical, financial, political and other means of assistance can be the actions needed to ensure full implementation and also incentivize joining the CCM.

New strategies for universalization – towards a cluster munitions free world

15. If we all believe that the strength of the Convention lies in the collective will to create a cluster munitions free world, then there is an urgent need for States Parties and all stakeholders to deliberate and consider new strategies for universalization during the 4MSP. The challenges faced under the first two categories listed above have a political dimension to them in some countries and it is for this reason that Zambia has decided to include a High-level segment to the 4MSP on the 9th September. We believe that bringing together as many policy makers as possible for the first time could contribute to the acceleration of the universalization of the CCM.

16. Zambia remains deeply concerned that cluster munitions continue to be used by some countries that are not party to the Convention, causing untold suffering to innocent civilians. It is our shared responsibility to restore human dignity to these vulnerable members of our societies and concentrate our resources towards economic and social development.

17. If our collective vision is to work towards a complete ban on cluster munitions, then there is need to ensure that states that have not signed the Convention must do so, while those that have signed must accelerate the ratification processes in order to accede before, during or immediately after the 4MSP. It is encouraging however to note that most of those that have not signed the CCM have in recent years pledged not to use them because they agree that these abhorrent weapons have no place in modern warfare. Zambia believes that this is a good starting point to encourage these countries to join the Convention.

18. It is Zambia’s sincere hope that the 4MSP will stimulate further debate on the subject of universalization of the Convention and will identify new strategies to bring on board all countries, particularly those states that have so far not indicated any intention to join the CCM. The momentum has to be maintained.

19. The Zambian government would, therefore, like to invite all delegations to actively engage in the universalization theme of the 4MSP, in order to sustain the momentum required for States to join the CCM. In our deliberations, we invite all states and other participants to come up with new initiatives that can be employed to achieve full universalization of the Convention and we warmly encourage general statements to this end. It is also our hope that Africa may be the first continent to achieve full universalization of the CCM. Indeed as the Secretary General of the United Nations stated when the

Convention came into force that ‘the world’s collective revulsion at these abhorrent weapons and the power of collaboration among government, civil society and the UN to change attitudes and policies on a threat faced by all mankind’ will help bring about universalization of the CCM.