



Negotiating the Convention on Cluster Munitions

The role of African states

INTRODUCTION

On 30 May 2008, 107 governments participating in a Dublin Diplomatic Conference formally adopted the text of a new Convention on Cluster Munitions (CCM). The convention was signed in Oslo on 3–4 December 2008 and will enter into force six months after a minimum of 30 governments have ratified it. This is the culmination of what has become known as the Oslo Process – a procedure similar to the Ottawa Process which resulted in the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. Through the Oslo Process, like-minded states in cooperation with global civil society negotiated a new disarmament treaty outside of the UN's normal structures and processes – such as the 1980 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, otherwise known as the Convention on Conventional Weapons (CCW).¹

The new convention completely bans the production of cluster munitions, and requires the destruction of stockpiles of cluster munitions that do not meet a number of criteria designed to avoid explosive remnants of war and significantly reduce the possibility of indiscriminate effects. The convention contains provisions on victim assistance (including a detailed list of specific actions that states are required to take to support survivors), clearance, transparency and international cooperation. Stipulations on humanitarian assistance for victims and affected communities, as well as the obligation of affected countries and donors to clear contaminated land, go beyond what was agreed in the Anti-personnel Mine Ban Convention and builds on the Convention on the Rights of Persons with Disabilities that came into force on 3 May 2008.

The convention requires states parties to encourage others to join the convention, to notify non-states parties of their obligations under the convention (especially if, and when, engaged in joint military operations), to

promote the convention's norms, and to discourage non-states parties from using cluster munitions.

This paper describes the technical aspects of cluster munitions and the humanitarian impact resulting from their use. It focuses on Africa in particular and describes the continent's participation in the Oslo Process. In its conclusion, the paper provides a critical assessment of Africa's role in what has been called a new chapter in international arms control and disarmament efforts.

WHAT ARE CLUSTER MUNITIONS?

'Cluster munitions' are air- or ground-launched canisters that contain up to 650 individual submunitions or 'bomblets'. According to a 2006 Handicap International report, cluster munitions were primarily developed and utilised during the Second World War by the Soviet Union and Germany. They were extensively used by US forces during aerial attacks in Vietnam, Laos and Cambodia. More recently, they have been used by the North Atlantic Treaty Organization (NATO) in the former Yugoslavia in the 1990s; by the US-led forces in Afghanistan and Iraq; and by Israel in southern Lebanon, and Hezbollah in northern Israel in 2006.²

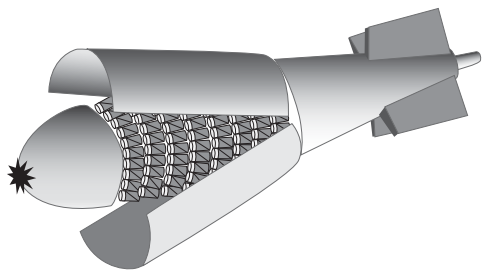
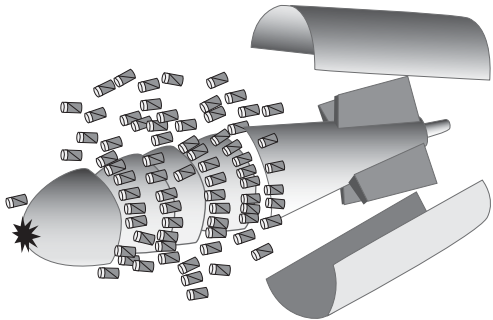

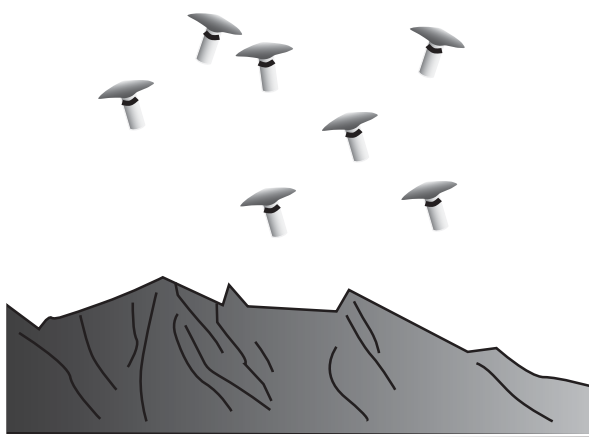
Cluster munitions are designed to strike a greater surface area than many other conventional weapons by dispersing smaller, yet highly lethal explosive submunitions. Scattered cluster submunitions create a 'footprint' which is often hundreds of metres wide.

Thirty-four countries are known to have produced 210 different types of cluster munitions. At least 75 countries have stockpiles of cluster munitions and 14 states have used cluster munitions in at least 30 countries and territories.³

THE NEGATIVE IMPACT OF CLUSTER MUNITIONS

Over the past decade, calls to curb the use of cluster munitions have grown. The movement to curtail the use of

Figure 1 How cluster bombs function

<p>Stage 1: The cluster bomb CBU-87 (example) is dropped from a plane. It weighs about 430 kg and carries about 200 bomblets. This bomb can be dropped from a wide range of aircraft. The bomb can glide by itself before the bomblets are released for approximately 14km.</p>	
<p>Stage 2: A short time before the bomblets are released the cluster bomb begins to spin. The canister opens at an altitude of between 100m and 1000m. The height, velocity and rotation speed determine the extent of the area covered by the bomblets.</p>	
<p>Stage 3: Each bomblet is the size of a soft drink can. Each one deploys a small parachute that stabilises them and makes sure that they descend with their nose down. Every bomblet holds hundreds of metal pieces with the capability to pierce armour.</p>	
<p>Stage 4: Depending on the altitude from which the bomblets were released and on the wind conditions, the bomblets can cover an area of up to 200m by 400m. When the bomblets explode, they cause injury and damage across a wide area. The blast of one bomblet can cause shrapnel injuries within 25 meters.</p>	

Source Handicap International, How do cluster bombs work?, http://www.handicap-international.org.uk/page_348.php (accessed 14 April 2008)

cluster munitions gathered momentum during, and after, the conflict in Lebanon in 2006, where mine clearance agencies estimated that one million unexploded submunitions were left behind after the cessation of combat. Although designed to explode on impact, submunitions often fail to do so. Their deferred explosions cause injuries and death long after armed conflict has ceased.⁴

In many senses they thus become de facto anti-personnel mines. However, in general, cluster submunitions contain even more explosive power than anti-personnel mines, and their shape and small size increase the likelihood that children may pick them up or handle them. Another problem associated with these weapons is that they prevent subsistence farmers from making effective use of their land, which in turn affects the livelihood of many.⁵ The exorbitant costs and risks associated with the removal of cluster munitions are comparable to those of landmines.

