Draft Vientiane Action Plan

I. Introduction

This Action Plan was developed and agreed by the States Parties to the Convention on Cluster Munitions (CCM) Vientiane, Lao PDR, 9-12 November 2010, in consultation with of the United Nations, The International Committee of the Red Cross and the Cluster Munition Coalition and other partners.

The objective of this Action Plan is to ensure effective and timely implementation of the provisions of the CCM following the First Meeting of States. The Plan sets out concrete and measurable steps, actions and targets to be completed within specific time periods and defines roles and responsibilities for. The actions are designed to assist States Parties and other relevant actors in their practical implementation of the Convention, and thus to support States Parties in meeting their obligations.

The Action Plan is both a priority list for States Parties and other implementation actors, and a tool to monitor implementation progress. Some actions are designed as milestones to ensure timely implementation of comprehensive and resource intensive tasks. Others are designed to assist States Parties in structuring their response to their commitments under the Convention.

The Action Plan is designed to ensure that the Convention can have immediate impact on the ground, address current implementation challenges and react to future developments, to reflect changes in implementation challenges. The Plan includes actions to be taken in the year leading up to the Second Meeting of States Parties as well as actions to be undertaken prior to the First Review Conference of the Convention. Specific actions may be revised or substituted at future Meetings of States Parties, if necessary, such as when States Parties succeed in meeting their obligations and new circumstances arise due to additional States joining the Convention.

The States Parties to the Convention on Cluster Munitions agree on the following concrete actions to fulfil their ultimate aim of putting an end for all time to the suffering and casualties caused by cluster munitions:

II. Partnerships and implementation support

All States Parties will:

Action #1: Recognize, and continue to further develop, the partnerships underpinning the Convention, between affected and non-affected states, the Cluster Munition Coalition, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, the United
Nations and its agencies including the UNDP, UNICEF, UNMAS, UNODA and other members of the UN Mine Action Team, the Geneva International Centre for Humanitarian Demining, international and regional organizations, cluster munition survivors and victims and their representative organizations, and other civil society organizations.

**Action #2:** Actively involve and include relevant international and regional organizations and civil society in the development, implementation, monitoring and reporting of efforts to fulfil obligations under this Convention.

**Action #3:** Conduct the formal and informal meetings of the Convention, in a manner that facilitates for systematic input from a range of actors in civil society and international organizations and allows for the emergence of new partnerships for example with the private sector.

**Action #4:** Assist the efforts of the President to develop a regular work programme and meeting schedule and a coordinating mechanism for consideration by the 2nd Meeting of States Parties.

**Action #5:** Assist the efforts of the President to develop, for consideration at the 2nd Meeting of States Parties the most appropriate means including consideration of an implementation support unit, to prepare intersessional meetings, Meetings of the States Parties and Review Conferences, support the President and any potential coordination mechanism, provide advisory services to the States Parties and administer a Sponsorship Programme.

**Action #6:** Make use of synergies with other relevant instruments of international humanitarian and human rights law.

**States Parties in a position to do so will:**

**Action #7:** Contribute to the Sponsorship Programme thereby permitting widespread representation at meetings of the Convention, particularly by cluster munition affected developing States Parties.

**III. Universalisation**

**All States Parties will**
Action #8: Seize every opportunity in all relevant fora to promote ratification of, acceptance of, approval of or accession to the Convention as soon as possible.

Action #9: Encourage and support States not Parties to become States Parties in time for the Second Meeting of States Parties.

Action #10: Cooperate with other States Parties and other relevant partners including international organisations and civil society to promote the universalization of the Convention and its norms.

Action #11: Identify the obstacles and challenges facing States not Parties to the Convention and help to find solutions to facilitate their eventual ratification, acceptance, approval or accession, including to consider the provision of technical, legal, and administrative assistance to States that due to resource limitations, may have difficulties in implementing its provisions;

Action #12: Continue to promote universalization of the norms of the Convention by condemning the use, development, production, acquisition stockpiling, retention or transfer of cluster munitions by any actor;

Action #13: Support, where appropriate, the efforts of States not Parties to the Convention that share the humanitarian concerns caused by cluster munitions, in participating in the formal and informal meetings of the Convention in order to encourage them to become States Parties to the Convention.

