



ANZCMC Report on Activities

First Meeting of States Parties to the 2008 Convention on Cluster Munitions
Lao People's Democratic Republic
9-12 November 2010



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Issued 8 February 2011

www.banclusterbombs.org.nz

About the Report

This is a report on the activities of the Aotearoa New Zealand Cluster Munition Coalition (ANZCMC) at the First Meeting of States Parties to the 2008 Convention on Cluster Munitions held in Vientiane, Lao People's Democratic Republic ("Lao PDR") from 9-12 November 2010. The ANZCMC delegation to Lao PDR was comprised of ANZCMC coordinator Mary Wareham of Human Rights Watch and Chris Kerr of Amnesty International NZ.

This report was drafted by Wareham on behalf of the ANZCMC and covers: 1) the diplomatic meeting held in Vientiane, 2) a field visit to Xieng Khouang province, 3) the delivery a donation from Auckland's Rangitoto College to Cooperative Orothotic and Prosthetic Enterprise (COPE) Lao PDR. The photos contained in this report were taken by Wareham and are available online here:

<http://www.flickr.com/photos/marywareham/sets/72157625316695796/>

1) First Meeting of States Parties

The First Meeting of States Parties (1MSP) to the 2008 Convention on Cluster Munitions was held in Vientiane, the capital of Lao PDR, from 9-12 November 2010.

A total of 121 governments attended the 1MSP: 40 states parties to the Convention on Cluster Munitions, 47 signatories that still need to ratify (and thus become fully bound as states parties), and 34 nations that have not yet joined. The New Zealand government delegation to the conference was led by Minister of Disarmament and Arms Control, Hon. Georgina Te Heuheu, and included our Geneva-based disarmament Ambassador Dell Higgin and former Geneva Ambassador Tim Caughley.

The ANZCMC representatives were part of an international Cluster Munition Coalition (CMC) delegation to the 1MSP comprised of over 400 campaigners from more than 80 countries. Other New Zealanders at the meeting included CMC global coordinator Thomas Nash, who announced he would be stepping down in January 2011, and John Borrie of UNIDIR.

Major announcements at the 1MSP included Austria's confirmation that it has finished destroying its stockpiled cluster munitions, the eighth nation to do so. Many signatories committed to complete their ratification process soon. Australia, Belgium,



Luxembourg, New Zealand, and Switzerland announced commitments to provide funds for clearance and/or victim assistance.

At the start of the 1MSP, Minister Te Heuheu made a plenary statement in which she announced a contribution of NZ \$1.1 million to UXO Lao via UNDP for clearance of cluster munition remnants. The announcement was followed by an all-women signing

ceremony featuring the Minister Te Heuheu, Lao PDR's Minister of Labour and Social Welfare Madam On Chan, and UNDP Lao PDR Resident Representative Ms. Sonam Yung Chen.

During the 1MSP, New Zealand chaired a plenary session on national implementation measures, emphasizing that measures such as national legislation are a fundamental aspect of implementation and encouraging states parties to take action. New Zealand provided its national legislation—the Cluster Munitions Prohibition Act of 2009—as an example, highlighting its prohibition on investment in companies that produce cluster munitions. New Zealand also made a strong statement emphasizing the importance of universal adherence to the convention.

The main documents agreed by the 1MSP were the Vientiane Declaration, Vientiane Action Plan, the work program for 2011, and a format for national reporting under the convention. The Vientiane Declaration is a bold political declaration of commitment under which nations agreed to condemn any use of cluster munitions, accelerate progress on clearing cluster bombs and destroying stockpiles, expand the coverage of services for victims and survivors, and increase resources for these efforts. According to the Declaration, the Convention on Cluster Munitions "sets a new standard by which states will be judged. We believe the sea change in the opinion of governments around the world towards this weapon will continue."



Laos was selected to host the 1MSP in part because of its high degree of contamination from cluster munitions used by the United States during the Indochina War in the 1960s and 1970s. The impact of cluster munition remnants and other unexploded ordnance (UXO) was never far from the minds of 1MSP participants. A series of field visits held prior to and during the 1MSP enabled hundreds of 1MSP delegates to visit UXO-affected areas and see clearance efforts first-hand (see field visit section below).

On Thursday morning, the chair made an announcement that evening before—10 November—at 5 pm, two girls from Thasala village, Bolikhamxay province, were returning home from school when one picked up a cluster submunition that exploded. Ten-year-old Piou, was killed instantly, while her sister fifteen-year-old Paeng was severely injured. The CMC decried the tragic incident as a “saddening and stark reminder of the urgency to translate the provisions of the convention into action.”



The CMC was acknowledged throughout the meeting, both formally and informally, by governments and others for its continued vital work to bring the Convention into force and ensure robust implementation. During the conference, I took responsibility for drafting the CMC’s 2011 action plan, a summary extract of which is annexed to this report.