Figure 2 Examples of cluster munitions remnants



Source <http://www.stopclustermunitions.org/the-problem/what-is/> (accessed 25 May 2009)

Despite official reports that indicate a high performance success rate of cluster munitions under optimal test conditions, large numbers of submunitions actually fail to explode upon impact.⁶ According to the Geneva International Centre for Humanitarian Demining (GICHD), cluster munitions fail to explode due to the following technical reasons:

- Flaws in design or assembly
- Length and condition of storage (working parts deteriorate over time)
- Drop height, angle, altitude and velocity (too high, too low, too slow, too fast)
- Vegetation (heavy, dense or soft)
- Ground conditions at the area of impact (soft, hilly, wet, etc.)
- Interaction – the effects of collisions, blasts and fragmentation from other bomblets⁷

BRIEF BACKGROUND TO THE USE OF CLUSTER MUNITIONS

Accurate numbers of submunitions that currently lie dormant, as well as the number of cluster munitions casualties, are unknown. This is one of the main

concerns of NGOs and states that are party to the Oslo Process; the reality is that the extent of the problem will never be known as only 124 military and 59 demining casualties have been recorded thus far.⁸

The move to bring about an international ban on cluster munitions was propelled by the devastating civilian casualties in Kosovo during 1999, Iraq in 2003 and Lebanon in 2006, as well as the fact that between 2000–2005 there were several cluster bomb casualties in central Vietnam and approximately 62% of the casualties were children.⁹

Africa accounts for nearly a third of the countries affected by cluster munitions – *Uganda, Angola, Chad, the Democratic Republic of Congo (DRC), Eritrea, Ethiopia, Sierra Leone, Sudan*, and the area known as *Western Sahara* are all affected. The damage caused by these cluster munitions which were used in past conflicts further contribute to human insecurity and hinder development on the continent.

According to Sylvie Bouko, Regional Technical Advisor for Mine Risk Education for Handicap International, cluster munitions leave one of the most ‘problematic and impacting legacies of warfare today due to their fatal ‘footprint’ due to the ‘wide area they are designed to cover, their high failure rates, and their sensitive nature as *explosive remnants of war (ERWs)*’.¹⁰

INITIATIVES TO ADDRESS THE HUMANITARIAN EFFECTS OF CLUSTER MUNITIONS

There are currently two global initiatives operating concurrently in an effort to address the humanitarian effects of cluster munitions. One operates through the CCW also known as the Inhumane Weapons Convention, and the other, as previously mentioned, is referred to as the ‘Oslo Process’ which was initiated by the Norwegian Government.

The purpose of the CCW is to ban or restrict the use of specific types of weapons that are considered to cause unnecessary or unjustifiable suffering to combatants or to affect civilians indiscriminately. The convention itself contains only general provisions. All prohibitions or restrictions on the use of specific weapons or weapon systems are the subject of protocols annexed to the convention.

The CCW currently has a total of 108 states parties and five signatory states, including all major military powers and the main users and producers of cluster munitions.¹¹

At the annual CCW meeting, which concluded on 13 November 2007, the parties adopted the following mandate on cluster munitions:

The High Contracting Parties to the CCW decided that the Group of Governmental Experts (GGE) will negotiate

Table 1 African countries heavily affected by cluster munitions

COUNTRY	TIMEFRAME	DESCRIPTION
Chad	1986–1987	French aircraft drop cluster munitions on a Libyan airfield at Wadi Doum. Libyan forces also used AO-1SCh and PTAB-2.5 submunitions
Angola	1992–1994	PTAB submunitions found in various locations
Sudan	1996–1999	Sudanese government forces use air-dropped cluster munitions in southern Sudan, including Chilean-made PM-1 submunitions
Sierra Leone	1997	Nigerian ECOMOG peacekeepers use Beluga bombs on the eastern town of Kenema
Ethiopia/Eritrea	1998	Ethiopia and Eritrea exchange aerial cluster munition strikes, Ethiopia attacking the Asmara airport and Eritrea attacking the Meleke airport. Ethiopia also drops BL 755 bombs in Gash-Barka province of western Eritrea
DR Congo	1998–2003	BL 755 bombs are used by unknown forces in Kasu Village in Kalabo territory
Uganda	Unknown	RBK-250-275 bombs and AO-1SCh submunitions are found in the northern district of Gulu

Source Cluster Munition Coalition (CMC), Cluster munitions: a history of harm, 2008. <http://www.stopclustermunitions.org/the-problem/history-harm/> (accessed 24 June 2008)

a proposal to address urgently the humanitarian impact of cluster munitions, while striking a balance between military and humanitarian considerations.

The GGE should make every effort to negotiate this proposal as rapidly as possible and report on the progress made to the next meeting of the High Contracting Parties in November 2008.¹²

In September 2008, the CCW governmental group of experts on cluster munitions discussed many of the most contentious issues involved in drafting a new treaty protocol. These included: general prohibitions and restrictions; provisions on storage, destruction, and transfer of cluster munitions between countries; and possible limitations on the use of cluster munitions. The draft protocol relies on technical features to minimise ‘the humanitarian impact of cluster munitions’. In February 2009, the GGE met again and, at the end of the session, a consolidated chair’s text was annexed to the report of the meeting. This annexure constituted the basis for the negotiations during the second session of the group that took place from 14 to 17 April 2009.

While many civil society groups do not expect much progress to be made through negotiations within the CCW, according to the International Committee of the Red Cross (ICRC), the CCW could produce standards that would be adhered to by important states not participating in the Oslo Process. These standards may be less stringent than those that have been developed through

the Oslo Process, but there is the possibility that the CCW could make a meaningful contribution to efforts to address the cluster munitions problem.¹³

The Oslo Process came into being when 46 governments met in Norway in February 2007 to endorse a call by Norwegian Foreign Minister Jonas Gahr Støre to end the unacceptable human suffering caused by the use of cluster munitions. He opened the conference with a challenge to the delegates:

Let us cut through the complexities at the outset and agree on our joint purpose: we must bring an end to the unacceptable human suffering caused by the use of cluster munitions. This suffering is not an inevitable and unavoidable consequence of modern war. It is the result of the use of a particular group of weapons, developed for other conflict scenarios than those we are faced with today. These weapons may still be considered useful from a narrow battlefield perspective, although many doubt it. But their humanitarian and political consequences – long after the conflicts have ended – by far outweigh their usefulness.¹⁴

He concluded:

