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An African Perspective on the Cluster Munitions Convention

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Injury, Fire, Lack of Funding Complicate Demining in Lebanon

While most of the immediate landmine danger has been removed from southern Lebanon along its border with Israel, multiple factors have complicated the demining process throughout the country. In southern Lebanon, 43 percent of the contaminated land has been fully cleared, while another 49 percent was surface-cleared, according to the Mine Action Coordination Centre, South Lebanon (MACC–SL). However, a lack of funding has delayed much of the clearance. Many of its clearance teams stopped work at the end of August 2008. As a result, the injury rate is expected to escalate because, as in the past, locals will likely attempt to remove contaminants themselves when they face a lack of assistance.

In late July 2008, a Lebanese citizen, Abbas Akrou, working with the Mines Advisory Group, was injured by a cluster bomb that detonated near him while he was attempting to disarm landmines in Zivater, a village in southern Lebanon. The cluster bomb was identified as one of the bombs dropped by Israel in southern Lebanon during 2006. Akrou sustained moderate damage to his hands and feet. More than 50 Lebanese and international workers, as well as over 250 civilians, have already been injured by these cluster bombs.

In July 2008, emergency crews fighting a forest fire in the Bmikin region of Lebanon faced a unique challenge: extinguishing ahouette bomb while helping start a wildfire re- pair workshop in Nasrullah in the late 1980s. He returned to university in 1990 to write a Ph.D. thesis about advanced technology research belie- ing to deliver new demining tools and equipment. After three years working for the European Commission, he left to be an independent consultant and program evaluator in mine action.

Russell Gasser

Russell Gasser is an engineer who became interested in mine action while helping start a wheelchair re- pair workshop in Nasrullah in the late 1980s. He returned to university in 1990 to write a Ph.D. thesis about advanced technology research belie- ing to deliver new demining tools and equipment. After three years working for the European Commission, he left to be an independent consultant and program evaluator in mine action.

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Recognition: Angola, Mozambique and South Africa. A little over a year ago, at the Lima Conference on Cluster Munitions, Africa’s participation in the Oslo Process began in earnest. There were 14 states present, and consist- ent with the continent’s overall stance on general and complete disarm- ment, these states spoke out against the dreadful weapons.

Thereafter, more African countries began to participate in the cause. Ghana, Kenya, Malawi, Senegal, Sierra Leone, Uganda and Zambia became actively engaged in the Oslo Process. At the Livingstone African Conference on Cluster Munitions, held from 31 March to 1 April 2008, in Livingstone, Zambia, the countries of Libya, Namibia and Tunisia, never before part of the process, were in attendance. Thirty-nine African countries declared that the continent neither wanted the “continued uncontrolled proliferation of destructive weapons” on the continent nor the “dumping ground for weapons obsolete in other parts of the world.”

Africa’s Expectations for the CCM Negotiations

For Africa, the Convention on Cluster Munitions would address the negative humanitarian effects of these weapons. Since the continent is already plagued by crises—including inadequate health care and a lack of education and human-resource capacities—it was imperative that strong language be included, particularly on definitions, victim assistance and international cooperation and assistance (i.e., Articles 2, 3 and 5 respectively of the Convention on Cluster Munitions). Africa, in its deliberations during the Dublin Diplomatic Conference held in Ireland, felt that assistance in whatever form—technical, finan- cial or human—was vital, especially for poor countries like those which face these capacities. In addition, African representatives wanted to avoid the inclusion of a clause permitting a transition period or any tolerance of interoperability language (i.e., joint military operations with countries not adhering to the ban).

After a period of time, the Convention on Cluster Munitions was determined to be negotiated in Dublin should provide a categorical prohibition for the stockpiling, production and transfer of cluster munitions as a whole cat- egory, with no distinction over what type may be considered good or bad. This approach was deemed critical in making an effective conven- tion for the protection of civilians. It was argued that this strategy would make cluster munitions a stigmatized weapon. Africa also preferred that Article 2(1) be deleted from the draft, as its presence provided an opportunity for exceptions to be included.

In Livingstone, Africa (apart from South Africa, which highlighted the military utility of the weapons in terms of their accuracy in point- targeting) opted for a total ban on cluster munitions. In the African view, no cluster munition causes acceptable harm to civilians. In Dublin, however, a compromise was reached to limit exceptions—even- tually banning about 90 percent of cluster munitions currently in use. It was critical to Africa’s position that this compromise was not used to exclude cluster munitions that had the same intolerable effects as cluster

by Sheila Mweemba [Zambia Mine Action Centre]

On 30 May 2008, the international community adopted the Convention on Cluster Munitions.1 It is little won- der that those who were against a convention of this sort are still reeling from the shock of it. Africa, on the other hand, can give itself a well-deserved pat on the back for having played a pivotal role in the adoption of a groundbreaking, legally-binding instrument of which posterity will judge the results.

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African Perspective on the Cluster Munitions Convention

The first meeting of the cluster-ban process in Oslo, Norway, was held in February 2007. Four African countries present: Angola, Egypt, Mozambique and South Africa. Only three states, however, signed the Oslo Declaration at the end of the confer- ence: Angola, Mozambique and South Africa. A little over a year ago, at the Lima Conference on Cluster Munitions, Africa’s participation in the Oslo Process began in earnest. There were 14 states present, and consist- ent with the continent’s overall stance on general and complete disarm- ment, these states spoke out against the dreadful weapons.

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motions either at present or in the future. The burden of proof on why certain cluster munitions should be exempted was to be on the states proposing the exemption. Real evidence needed to be provided to prove that a particular weapon did not cause unacceptable harm to civilians during and after warfare. The focus was to remain on the effects of the weapons.