IV. Stockpile destruction

States Parties with stockpiles will:

Action #14: At a minimum, within one year or less of entry into force have a plan in place for the destruction of stocks that includes a timeline and budget and begin physical destruction within two years or less.

Action #15: Ensure that problems (financial, technical or other) are disclosed in a timely manner to States Parties and relevant organizations in situations where assistance is required to meet stockpile destruction obligations.

Action #16: If a foreign country maintains stocks of cluster munitions on the territory of a State Party, but those stocks are not under the
jurisdiction and control of the State Party, the State Party should promote the removal of those foreign stockpiles.

V. Clearance and destruction of cluster munition remnants and risk reduction education

States Parties that have reported cluster munition contaminated areas under their jurisdiction or control will:

**Action #17:** Without delay, and no later than 2MSP, identify as precisely as possible locations and size of all cluster munition contaminated areas under their jurisdiction or control, assess and record the threat posed by cluster munition remnants, prioritize clearance based on level of impact, and report this information as required by Article 7, as well as to the MSP.

**Action #18:** Without delay, and no later than 2MSP, systematically use contamination and prioritisation information to develop and implement a national clearance plan, which includes transparent and consistent criteria for clearance priorities and builds, where appropriate, upon existing structures, experiences, related plans and methodologies. The national clearance plan should be linked to broader country development plans and related mine action plans, where appropriate, and encourage national ownership and commitment. States Parties will inform the MSP on its implementation.

**Action #19:** Ensure that affected communities are informed of, and included in, the development of national clearance plans, planning and prioritisation of clearance activities and land release, by utilising community liaison or similar means to ensure their meaningful participation.

**Action #20:** Apply all available and relevant methods of non-technical survey, technical survey and clearance for full and expedient implementation of Article 4, which should be included within national standards, policies and procedures, and share best practices and lessons learnt with other States Parties.

**Action #21:** Provide annually precise and comprehensive information on the size and location of cluster munition contaminated areas released. This information should be disaggregated by release through clearance, technical survey and non-technical survey.

**Action #22:** As soon as areas under its jurisdiction or control are known to be contaminated by cluster munition remnants, take all feasible
measures to prevent further civilian casualties by effectively preventing unintentional civilian access to cluster munition contaminated areas, including through perimeter-marking, monitoring, fencing or other means.

**Action #23:** Develop and provide risk reduction education programmes that focus on preventing risk-taking behaviour and target the most at-risk populations. Risk reduction education programmes should be tailored to the needs of affected communities, gender sensitive and age appropriate, consistent with national and international standards and integrated into clearance, survey and victim assistance activities. Risk reduction education activities should also be integrated, as appropriate, into schools, community-based programs and public information campaigns. Large scale awareness-raising should be mainly used in immediate post-conflict situations.

**All States will:**

**Action #24:** Strive to ensure that States Parties fulfil their obligations under Article 4, paragraph 1, as expeditiously as possible, and that the least number of States Parties possible will be compelled to request an extension in accordance with the procedure set out in Article 4, paragraphs 5 to 8, of the Convention.

**Action #25:** Monitor and actively promote the achievement of clearance goals and the identification of assistance needs, making full use of Article 7 transparency measures, Meetings of States Parties, intersessional work and regional meetings as fora for affected States Parties to present their challenges, plans, progress and priorities for assistance.

**VI. Victim assistance**

All States Parties, in support of the implementation of Article 5, will seek to:

**Action #26:** Ensure the close consultation and active involvement of cluster munition victims and their representative organizations in the development, implementation, monitoring and evaluation of relevant national plans, budgets, laws and policies, as well as by encouraging and enabling States Parties to invite cluster munition victims and their representative organisations to be part of their delegations in all Convention related activities.
**Action #27:** Ensure that national legal and policy frameworks do not discriminate against or among cluster munition victims and those who have suffered injuries or disabilities from other causes, and ensure that differences in treatment are only be based on medical, rehabilitative, psychological or socio-economic needs.