Here is our objective: to reach agreement on a plan for developing and implementing a new instrument of international humanitarian law that addresses all the unacceptable consequences of cluster munitions by 2008. We know this is ambitious, but it is also necessary and feasible.¹⁵

Table 2 The relationship between the CCW and Oslo Process

The Convention on Conventional Weapons (CCW)	The Convention on Cluster Munitions (CCM)
Decisions are traditionally taken by consensus. The process includes military powers and the main producers of cluster munitions; it is lengthy and has not been concluded.	States aimed to conclude their negotiation in 2008 and succeeded.
Aims to strike a balance between military and humanitarian concerns.	Aims to prohibit the use, production, transfer and stockpiling of cluster munitions – does not aim to explicitly accommodate military concerns

Table 3 The Oslo Process: the road to a treaty

Timeline of International Oslo Process Conferences	
February 2007	Oslo Process is launched, Norway
May 2007	Lima Conference on cluster munitions, Peru
December 2007	Vienna conference on cluster munitions, Austria
February 2008	Wellington Conference on cluster munitions, New Zealand
May 2008	Dublin Diplomatic Conference on cluster munitions, Ireland
December 2008	Treaty banning cluster bombs was opened for signature at a Signing Conference in Oslo, Norway
	Treaty will enter into force with the 30 th depository

The Oslo Conference on Cluster Munitions recognised that, in response to the vast numbers of the weapons used in South-East Asia, the international community began to raise concerns about the unintended impact of cluster munitions in the early 1970s. This led to a new protocol to the Geneva Conventions of 1977 on the protection of victims of international armed conflicts and the CCW of 1980. The Oslo Conference, however, also acknowledged that progress was not being made regarding the need to regulate the use of cluster munitions, regardless of calls for action by various humanitarian global actors, such as the ICRC, the Cluster Munitions Coalition (CMC), various governments, and the UN Secretary-General. Importantly, participants moved away from previous global discussions about finding technical solutions to improve submunition reliability, towards striving for a total ban of cluster munitions that cause unacceptable harm to civilians. (It should be noted here that the phrase ‘that cause unacceptable harm to civilians’ is ambiguous. It could mean that *all* cluster munitions cause unacceptable harm and therefore should be banned, or that only those which potentially cause unacceptable harm ought to be banned.) At the end of the Oslo Conference, a declaration was issued:

A group of states, United Nations Organisations, the International Committee of the Red Cross, the Cluster Munitions Coalition and other humanitarian organisations met in Oslo on 22–23 February 2007 to discuss how to effectively address the humanitarian problems caused by cluster munitions.

Recognising the grave consequences caused by the use of cluster munitions and the need for immediate action, states commit themselves to:

1. Conclude by 2008 a legally binding international instrument that will:
 - (i) prohibit the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians, and
 - (ii) establish a framework for cooperation and assistance that ensures adequate provision of

care and rehabilitation to survivors and their communities, clearance of contaminated areas, risk education and destruction of stockpiles of prohibited cluster munitions.

2. Consider taking steps at the national level to address these problems.
3. Continue to address the humanitarian challenges posed by cluster munitions within the framework of international humanitarian law and in all relevant fora.
4. Meet again to continue their work, including in Lima in May/June and Vienna in November/December 2007, and in Dublin in early 2008, and welcome the announcement of Belgium to organise a regional meeting.¹⁶

THE LIMA CONFERENCE ON CLUSTER MUNITIONS (LCCM)

The LCCM succeeded the Oslo Conference and was concluded on 25 May 2007. A total of 67 states participated in the conference. The main issues that were considered pertinent to a new convention were as follows in Table 4.

BELGRADE CONFERENCE FOR STATES AFFECTED BY CLUSTER MUNITIONS

During October 2007, Serbia (an affected country, former user, stockpiler and producer of cluster munitions) hosted a Conference of States Affected by Cluster Munitions in Belgrade to discuss how the new treaty on cluster munitions could effectively address the specific needs of states, communities and individuals affected by this weapon. The main purpose of the conference was to ensure that the expectations and concerns of those who have suffered the most through the use of cluster munitions would be central to the new treaty, an opinion shared by Ambassador Steffen Kongstad of Norway,

‘Affected countries represent the reason why there is a process. These are the states that matter most in

Table 4 Critical issues discussed at LCCM

THEMATIC ISSUE	SUMMARY
Victim assistance	Broad consensus to adopt a human rights approach to victim assistance – should be a core provision in the treaty ¹⁷
Clearance	Consensus on rebuilding communities and conducting risk education ¹⁸
Stockpile destruction	Consensus on establishing a deadline for destroying stocks UK cautioned that the time period should not be less than six years Divergent views from UK, Australia, Germany, France and Belgium who would like permission to retain live cluster munitions for training and research ¹⁹
International cooperation and assistance	Several states and the CMC proposed that user states should assist states affected by the user states' past use of cluster munitions ²⁰
Definitions	Highly debatable at the conference – differing views on how far the prohibition should extend ²¹
Self-destruct mechanisms	Mainly European states advocated for a partial ban that would exempt cluster munitions with self-destruct mechanisms ²²
Transition periods	Egypt, Finland, Germany, Japan and UK mentioned transition periods during which they could presumably use, phase out or replace cluster munitions ²³
Interoperability	Raised by Australia, Canada, Japan, Poland and the UK – the possible use of cluster munitions in joint military operations by other countries that do not sign the treaty, for example the US ²⁴

Source Cluster Munition Coalition (CMC), Report on the Lima Conference on Cluster Munitions and Next Steps, 2007, <http://www.clusterprocess.org> (accessed 22 February 2008)

this context. This conference is the first conference ever dedicated specifically to the problems of affected countries. It is an opportunity to learn about the concerns and considerations of affected countries and to demonstrate commitment to address them'.²⁵

The Belgrade Conference provided substantial input into the Vienna and Wellington discussions. Eight African states participated in the conference and Uganda pledged to destroy its stockpiles.²⁶

VIENNA CONFERENCE ON CLUSTER MUNITIONS

The LCCM was progressive in that it raised fundamental issues which continued to be debated at the Vienna Conference on Cluster Munitions. The Vienna Conference was held during December 2007 and was attended by 138 states. The issues debated included victim assistance, clearance and international cooperation. On the issue of *clearance*, it was agreed that the Oslo Process should adopt lessons learnt from the Ottawa Process, although there were some concerns raised from Laos and France regarding the five-year deadline that was suggested by the CMC, UNDP and the ICRC. With regard to *victim assistance* and *international cooperation*, participants called for the inclusion of language regarding risk education, integration with human rights law, and a disability perspective.²⁷