At the meeting, states parties formally agreed to an offer by Lebanon to be the host of the Second Meeting of States Parties in Beirut, from 12-16 September 2011, to be preceded by ‘intersessional’ meetings in Geneva from 27-30 June 2011.

For more information, see:

- IMSP website - <http://www.clusterconvention.org/1msp/>
- CMC IMSP info - <http://www.stopclustermunitions.org/1msp/>

2) Field Visit to Xieng Khouang province

On 10 November 2010, I participated in a field visit to Xieng Khouang province together with a high-level delegation that included New Zealand's Minister of Disarmament and Arms Control, Hon. Georgina Te Heuheu, Princess Astrid of Belgium, and Luxembourg's Minister of Foreign Affairs. Several campaigners participated in this visit, including survivors of landmines and cluster munitions.

According to the government entity Lao National Unexploded Ordnance Programme (UXO Lao), Xieng Khouang is the country's second-most contaminated province. During the Indochina War, the US conducted over 20,000 bombing missions over the



province resulting in the use of over 46 million cluster submunitions or bomblets. Xieng Khouang province accounts for 17 percent of cluster munitions used in Laos and 12 percent of UXO casualties nationwide.

After taking a 35-minute flight from the capital of Vientiane to Xieng Khouang, we drove 30-minutes to the village of Ban Tonai in Pek district, a rural area where agriculture dominates. Evidence of the bombing that took place some forty years ago could be seen everywhere. We passed bomb craters filled with vegetation and water as well as houses built on foundations made from left-over bomb casings.

Pek district alone experienced the use of more than 6,700 cluster munitions containing a staggering 15 million cluster submunitions. All 113 villages in the district are either "severely" or "highly" affected by UXO, particularly cluster munitions remnants including explosive submunition bomblets or "bombies" as they are known locally. A total of 2,164 casualties have been recorded since the conflict ended approximately 40 years ago, 40 percent of them children.

At Ban Tonai the hi-level delegation walked through a site contaminated by buried, cluster bomblets and other UXO identified by the clearance teams. These were marked with pink-coloured sandbags and wooden stakes. Prior to entering the site we received a safety briefing to stay on the trail, switch off mobile phones, and follow instructions of the clearance personnel responsible for the site.



The mostly women clearance team from UXO Lao demonstrated how they use a large-loop metal detector to detect metal objects to a depth of two meters. They also showed how they excavate the ground using an ordinary garden trowel, digging to a depth of at least 25 centimeters to allow for safe farming (tilling by tractors and

traditional buffalo-drawn ploughs). Once detected, the clearance team then decides if it is safer to destroy the device where it lies (*in situ*) or if it should be removed and later destroyed. This is dependent on the type and location of the UXO.

After visiting the site, we trekked back up a hill to wait as the UXO Lao team prepared to detonate the UXO *in situ*. After a clearance worker used a loudspeaker to warn locals of the impending demolition, the high-level delegates each pushed the button to detonate the UXO. There were several explosions as the different rounds of UXO were destroyed.

Minister Te Heuheu detonated UXO that resulted in a massive explosion and huge cloud, which according to UXO Lao's Senior Technical Advisor John Dingley, was because the UXO included white phosphorous bombs as well as high-explosive weapons such as artillery, mortars, and cluster submunitions. When they were destroyed the high-explosive weapons created black cloud while the white phosphorous created a bright orange explosion and white cloud that included tentacles of thick white smoke.



Once cleared, the site that we visited will be used to extend the area of the local school.

For more information, see:

- UXO Lao website - <http://www.uxolao.org/>
- *Landmine and Cluster Munition Monitor* Laos entry - <http://www.the-monitor.org/cp/LA/2010>

3) Rangitoto College donation to COPE Laos

After the 1MSP, on 15 November 2010, I delivered a donation from Rangitoto College to the Cooperative Orthotic and Prosthetic Enterprise Lao PDR (COPE Laos) in Vientiane.

Rangitoto College, located on Auckland's North Shore, is New Zealand's largest secondary school with over 3,000 students. A multi-day held in early 2010 raised the gold coin donations from students and staff totalling NZD \$4,000 (USD \$3,046). Since 2007, twenty-one Year 10 (Form 4) classes at Rangitoto College have been studying the topic of landmines and cluster munitions as part of an activism component for social studies.



CEO Ms. Bounlanh Phayboun gratefully received the funds on behalf COPE Laos and COPE marketing assistant Mr. Kam Chan Phetsouphan ('Jack') showed me how the donation has been acknowledged with a brick plaque on the wall of their visitors' center.

At COPE during my visit I met an elderly man injured by UXO in 1963 who was waiting for his prosthetic leg to be repaired. After putting the artificial leg back on, he walked out of the clinic without a limp. In the workshop I met a COPE technician who was making a prosthetic leg brace for a woman who injured her leg when she was a child. The COPE technician had a disability caused from he contracted polio as a child.