**Action #28:** Take full advantage of victim assistance efforts already undertaken within other frameworks, such as those of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, Protocol V of the Convention on Certain Conventional Weapons and the Convention on the Rights of Persons with Disabilities (CRPD) and explore ways to facilitate closer cooperation and meet overlapping obligations in a way that maximizes efficiency and impact of efforts in areas such as plans, budgets, coordination, service provision, monitoring and reporting on the implementation of victim assistance obligations.

**Action #29:** Promote and enhance the capacity of women, men and organizations of survivors as well as other national organisations and institutions delivering victim assistance services, with a view to strengthening national ownership and sustainability.

**States Parties with cluster munition victims in areas under their jurisdiction or control will:**

**Action #30:** Identify themselves as having specific responsibilities and needs with respect to cluster munition victims within one year of the entry into force of the Convention for that State.

**Action #31:** Designate a focal point within the government for the development, implementation, coordination and monitoring of victim assistance policies and plans in accordance with Article 5(2), within six months of the Convention’s entry into force for that State and make sure that the focal point has the authority, expertise and adequate resources to carry out its task.

**Action #32:** Collect all necessary data, disaggregated by sex and age, and assess the needs and priorities of cluster munition victims as well as the availability, accessibility and quality of relevant services in order to develop, implement, monitor and evaluate effective national policies and plans. Such data should be made
available to all relevant stakeholders and contribute to national injury surveillance and other relevant data collection systems for use in programme planning. States Parties are encouraged to inform about their progress in data collection at the Second Meeting of State Parties.

**Action #33:** Integrate the implementation of the victim assistance provisions of this Convention in existing inter-ministerial/inter-sectoral coordination mechanisms, such as coordination created under the CRPD or other relevant Conventions. In the absence of such mechanisms, establish such a coordination mechanism actively involving cluster munition victims and their representative organizations as well as relevant health, rehabilitation, social services, education, employment, gender and disability rights experts.

**Action #34:** Ensure that existing victim assistance and/or disability plans can fulfill the victim assistance obligations under the Convention and otherwise adapt it accordingly. States Parties that have not yet developed such a plan, should do so and ensure that a comprehensive national plan of action and budget address the needs and human rights of cluster munition victims. States Parties are encouraged to inform about their progress in this respect at the Second Meeting of States Parties.

**Action #35:** Develop and modify if necessary national laws and policies, with a view to meeting the needs and human rights of cluster munition victims and inform States Parties about the development, modification and implementation of national laws and policies at the First Review Conference of the Convention.

**Action #36:** Raise awareness among cluster munition victims about their rights and available services, as well as within government authorities, service providers and the general public to foster respect for the rights and dignity of persons with disabilities, including cluster munition victims.

**Action #37:** Implement existing international standards, guidelines and recommendations in the area of social and economic inclusion, inter alia through education, training and employment incentive programmes of persons with disabilities in both public and private sectors, as well as through the micro-crediting possibilities and best practices, recognizing in particular the vulnerability of women with disabilities.
Action #38: Mobilize adequate national and international resources through existing and innovative sources of financing, bearing in mind the immediate and long-term needs of cluster munition victims.

VII. International cooperation and assistance

States Parties with obligations to destroy stockpiles, clear affected areas and assist victims will:

Action #39: Promptly and before the Second Meeting of States Parties develop or update comprehensive national plans for meeting all corresponding obligations, identify resources currently available to meet these obligations and identify possible needs for international cooperation and assistance.

Action #40: Identify and contact interested relevant civil society groups, corporations, international organisations, and other States Parties who may be in a position to assist in addressing these gaps,

Action #41: Identify other affected States Parties as soon as possible and promote cooperation with them through the exchange of information and technical expertise so as to be able to gain from each others’ experience in implementation of the Convention.

Action #42: Promote technical cooperation, information exchange on good practices and other forms of mutual assistance with other affected States Parties to take advantage of the knowledge and expertise acquired in the course of fulfilling their obligations.