THE WELLINGTON CONFERENCE ON CLUSTER MUNITIONS

The international Wellington Conference on Cluster Munitions took place in New Zealand from 18–22 February 2008. The conference provided a transparent platform for states to either formally commit to the Oslo Process or to choose to forgo the process as a whole.²⁸

According to New Zealand's Disarmament Minister Phil Goff, Wellington's success was mainly attributed to getting countries such as the UK, France, Germany, Spain, Denmark, the Netherlands, Japan and Finland to agree to take part in the Dublin Diplomatic Conference of 2008. Powers such as the US, Russia, China, India, Pakistan and Israel did not attend Wellington. The conference was particularly successful as the draft agreement was not weakened or compromised.²⁹

Participating states agreed to the following declaration:

Declaration of the Wellington Conference on Cluster Munitions

States met in Wellington from February 18 to 22, 2008, to pursue an enduring solution to the grave humanitarian consequences caused by the use of cluster munitions. They are convinced that this solution must include the conclusion in 2008 of a legally binding international instrument prohibiting cluster munitions that cause unacceptable harm to civilians.

In that spirit they affirm that the essential elements of such an instrument should include:

- A prohibition on the use, stockpiling, production and transfer of cluster munitions that cause unacceptable harm to civilians,
- A framework for cooperation and assistance that ensures adequate provision of care and rehabilitation to survivors and their communities, clearance of contaminated areas, risk education, and destruction of stockpiles.

The following States:

1. Encouraged by the work of the Wellington Conference, and previous Conferences in Vienna, Lima and Oslo;
2. Encouraged further by numerous national and regional initiatives, including meetings in Costa Rica, Belgrade and Brussels, and measures taken to address the humanitarian impact of cluster munitions;
3. Encouraged by the active support given to this subject by the United Nations, and in other fora;
4. Encouraged, finally, by the active support of the International Committee of the Red Cross, the Cluster Munition Coalition and numerous other Non-Governmental Organisations;
5. Welcome the convening of a Diplomatic Conference by the Government of Ireland in Dublin on 19 May 2008 to negotiate and adopt such an instrument;
6. Also welcome the important work done by participants engaged in the cluster munitions process on the text of a draft Cluster Munitions Convention, dated 21 January 2008, which contains the essential elements identified above and decide to forward it as the basic proposal for consideration at the Dublin Diplomatic Conference together with other relevant proposals including those contained in the compendium attached to this Declaration and those which may be put forward there;
7. Affirm their objective of concluding the negotiation of such an instrument prohibiting cluster munitions that cause unacceptable harm to civilians in Dublin in May 2008;
8. Invite all other States to join them in their efforts towards concluding such an instrument.³⁰

South Africa's retired Anglican Archbishop - Desmond Tutu, made a statement to the Lima Conference and called for the development of an African Common Position in an attempt to garner greater African participation in the Oslo Process. As a result, Zambia announced in Wellington that it would convene the first All-Africa Regional Conference on Cluster Munitions in Livingstone on 31 March and 1 April 2008.³¹

ALL-AFRICA REGIONAL CONFERENCE ON CLUSTER MUNITIONS IN LIVINGSTONE

The Zambian Minister of Foreign Affairs, Mr Kabinga J Pande, opened the meeting with a strong statement illustrating Zambia's commitment to the Oslo Process. He stated:

... we do not have the technical and financial capacity to deal with cluster munitions when they are left in our back yards long after war. Rather than direct our resources to the acquisition of these weapons, we should be spending those resources on making our people's lives better. I urge you all to strengthen our position on making our stand clear that we do not want these weapons in our African neighbourhood. We should therefore strive to strengthen the Wellington Declaration by subscribing to the Livingstone Declaration, which in turn will sound Africa's support for a treaty that will see a comprehensive ban of cluster munitions.³²

The Norwegian government clarified its position, asserting:

Cluster munitions are types of weapons that were developed for conflict scenarios significantly different from those we are usually faced with today. There is a growing recognition that the negative humanitarian and developmental impact caused by cluster munitions during and long after conflict, far outweigh their considered military utility. In fact, the military utility of a weapon that may be more harmful both to civilians and allied troops, than to military opponents is questionable, to say the least.³³

On the role of African states in the Oslo Process, a representative from the Norwegian government articulated that:

... the Livingstone Conference on Cluster Munitions can hardly be overestimated. To gather momentum and support for the process and to prepare for the negotiations in Dublin is vital. The experience from the Ottawa Process that led to the adoption of the Mine Ban Treaty, demonstrated that the participation of African states was essential for the successful outcome.³⁴

The UN position was put forward by Ms Lotta Sylwander, Representative of UNICEF in Zambia on behalf of the UN Mine Action Team. She stated:

It is a global responsibility to halt the use and proliferation of cluster munitions. For decades, African communities have suffered from the uncontrolled

Table 5 Participation of African states in the Oslo Process

Wellington Conference February 2008	Vienna Conference December 2007	Belgrade Conference of States Affected by Cluster Munitions October 2007	Lima Conference May 2007
Algeria	Algeria	Chad	Angola
Angola	Angola	Democratic Republic of Congo	Burundi
Benin	Benin	Ethiopia	Chad
Botswana	Burundi	Guinea-Bissau	Ghana
Democratic Republic of Congo	Burkina Faso	Sierra-Leone	Guinea-Bissau
Egypt	Cameroon	Sudan	Lesotho
Ghana	Chad	Uganda	Liberia
Kenya	Democratic Republic of Congo		Mauritania
Lesotho	Côte d'Ivoire		Mozambique
Madagascar	Djibouti		Nigeria
Malawi	Egypt		Senegal
Mali	Equatorial Guinea		Tanzania
Mauritania	Ethiopia		Uganda
Morocco	Gambia		Zambia
Mozambique	Ghana		
Nigeria	Guinea		
Senegal	Guinea-Bissau		
South Africa	Lesotho		
Togo	Liberia		
Uganda	Madagascar		
Zambia	Malawi		
	Mali		
	Mauritania		
	Morocco		
	Mozambique		
	Niger		
	Nigeria		
	São Tomé and Príncipe		
	Senegal		
	Seychelles		
	Sierra Leone		
	Somalia		
	South Africa		
	Sudan		
	Swaziland		
	Tanzania		
	Togo		
	Uganda		
	Zambia		

proliferation of conventional weapons on the continent. A new convention can prohibit their use and importantly, their transfer, production and stockpiling. More importantly still, it will prevent Africa from becoming once again a dumping ground for weapons considered obsolete in other places.³⁵

The CMC statement was delivered by Dr Robert E Mtonga, who emphasised that the African continent knows about war, the human cost of war and the costs attributed to clearing up after a war. It is because of this experience that the continent has taken up a leadership role in the Oslo Process. He called on African states to look beyond short-term military imperatives. He urged them to reframe the security debate as a question of human security, and to focus their efforts on pursuing shared interests. He also stated that the continent needed ‘... a common African voice, a strong African spirit and a staunch and unequivocal front to face down the calls to weaken the treaty.’³⁶

The rallying calls above provided the foundation for the conference, with most of the 39 African states present drawing on the ‘spirit of a united front’.