Victim assistance. Article 3 of the CCM, which relates to victim assistance, was also of great concern to Africa, particularly to states such as Sierra Leone that have a number of cluster-munition victims. The African consensus in Livingstone was that the draft text was strong and should be maintained or strengthened further. It was also agreed that reporting on victim-assistance programs should be mandatory for States Parties of the CCM—unlike similar humanitarian conventions that have left individual states to implement victim-assistance programs according to their capabilities. It was felt that States Parties should not only allow for the implementation of projects or programs that may have a positive impact on the victim population but also include a strong monitoring mechanism to ensure that these programs are effective and efficient. It was also noted that the draft text was weak and required a stronger provision, which would require States Parties to provide a report on the implementation of victim assistance programs.

The Kampala Conference on Cluster Munitions was held at the Imperial Royal Hotel in Kampala, Uganda, on 15–19 June 2009. The Conference was attended by representatives from all States Parties to the CCM, as well as delegations from non-States Parties and international organizations. The Conference was convened to address the implementation of the CCM, with a particular focus on victim assistance.

The Conference adopted a Kampala Action Plan, which outlined a series of measures to be taken by States Parties to implement the CCM. The Action Plan included a provision to establish a “Kampala Action Plan Coordination Committee” to coordinate the implementation of the CCM at the national level.

The Conference also adopted a declaration, the Kampala Declaration, which expressed the commitment of States Parties to implement the CCM and to provide assistance to victims of cluster munitions.

The Conference was a significant achievement, as it demonstrated the commitment of States Parties to implement the CCM and to provide assistance to victims of cluster munitions.

Developmental Impact

ERW contamination has an adverse impact on development. Landmines and ERW contamination continues to be a major hindrance to economic development on most of the African continent, and cluster munitions would exacerbate this situation even further. Ethiopia and Eritrea certainly face these challenges in their post-conflict reconstruction. The area in which the weapons were used in Zambia remained contaminated and unutilised over 20 years after munition deployment. Africa, therefore, could not stress enough the necessity of international cooperation and assistance and will use Article 6 as one measure of the convention’s success.

The omission of transition periods, though not much of a hanging chip, was a major concern to African countries that felt that many concessions had been given without reciprocal good faith. Such a provision would have permitted the continued use of cluster munitions after the convention had entered into force, thus defeating the purpose of the ban. The CCM is a convention on whose instrumentation by the over 40 African countries present. The Kampala Action Plan prescribes a number of actions the states are encouraged to undertake before and after the Oslo-Signing Conference scheduled for 24–2 December 2008. All the states agree to travel to Oslo to sign the CCM, to publicly signal their intent to ratify, and to undertake before and after the Oslo-Signing Conference scheduled for 24–2 December 2008. All the states agree to travel to Oslo to sign the CCM, to publicly signal their intent to ratify, and to undertake before and after the Oslo-Signing Conference scheduled for 24–2 December 2008. All the states agree to travel to Oslo to sign the CCM, to publicly signal their intent to ratify, and to undertake before and after the Oslo-Signing Conference scheduled for 24–2 December 2008. All the states agree to travel to Oslo to sign the CCM, to publicly signal their intent to ratify, and to undertake before and after the Oslo-Signing Conference scheduled for 24–2 December 2008. All the states agree to travel to Oslo to sign the CCM, to publicly signal their intent to ratify, and to undertake before and after the Oslo-Signing Conference scheduled for 24–2 December 2008. All the states agree to travel to Oslo to sign the CCM, to publicly signal their intent to ratify, and to undertake before and after the Oslo-Signing Conference scheduled for 24–2 December 2008. All the states agree to travel to Oslo to sign the CCM, to publicly signal their intent to ratify, and to undertake before and after the Oslo-Signing Conference scheduled for 24–2 December 2008. All the states agree to travel to Oslo to sign the CCM, to publicly signal their intent to ratify, and to undertake before and after the Oslo-Signing Conference scheduled for 24–2 December 2008. All the states agree to travel to Oslo to sign the CCM, to publicly signal their intent to ratify, and to undertake before and after the Oslo-Signing Conference scheduled for 24–2 December 2008. All the states agree to travel to Oslo to sign the CCM, to publicly signal their intent to ratify, and to undertake before and after the Oslo-Signing Conference scheduled for 24–2 December 2008. All the states agree to travel to Oslo to sign the CCM, to publicly signal their intent to ratify, and to undertake before and after the Oslo-Signing Conference scheduled for 24–2 December 2008. All the states agree to travel to Oslo to sign the CCM, to publicly signal their intent to ratify, and to undertake before and after the Oslo-Signing Conference scheduled for 24–2 December 2008. All the states agree to travel to Oslo to sign the CCM, to publicly signal their intent to ratify, and to undertake before and after the Oslo-Signing Conference scheduled for 24–2 December 2008. All the states agree to travel to Oslo to sign the CCM, to publicly signal their intent to ratify, and to undertake before and after the Oslo-Signing Conference scheduled for 24–2 December 2008. All the states agree to travel to Oslo to sign the CCM, to publicly signal their intent to ratify, and to undertake before and after the Oslo-Signing Conference scheduled for 24–2 December 2008. All the states agree to travel to Oslo to sign the CCM, to publicly signal their intent to ratify, and to undertake before and after the Oslo-Signing Conference scheduled for 24–2 December 2008. All the states agree to travel to Oslo to sign the CCM, to publicly signal their intent to ratify, and to undertake before and after the Oslo-Signing Conference scheduled for 24–2 December 2008. All the states agree to travel to Oslo to sign the CCM, to publicly signal their intent to ratify, and to undertake before and after the Oslo-Signing Conference scheduled for 24–2 December 2008. All the states agree to travel to Oslo to sign the CCM, to publicly signal their intent to