

CONVENTION ON CLUSTER MUNITIONS

The process that led to the adoption of the Convention on Cluster Munitions was initiated in response to, and ran in parallel with, the framework of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (“CCW”), which was adopted on 10 October 1980. A Protocol on Explosive Remnants of War to the CCW (“Protocol V”) was later adopted at the Meeting of the States Parties to the CCW held from 27 to 28 November 2003 (Report of the Meeting of the States Parties to the CCW, CCW/MSP/2003/3). Protocol V incorporated commitments on remedial measures relating to explosive remnants of war, including the clearance of unexploded ordnances such as cluster munitions left behind after a conflict has ended. However, Protocol V did not restrict the development or use of cluster munitions.

At the Third Review Conference of the CCW, held from 7 to 17 November 2006, the United Nations Secretary-General urged the States Parties to devise norms that would immediately reduce and ultimately eliminate the humanitarian and economic impact of cluster munitions (CCW/CONF.III/SR.1). Despite calls from certain States Parties for the introduction of a specific mandate to negotiate a legally-binding instrument that addressed the humanitarian concerns posed by cluster munitions (CCW/CONF.III/WP.1), no such mandate was agreed upon during the Review Conference. Instead, the States Parties decided to convene, as a matter of urgency, an intersessional meeting of governmental experts to consider further the application and implementation of existing international humanitarian law to cluster munitions (Final Document of the Third Review Conference, CCW/CONF.III/11, Part II). Noting that the States Parties had been unable to find an effective way to address the humanitarian impact of cluster munitions, Norway, on the last day of the Review Conference, announced that it had decided to organize an international conference to start a process, outside of the CCW framework, towards an international ban on cluster munitions that had unacceptable humanitarian consequences (CCW/CONF.III/SR.9).

The Conference on Cluster Munitions held in Oslo, from 22 to 23 February 2007, was the first of a series of diplomatic conferences convened with the objective of developing a legally binding instrument on cluster munitions. This series of conferences, which became known as the “Oslo Process”, was led by the Core Group of States, consisting of Norway, Austria, Ireland, Mexico, New Zealand and Peru, as well as the Holy See. United Nations agencies and civil society and humanitarian organizations were also closely involved in the process. Norway invited States that had indicated a willingness to develop a legally binding international instrument on cluster munitions to participate in the Oslo Conference (see the Invitation Letter). A background paper was circulated by Norway in advance of the Oslo Conference. Through the resulting Oslo Declaration, adopted on 23 February 2007, 46 States committed themselves to concluding a legally binding international instrument by the end of 2008 to prohibit the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians, and to establish a framework for rehabilitation, clearance of contaminated areas, risk education and destruction of stockpiles of prohibited cluster munitions. Signatory States also committed themselves to further meetings, to be held in Lima, Vienna, and Dublin.

The Oslo Conference was followed by the Southeast Asia Regional Forum on Cluster Munitions held in Phnom Penh, on 15 March 2007. The Southeast Asia Regional Forum was the first of a number of regional meetings aimed at securing support for the Oslo Process, including: the San José Regional Conference on Cluster Munitions held in San José, from 4 to 5 September 2007; the Conference of the States Affected by Cluster Munitions held in Belgrade, from 3 to 4 October 2007; the European Regional Conference

on Cluster Munitions held in Brussels, in October 2007; the Livingstone Conference on Cluster Munitions held in Livingstone, Zambia, from 31 March to 1 April 2008; and the Latin American and Caribbean Conference on Cluster Munitions held in Mexico City, on 16 to 17 April 2008 (see the Final Document of the Dublin Diplomatic Conference, CCM/78).

The second international diplomatic conference of the Oslo Process was held in Lima, from 23 to 25 May 2007. The draft text of an instrument on cluster munitions was prepared by the Core Group and provided in advance to the 67 participating States as a “discussion text”.

The third international diplomatic conference was held from 5 to 7 December 2007 in Vienna, with 138 participating States. The Core Group distributed a revised draft instrument in advance of the conference as a basis for discussion (Vienna Discussion Text).

The fourth international diplomatic conference was held in Wellington, from 18 to 22 February 2008. Taking into account discussions at the Vienna Conference, a revised text, now referred to as the draft “Cluster Munitions Convention”, dated 21 January 2008, was prepared by the Core Group for discussion in anticipation of the Wellington Conference (CCM/3). The text of the draft convention remained unchanged during the Wellington Conference, with proposals for amendments compiled in a separate “Compendium of Proposals Submitted by Delegations during the Wellington Conference, Addendum 1”. The Wellington Conference resulted in 82 States adopting the Wellington Declaration, by which they committed themselves to convene a diplomatic conference in Dublin to negotiate and adopt a legally binding instrument prohibiting cluster munitions that cause unacceptable harm to civilians. It was also agreed under the Wellington Declaration to forward the text of the draft Cluster Munitions Convention as the basic proposal for consideration at the Dublin diplomatic conference, together with the compendium of additional proposals.

The Diplomatic Conference for the Adoption of a Convention on Cluster Munitions was held from 19 to 30 May 2008, in Dublin. The Rules of Procedure, prepared in draft form at the Wellington Conference and adopted at the first plenary meeting of the Dublin Conference, provided that only States that had subscribed to the Wellington Declaration could participate in the Dublin Conference (CCM/52). In addition to the 107 participating States, observer delegations from United Nations funds and programmes and specialized agencies, the International Federation of Red Cross and Red Crescent Societies, regional intergovernmental organizations, the Cluster Munition Coalition, as well as other non-governmental organizations and observer States, attended the Dublin Conference (see the List of Delegates, CCM/INF/1). On 28 May 2008, the participants agreed to adopt a consolidated draft convention text introduced by the President of the Conference on the same day (CCM/PT.15). On 30 May 2008, all 107 States participating in the Dublin Conference adopted the 2008 Convention on Cluster Munitions by acclamation (CCM/77).

In a letter dated 13 October 2008, Ireland transmitted the Final Document of the Diplomatic Conference for the Adoption of a Convention on Cluster Munitions to the Chairman of the First Committee of the General Assembly for circulation to the First Committee (A/C.1/63/5). The document was considered by the First Committee in the framework of the item entitled “General and complete disarmament”, during the sixty-third session of the General Assembly, in 2008. On 22 October 2008, Ireland, on behalf of members of the Core Group, introduced a draft resolution entitled “Convention on Cluster Munitions” to the First Committee (A/C.1/63/L.56). The First Committee adopted the draft resolution without amendment (Report of the First Committee to the General Assembly, A/63/389). On 2 December 2008, the General Assembly adopted, without a vote,

resolution 63/71, by which it requested the Secretary-General to render the necessary assistance and to provide such services as may be necessary to fulfil the tasks entrusted to him by the Convention on Cluster Munitions.

The Oslo Process concluded with the Convention on Cluster Munitions Signing Conference held in Oslo, Norway, from 3 to 4 December 2008, during which 94 States signed the Convention on Cluster Munitions. The Convention on Cluster Munitions entered into force on 1 August 2010, the first day of the sixth month after the deposit of the thirtieth instrument of ratification in accordance with article 17 of the Convention.