Of particular significance is that Eritrea, Tunisia and Zimbabwe participated in the Oslo Process for the first time during the All-Africa Conference. Ghana and Zimbabwe strongly articulated their views on the debates surrounding the definition to be used in the treaty. Mauritania and Sierra Leone actively promoted victim assistance, while Guinea Bissau was very vocal on stockpile destruction. The DRC, Kenya, Mali and Uganda were adamant on the subject of past users taking responsibility for the clearance of submunitions and the need for international cooperation and assistance. Liberia argued that care be taken to ensure that the final text of the treaty be free of loopholes, especially with regards to interoperability (the ability of a state that has added its signature to a ban to nevertheless participate in combined operations with a non-signatory state that uses cluster munitions).³⁷

African states also debated key issues such as the devastating humanitarian and developmental effects caused by cluster munitions, and the controversial proposed transition periods. These debates were vital as they clarified concepts in order to help to avoid confusion in the diplomatic negotiations that would be taking place in Dublin, Ireland, from 19–30 May 2008. To date, the African Union (AU) has not released a formal statement on the Oslo Process. Delegates therefore discussed and broadly agreed on the possibility of engaging the AU in the process. Zambia, as then Chair of SADC, was appointed as the official convenor of the African group and was requested to initiate an informal African coordination mechanism for the Dublin Conference.³⁸

The South African government’s intervention was a pivotal moment in the conference proceedings. South Africa’s armament manufacturing facility, Denel, has the capacity to produce cluster weapons, including the 155-millimetre Cluster Bomb Artillery Ammunition, which disperses 42 bomblets in the air above a target.³⁹ South Africa believes that cluster munitions are a valid weapon of war, provided that they have a functional reliability in excess of 98% (at a confidence level of 95%) and are targeted according to the laws of armed conflict. The country claims that it is, however, also ‘mindful of the need to give serious consideration to addressing the humanitarian impact of cluster munitions, while balancing military and humanitarian considerations’.⁴⁰

At the end of the meeting, states (with the exception of Egypt who completely disassociated itself from both the Wellington and Livingstone Declarations) agreed to the following declaration:

Livingstone Declaration on Cluster Munitions

Preamble: the following declaration has been endorsed by the following African States present at the Livingstone Conference on Cluster Munitions: Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Comoros, Congo (Republic of), Cote d’Ivoire, Democratic Republic of Congo, Eritrea, Ghana, Guinea Conakry, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Morocco, Mozambique, Namibia, Niger, Nigeria, Senegal, Seychelles, Sierra Leone, South Africa, Sudan, Swaziland, Tanzania, Tunisia, Uganda, Zambia and Zimbabwe.

African States met in Livingstone from March 31 to April 1, 2008, within the framework of the Oslo process to consider effective responses to the humanitarian consequences caused by the use of cluster munitions and the proliferation threat thereof.

African States endorsing the Livingstone Declaration on Cluster Munitions:

Cognisant that for decades African communities have suffered from the uncontrolled proliferation of conventional weapons to the continent. More than 30 African countries have been contaminated to various degrees by landmines and Unexploded Ordnance (UXO). Most of them are still facing the challenges this contamination poses to development and human security years after conflicts have ended. Cluster munitions have so far been used in a comparatively low number of countries in Africa;

Convinced that by the end of 2008 this solution must include the conclusion of a legally binding international convention prohibiting production, stockpiling, use and transfer of cluster munitions that cause unacceptable harm to civilians, with a framework

for cooperation and assistance that ensures adequate provision of care and rehabilitation to survivors and their communities, clearance of contaminated areas, risk reduction education, and destruction of stockpiled cluster munitions;

Strongly believe that Victim Assistance is an essential component of the treaty, and support strong provisions requiring each state to provide assistance to survivors of cluster munitions their families and communities in care, rehabilitation, economic and social inclusion and participation of survivors in the decision-making processes that affect their lives;

Cognisant that several African States have experienced the devastating humanitarian, and developmental effects cluster munitions' cause on children, women and men and their communities;

Convinced that it is vital to spare all other African countries from additional contamination and ensure that these weapons are not used in Africa in the future;

Cognisant of the devastating effects that cluster munitions pose on humanity and that all harm is unacceptable;

Convinced that only a new legally binding convention can prohibit the transfer, stockpiling, production and use of cluster munitions that cause unacceptable harm to civilians as well as prevent Africa from continually being a dumping ground for weapons obsolete in other places;

Convinced that African States were crucial in securing the Anti-Personnel Mine Ban Convention in 1997. That Convention addressed an acute crisis affecting hundreds of thousands of Africans. A new Cluster Munitions Convention will effectively prevent such a disaster from unfolding again;

Encouraged by work done at previous conferences welcome the convening of a Diplomatic Conference by the Government of Ireland in Dublin from May 19th to 30th 2008 to negotiate and adopt such a Convention;

Affirm the objective of concluding the negotiation of a new comprehensive convention prohibiting the production, stockpiling, transfer and use of cluster munitions that cause unacceptable harm to civilians in Dublin in May 2008;

Recognise and welcome the efforts made by all participants in the process to establish a new comprehensive convention prohibiting production, stockpiling, transfer and use of cluster munitions that cause unacceptable harm to civilians by the end of 2008;

Encourage all African States to endorse the Wellington Declaration on Cluster Munitions and thereby join in their efforts towards concluding such an instrument;

Declare that ALL cluster munitions that cause unacceptable harm must be subject to the negotiations of

a legally binding international convention in Dublin that prohibits their production, stockpiling, transfer and use. Such prohibition should be total and immediate from the convention's entry into force in order to prevent further suffering.⁴¹

THE DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A CONVENTION ON CLUSTER MUNITIONS

On 19 May 2008, representatives from countries around the world convened for the Dublin Diplomatic Conference on Cluster Munitions. Angola and Liberia did not attend the conference, but were on the original list, and Egypt observed.