States Parties in a position to do so should undertake the following

Action #43: Promptly assist States Parties that have requested support for implementing their obligations within the areas of victim assistance, clearance and stockpile destruction, responding to those States Parties’ national priorities, and striving to ensure continuity, predictability and sustainability of resource commitments.

Action #44: Support the cluster munitions related programming being undertaken by civil society actors, United Nations and international organisations.

Action #45: Support cluster munitions programmes by provide funding to facilitate long-term planning for these programmes, under national management and ownership, paying particular
attention to the specific needs and circumstances of the least
developed States Parties, and ensuring that cluster munitions
action remains a high priority, including in broader
humanitarian, development assistance, disarmament and
security programmes.

**Action #46:** Support, as appropriate, actions to address cluster munition
contamination and victim assistance in areas where non-state actors operate, including by facilitating access for humanitarian organisations.

**Action #47:** Inform affected States Parties of resources, capacities and
programmes available for supporting stockpile destruction,
clearance and victim assistance

**All States Parties will:**

**Action #48:** Ensure that the Convention and its informal and formal
implementation mechanisms include and provide a specific and
effective framework to discuss assistance and international
cooperation issues in order to identify needs and mobilise
resources methods as well as to allow other States to present
lessons learned and good practices by other States

**Action #49:** Ensure that the cluster munitions related activities of the United
Nations, national and international non-governmental
organisations and other actors, where relevant, are incorporated
into national planning frameworks and are consistent with
national priorities and international obligations.

**Action #50:** Promote cooperation amongst all States Parties in order to
identify possible areas of support and cooperation such as
exchange of information and technical expertise with a view to
ensuring the full implementation of the Convention.

**Action #51:** Initiate and promote bilateral and regional cooperation in
sharing experience, good practices, resources, technology and
expertise to ensure the full implementation of the Convention.

**Action #52:** Encourage full cooperation amongst governments, civil society,
private sector and international organisations to address
problems associated with cluster munitions.

**Action #53:** Share good practices at meetings of the CCM through their
experience in destroying cluster munitions stockpiles, clearing
cluster munition remnants and/or providing assistance to
victims, especially in response to specific calls for assistance
from other States Parties.
Action #54: Exchange views and share experiences in a cooperative and informal manner on practical implementation of the various provisions of the Convention pertaining to international cooperation and assistance.

Action #55: Strengthen the partnerships between affected and non-affected States Parties and among affected States Parties to identify and mobilize new technical, material and financial sources of support for activities to implement the Convention.

Action #56: Ensure that assistance in cluster munitions is based on appropriate surveys, needs analysis and cost-effective approaches.

VIII. Additional actions in support of implementation, including reporting and transparency

Transparency and exchange of information

All States Parties will:

Action #57: Fulfil their obligation to provide initial transparency reports under Article 7, and where relevant, include information in accordance with Article 3.8, without delay.

Action #58: Fulfil their obligations to annually update Article 7, and where relevant Article 3.8, transparency reports and maximize reporting as a tool to assist and cooperate in implementation, particularly in cases where States Parties must take action to destroy stockpiled cluster munitions, clear cluster munitions remnants, assist victims or take legal or other measures referred to in Article 9.

Action #59: Take full advantage of the flexibility of the reporting process, to provide information on matters not specifically required but which may assist in the implementation process and in resource mobilization.

Action #60: Exchange views and share their experiences in a cooperative and informal manner on the practical implementation of the various provisions of the Convention.

Action #61: Contribute to the development of the reporting format and, when relevant, of synergies with reports existing in other disarmament or humanitarian conventions.
National implementation measures

**Action #62:** States Parties that have not yet done so should, as a matter of urgency develop and adopt comprehensive legislative, administrative or other implementing measures, as appropriate, in accordance with Article 9 in order to implement all obligations under the Convention.

**Action #63:** States Parties will share information on the content and application of implementing measures through reports made in accordance with Article 7 and at formal and informal meetings of the Convention. In instances when assistance is required to develop implementing measures, States will make their needs known to the ICRC or other relevant actors.

**Action #64:** States Parties should provide clear directives and training to military forces about the prohibitions and requirements of the CCM.