In the run-up to the Dublin conference, as well as during the conference proceedings, controversial arguments took place, and the following list is an example of various governments' perspectives:

- The military utility of cluster munitions makes them indispensable for national defence and the only alternatives that exist would cause more harm than cluster munitions – we need to balance military utility with humanitarian concerns
- We are concerned by the problem and we are committed to improving reliability of cluster munitions, including self-destruct mechanisms
- We should focus our efforts on banning munitions that have a low failure rate
- The CCW should be the main forum for discussing this issue. Why should our government support the Oslo Process?
- The treaty will not be effective if major users and producers such as the US, Russia and China are not on board
- We need a transition period, during which cluster munitions can be used to allow time to replace our stockpile of cluster munitions with other weapons
- Our government will have practical problems in joint operations with countries that have not signed the treaty, which could unknowingly put our personnel in breach of the treaty (interoperability)⁴²

After the meeting, the historic significance of the text of the convention, with its many groundbreaking provisions, was seen as opening a new chapter in disarmament; and a milestone international law to be drafted and agreed to in the last decade.

In his closing address Micheál Martin, the Foreign Minister of Ireland, stated:

Rarely if ever in international diplomacy have we seen such single-minded determination to conclude a

convention with such high humanitarian goals in such a concentrated period of time. I want to pay tribute to all present for the efforts all of you have made ... It is clear that despite individual national circumstances and perspectives, all of you were able to agree that collectively you gained more than you gave up in the final outcome. That is the essence of any successful negotiation. This was not a zero-sum game, where one side's win inevitably meant another side's loss. The Convention is strong and ambitious. The ban on cluster munitions is comprehensive. It sets new standards for assistance to victims and for clearing affected areas. And even though we all know that there are important states not present, I am also convinced that together we will have succeeded in stigmatizing any future use of cluster munitions ...⁴³

The closing statement by the UK reported that it was:

... proud to be associated with the conclusion of the conference. On a national basis we have already taken significant steps toward implementing its norms by withdrawing from service all the UK's cluster munitions. The UK would like to pay tribute to the tremendous efforts of those states that have guided the process: Norway, Peru, Austria, New Zealand, Mexico, the Holy See and Ireland. The states that have helped guide this conference to a successful conclusion: Switzerland, South Africa, Australia, Belgium, Germany and Canada. Most importantly, we would like to pay tribute to the victims of cluster munitions. Their extraordinary courage and sheer human dignity can never be forgotten by any who have had the privilege to witness it. They have made this happen ...⁴⁴

UN Secretary-General Ban Ki-moon, delivering a message from the UN, stated:

I am delighted that the strong calls to address the humanitarian impact of cluster munitions have been answered with the adoption of the new Convention. In addition, the entire UN system stands ready to support and assist State Parties in implementing their treaty obligations. I therefore encourage States to sign and ratify this important agreement without delay, and I look forward to its rapid entry into force ...⁴⁵

Ms Irina Gorsic delivered a closing statement on behalf of the EU Presidency:

The Convention reflects the numerous views and concerns expressed. It will have a tremendous positive influence on the ground and does respond to the calls made by victims for a safer and better world. It

provides a comprehensive framework for international cooperation and victim assistance and imposes strict destruction obligations on countries currently holding these weapons in their stockpiles. The EU will continue to participate in parallel efforts within the CCW. These efforts are supported by all EU Member States, as well as by some major stakeholders that have not participated in Dublin ...⁴⁶

The convention's provisions

The treaty bans the use, production, stockpiling and transfer of all existing and future cluster bombs as defined in the treaty:

Each State Party undertakes never under any circumstances to:

- (a) Use cluster munitions;
- (b) Develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, cluster munitions;
- (c) Assist, encourage or induce anyone to engage in any activity prohibited to a State Party under this Convention.⁴⁷

Cluster munitions are defined as conventional munitions that are designed to 'disperse or release explosive submunitions each weighing less than 20 kilograms, and includes those explosive submunitions'. The term does not include the following:

- (a) A munition or submunition designed to dispense flares, smoke, pyrotechnics or chaff; or a munition designed exclusively for an air defence role;
- (b) A munition or submunition designed to produce electrical or electronic effects;
- (c) A munition that, in order to avoid indiscriminate area effects and the risks posed by unexploded submunitions, has all of the following characteristics:
 - (i) Each munition contains fewer than ten explosive submunitions;
 - (ii) Each explosive submunition weighs more than four kilograms;
 - (iii) Each explosive submunition is designed to detect and engage a single target object;
 - (iv) Each explosive submunition is equipped with an electronic self-destruction mechanism;
 - (v) Each explosive submunition is equipped with an electronic self-deactivating feature⁴⁸

Only cluster munitions that have all of these five characteristics may be retained or used in military operations. The new convention completely bans the production

of cluster munitions, and requires the destruction of stockpiles of cluster munitions that do not meet the five abovementioned requirements.

The convention contains excellent provisions on victim assistance, clearance, transparency, and international cooperation and assistance. Under the terms of the convention, victim assistance is informed by a very broad definition of 'cluster munition victims', covering affected individuals as well as their families and communities. According to the text, states have an obligation to provide medical care, physical rehabilitation, and socioeconomic and psychological support to cluster munition victims. They are also required to collect data on victims. In addition, the convention includes a detailed list of concrete actions that states are obliged to take in order to support victims and survivors. Humanitarian assistance for victims and affected communities, and the responsibility of affected countries and donors to clear contaminated land, go beyond what was agreed to in the Anti-Personnel Mine Ban Convention and the convention builds on the Convention on the Rights of Persons with Disabilities.⁴⁹

Weak provisions

The convention does, nevertheless, have a number of weak or unclear provisions. These include the issue of 'interoperability'.

Countries such as the United States, Russia, China, India, Israel and Pakistan did not attend the Dublin talks, and are unlikely to become parties to the agreement. While the convention requires states parties to encourage others to join the convention, to notify non-states parties of their obligations under the convention, to promote the convention's norms, and to discourage non-states parties from using cluster munitions, it does not make clear that intentional assistance and indefinite foreign stockpiling are prohibited.⁵⁰

While some African countries have been vocal on the need to ban *all* types of cluster munitions, according to the delegate from Benin:

We are happy about achieving a treaty despite almost no consensus on all the points. Africa will benefit and we are proud even though we are not affected. The only problem is that the treaty is weak when one looks at interoperability.⁵¹

This was echoed by Uganda:

We are satisfied but believe that the treaty text could have been better. We are not pleased with interoperability but at least there are no transition periods and the treaty will help in curtailling armed group activities.⁵²

Article 4 of the convention (below) addresses the matter of clearance and destruction. The provision of the ten-year deadline is modelled on the Anti-personnel Mine Ban Convention. This raises the question whether the deadline is a realistic one for developing states that are heavily affected by cluster munitions. Another concern involves the consolidation of funding for demining programmes. Will states take the treaty's clearance obligations seriously?⁵³

Article 4: Clearance and destruction of cluster munition remnants and risk reduction education

1. Each State Party undertakes to clear and destroy, or ensure the clearance and destruction, of cluster munition remnants located in areas under its jurisdiction or control, as follows:
 - (a) Where cluster munition remnants are located in areas under its jurisdiction or control at the date of entry into force of this Convention for that State Party, such clearance and destruction shall be completed as soon as possible but not later than 10 years from that date;
 - (b) Where, after entry into force of this Convention for that State Party, cluster munitions have become cluster munition remnants located in areas under its jurisdiction or control, such clearance and destruction must be completed as soon as possible but not later than 10 years after the end of the active hostilities during which such cluster munitions became cluster munition remnants; and
 - (c) Upon fulfilling either of its obligations set out in sub-paragraphs (a) and (b) of this paragraph, that State Party shall make a declaration of compliance to the next Meeting of State Parties.⁵⁴

For many of the 107 nations that formally adopted the convention in Dublin on 30 May, the official view of the CCM was summed up by the lead delegate for Austria, Alexander Marschik. It is, he said, like the attitude of parents towards their offspring: although it may not be perfect, it is something that 'we are proud of'. Several African states that participated in the negotiations also shared this view. Uganda's confirmation that it would host a post-Dublin Africa-wide meeting on the CCM in Kampala from 29 September 2008 to 1 October 2008 was just what was required for Africa to take the lead in developing strategies for initiating ratification within their respective states.

THE KAMPALA REGIONAL MEETING

On 29th and 30 September 2008, 42 governments and a large array of civil society members convened

in Kampala, Uganda, for the second regional African Conference on the Convention on Cluster Munitions. African states played a crucial role during the treaty's negotiations particularly at the Dublin Diplomatic Conference on Cluster Munitions in May 2008. As mentioned previously, cluster munitions have been used in a number of African countries, including Angola, Chad, the DRC, Eritrea, Ethiopia, Sudan and Uganda. Many African states rejected proposals for broad exceptions from the ban, and also opposed a transition period during which cluster munitions could still be used until alternatives are developed.⁵⁵

The United Nations Development Program (UNDP) and the governments of Austria and Norway financially supported the Kampala Meeting. One of the main objectives of the meeting was to maintain the momentum built up during the Oslo Process and to promote the signature of the CCM in December 2008. It also aimed to ensure that states were aware of the implications of signing. The impact that cluster munitions have had on the African continent was also analysed. Other discussions in Kampala included the convention's provisions on victim assistance and efforts to ensure international cooperation in clearing affected areas.⁵⁶

The opening statement by Ugandan Minister for Relief and Disaster Preparedness Professor Tarsis Kabwegyere summed up why African states have supported the most important disarmament treaty of this decade:

Cluster munitions kill and maim people, not only at the time of use, but for many generations afterwards. In addition to causing loss of life, cluster munitions are also an impediment to development, as they affect land use and settlement by contaminating agricultural land and the destruction of livestock. Overall this undermines economic recovery and development, including the achievement of the UN Millennium Goals.⁵⁷

Out of 53 African states, 40 expressed their support for the treaty. For six African countries, it was the first time they had attended such a meeting or publically declared their support for such a ban. They were Rwanda, Liberia, Angola, Madagascar, the Seychelles and Benin. Twenty-nine countries publicly announced they would sign the convention at the signing ceremony in Oslo, December 2008. Most of these states made this public commitment for the first time at the meeting, and included countries that were not part of the 107 countries that adopted the convention in Dublin. The countries that announced they would sign in Oslo were: Angola, Benin, Burkina Faso, Burundi, Central African Republic (CAR), Chad, Comoros, Republic of Congo, the DRC, the Gambia, Ghana, Guinea-Bissau, Kenya, Liberia, Lesotho,

Madagascar, Malawi, Mali, Mauritania, Namibia, Niger, Nigeria, Rwanda, Senegal, the Seychelles, Uganda, Tanzania, Togo and Zambia. The 'Kampala Action Plan' urged all African states to sign the convention in order to demonstrate the continent's strong commitment to the eradication of cluster munitions.

According to UNDP Representative and UN Resident Coordinator Mr Theophane Nikyema:

African states are making history. More than a decade ago their support was crucial in securing the 1997 Anti-personnel Mine Ban Convention – a convention that addressed an acute crisis affecting hundreds of thousands of Africans. The Convention on Cluster Munitions will prevent such a disaster from unfolding again. UNDP encourages States to sign the Convention on Cluster Munitions in Oslo and ratify without delay to allow its rapid entry into force.⁵⁸

THE CONVENTION ON CLUSTER MUNITIONS SIGNING CONFERENCE IN NORWAY

The official opening ceremony of the treaty banning cluster munitions on 3 December 2008 marked an historic event. The high level of political representation at the Oslo meeting underlined the importance of the treaty. Among the 45 foreign, defence and other government ministers signing the treaty were French Foreign Minister Bernard Kouchner and UK Foreign Secretary David Miliband. Miliband, representing the world's third largest user of cluster munitions in the past decade, said all states should 'tell those not here in Oslo that the world has changed, that we have changed it and that a new norm has been created'. Kouchner made a rousing appeal to US President-elect Barack Obama to sign the new treaty, invoking Obama's campaign slogan 'yes we can'.⁵⁹

Four countries – Norway, Ireland, Sierra Leone and the Holy See – ratified the treaty immediately after their signature. States may sign the treaty until it enters into force after 30 ratifications. The treaty then becomes binding under international law and the countdown begins: land clearance to take place within ten years and stockpile destruction within eight.

South African Minister of Defence Charles Nqakula announced in Oslo that South Africa was to destroy its 'relatively small stockpile of outdated cluster munitions', stating:

As a country that used to produce and stockpile cluster munitions that have an area wide effect, we have come to the belief that these weapons have not only become obsolete as weapons of modern warfare, but that their recent use in conflicts have shown them to cause

unacceptable harm to civilians, long after the cessation of active hostilities.⁶⁰

Sub-Saharan Africa played a critical role in the Oslo Process negotiations. A third of the African continent is affected by cluster munitions, hindering humanitarian assistance, peace operations, postconflict reconstruction and development efforts (such as the Millennium Development Goals). Due to varying legal systems in African states, some were not able to sign in Oslo. In the coming months, more African states are expected to sign the treaty.

According to UN Secretary-General, Ban Ki-moon:

The conclusion [of this convention] indicates a significant and fundamental change in the position of many governments that, until recently, regarded cluster munitions as essential to their security policies and military doctrines. The importance of this shift cannot be overemphasised.⁶¹

While countries such as the USA, Russia, China and Pakistan are known to be against the ban, civil society and many of the governments that were present in Oslo are hoping that, through active stigmatisation, cluster munitions will be rendered totally obsolete as weapons of war in the very near future. As Nqakula concluded:

... let us hope that through such a stigmatisation process we will persuade those states that choose not to join us in signing this Convention, to effectively do away with all cluster munitions and thereby cause absolutely no further harm to civilians.⁶²

Ratifications and signatories

Ratifications

Austria, the Holy See, Ireland, the Lao People's Democratic Republic, Mexico, Norway, Niger and Sierra Leone.

Signatories (by region)

- **Africa:** Angola, Benin, Botswana, Burkina Faso, Burundi, Cape Verde, Central African Republic, Chad, Comoros, Republic of Congo, Côte d'Ivoire, the DRC, the Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mozambique, Namibia, Niger, Rwanda, São Tomé and Príncipe, Senegal, Sierra Leone, Somalia, South Africa, Togo, Tunisia, Uganda, United Republic of Tanzania and Zambia.
- **Americas:** Bolivia, Canada, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru and Uruguay.

- **Asia:** Afghanistan, Indonesia, Japan, Lao PDR, and the Philippines.
- **Europe:** Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, France, Germany, the Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, the Netherlands, Norway, Portugal, San Marino, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland.
- **Middle East:** Lebanon.
- **Oceania:** Australia, Cook Islands, Fiji, Nauru, New Zealand, Palau and Samoa.⁶³

CONCLUDING REMARKS AND RECOMMENDATIONS: THE ROLE OF AFRICAN STATES

Given that African countries are affected by cluster munitions, many have been vocal about whether all or only some types of cluster munitions should be banned. In Wellington, Sierra Leone's head of delegation, Ibrahim Sorie, MP, stated that Sierra Leone's perspectives are formed on the basis that it is an affected country: 'Sierra Leone supports all friendly nations that agitate for a total ban against these ammunitions. We support the notion for a total ban and nothing less.' His final statement included his country's full commitment to the Oslo Process and its enthusiasm for the debate regarding the need for a total ban to move forward.⁶⁴

Malawi advocated closer collaboration amongst African states in support of the Oslo Declaration and urged SADC member states and the SADC Secretariat to make a recommendation to the AU to address cluster munitions at the regional level. To date, the AU has not released a formal statement on the matter.

In Wellington, Ghana was represented by Nana Obiri Boahen, Minister of State at the Ministry of the Interior. Boahen expressed Ghana's view of the Oslo Process as an ideal platform to promote the much needed human security that the continent lacks: 'Ghana fully endorses any international action that would prevent cluster munitions from becoming a major problem for Africa in the future, even worse than the problem of landmines.'⁶⁵

Both Zambia and Malawi lauded the Dublin text and Africa's role:

It is a very encouraging and speedy process as many conventions undertake longer processes. Zambia is proud of the global community for coming together for a humanitarian cause and we are pleased that there are no transition periods, although we are concerned about interoperability. On the whole the treaty text as it stand is tight. (Zambia)⁶⁶

It is a fair deal considering that there were so many divergent views and other factors such economic, political and military concerns that could have hampered the process. We are satisfied with the great progress on victim assistance and stigmatisation of the weapon and proud of Africa's influence on International Humanitarian Law. It has all been progressive. (Malawi)⁶⁷

A Ugandan landmine survivor and representative from the Landmine Survivors Network (LSN) stated, 'we are happy that our call is being taken seriously and we hope that there will be no [more] victims of such bombs in the future. There are cases of so many unexploded bombs in villages where people are returning. [The] government should live up to its commitment of clearing these areas so that people are safe.'⁶⁸

The role of African states and civil society in the Oslo Process should be applauded. The treaty will enter into force six months after the thirtieth state has deposited its instrument of ratification with the UN Secretary-General. However, a concerted effort from all countries across the continent will be required to prevent the process from stagnating once the treaty has entered into force.

The following recommendations are made to this effect:

- Member states and NGOs should increase the dissemination of information on cluster munitions to raise public awareness on the continent. This will help the continuation of the global movement to stigmatise cluster munitions.
- International donors have a fundamental role to play in the prevention of more civilian casualties by funding risk education in affected areas in Africa (Angola, Chad, the DRC, Ethiopia, Eritrea, Sierra Leone, Sudan and Uganda). Financial support in the development of measures will effectively aid in the clearance of contaminated land and this is extremely important.
- With regards to national implementation, the CCM (Article 9) requires that states take appropriate legal measures to implement the convention's provisions. This includes imposing penal sanctions to prevent and punish any prohibited activity committed on territory under their jurisdiction or control. Depending on domestic law or procedures, specific criminal legislation may be required in order to impose legal sanctions.⁶⁹
- In order to ensure that violations of the convention do not occur, there should be updates when changes occur in military doctrines, operating procedures, changes in companies and entities involved in the development, production and transfer of arms.⁷⁰
- Coordinated African national workshops and parliamentary briefings on ratification will be critical to ensure entry into force of the CCM.

- African states that possess stockpiles of cluster munitions should endeavour to complete an inventory of existing stock and destroy them (excluding stock retained for military training purposes as set out in the treaty). African states without the means to destroy stock should consult with states that have the necessary expertise and request assistance.

NOTES

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ABOUT THIS PAPER

On 30 May 2008, 107 governments participating in a Dublin Diplomatic Conference formally adopted the text of a new Convention on Cluster Munitions banning those that cause unacceptable harm to civilians. The convention is the culmination of what has become known as the Oslo Process – a process similar to that which resulted in the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. The Oslo Process involved like-minded states, in cooperation with global civil society, negotiating a new disarmament treaty outside of the UN's normal structures and processes. This paper describes cluster munitions and the humanitarian impact of their use. It critically assesses Africa's role in what has been described as a new chapter in arms control and disarmament.

ABOUT THE AUTHOR

Gugu Dube is a Junior Researcher with the Arms Management Programme (AMP) at the Institute for Security Studies (ISS) in Pretoria. She has an honours degree in international relations. She has followed the Oslo Process since it was initiated and attended the Dublin Diplomatic Conference and the Signing Ceremony for the Convention on Cluster Munitions (CCM) as well as various events to garner Africa's support for a global instrument prohibiting cluster munitions that cause unacceptable harm to civilians. The author gratefully acknowledges the support of Noël Stott, Senior Research Fellow at AMP for his support and assistance with this paper.

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