I spent more than an hour touring the COPE Visitor Centre, which has become the number one thing to do in Vientiane according to Tripadvisor website.¹ As you enter from COPE's shop, there is a display hanging from the ceiling of a cluster munition canister opening in mid-air to disperse 680 individual cluster submunitions or bomblets into a tray that represented the percentage of unexploded or dud bomblets.



On a table approximately 140 kilos of UXO is displayed, including inert cluster bomblets, and demonstrate the prevalence of scrap metal collection, which is a common cause of death and disability in Laos, Vietnam, and other countries.

A photo exhibition by Tracie Williams shows UXO including cluster munitions that have been into everyday items, including a fence, knife, axe, sickle, rice cooker, belt buckle, planter box, boat, ladder, door, and bucket. A traditional house contains items made from UXO and helps to show some of the mobility challenges that persons with disabilities face in rural areas.

COPE has several homemade artificial limbs on display donated by patients who their new limbs including one made from the casing of a cluster munition. There are several interactive exhibits favored particularly by school children, including hand-powered mobility cycles for persons with disabilities and artificial limbs that can be tried on. When I visited a child was trying out a mirror box that helps amputees overcome the phenomenon of 'phantom pain' that often results from the loss of a limb.



There is a theater where visitors can watch films about the Indochina War and its lasting impact in Laos. The theater door features a photograph of Viengxai Cave, where the government was headquartered toward the end of the Indochina War in 1975. There is a library of films available for watching including a powerful interview with the parents of a child who died from a cluster munition.

In 2009, approximately 20 percent of COPE's funding was received from public donations through the Visitor Center while the remainder came from the government of Lao PDR and international donors. Once they graduate, hopefully the students of

¹ COPE is number one of 21 things to do in Vientiane:
http://www.tripadvisor.com/Attraction_Review-g293950-d1092459-Reviews-Cooperative_Orthotic_and_Prosthetic_Enterprise_COPE-Vientiane.html

Rangitoto College will be able to visit COPE and see the wonderful contribution that they made.

For more information, see:

- Rangitoto College website - <http://www.rangitoto.school.nz/>
- COPE Laos website - <http://www.copelaos.org/>



2011 Action Plan

Lao PDR Action Plan towards the Second Meeting of States Parties on the Convention on Cluster Munitions

Final as of 9 December 2010

About this plan

This Action Plan by the Cluster Munition Coalition (CMC) details priorities and activities for our campaigning in 2011. It follows previous CMC Action Plans issued in 2008 (Dublin) and 2010 (Cartagena).² This plan describes campaign priorities on universalisation and implementation of the Convention on Cluster Munitions in 2011, contains a section on how we will conduct this work, identifies activities in selected countries, and includes a schedule of key global dates as well as regional and national events and activities.

This plan was drafted by Mary Wareham of Human Rights Watch (HRW) in cooperation with CMC staff and following consultations with campaigners attending the First Meeting of States Parties (1MSP) of the 2008 Convention on Cluster Munitions, held in Vientiane, Lao People's Democratic Republic (PDR) on 9-12 November 2010. Feedback was also warmly received from campaigners in Azerbaijan and other countries that were not able attend the 1MSP.

Overview

2011 is a crucial year for the movement to eradicate cluster munitions as it marks the first year of formal implementation of the Convention on Cluster Munitions (CCM). The first tranche of initial transparency reports by States Parties are due in 2011, starting in January. Key decisions and actions agreed by the First Meeting of States Parties will begin to be implemented, including an annual program of intersessional work starting in June 2011.

The major milestone of the year will occur in September 2011, when the Second Meeting of States Parties (2MSP) to the Convention is held in Beirut, Lebanon. This will be preceded by the one-year anniversary of the Convention's entry into force on Monday, 1 August 2011 and by a one-month countdown to the 2MSP, starting on Friday, 12 August. In the lead-up to the Fourth Review Conference of the Convention on Conventional Weapons (CCW) in November 2011, the CMC will call on States Parties to that treaty to cease their costly deliberations on cluster munitions.

2011 Global Dates

Feb. 28-Mar. 4: Arms Trade Treaty 2nd preparatory meeting in New York (NY)

² Previous plans were issued by the CMC in May 2008 ("Dublin Action Plan to Achieve Rapid Entry into Force of the Convention on Cluster Munitions") and in December 2009 ("Cartagena Action Plan towards the First Meeting of States Parties on the Convention on Cluster Munitions").

Mar. 1: Mine Ban Treaty anniversary (1999 – 12th year)
Mar. 8: International Women's Day
Mar: Mine action programme managers' meeting in Geneva
Apr. 4: International Day for Mine Action
Apr 15-20: 124th Assembly of the Inter-parliamentary Union, Panama
Apr: Global Day of Action to Stop Explosive Investments/report launch
May 9-13: UN Programme of Action on Small Arms experts meeting in NY
Jun. 20-24: Mine Ban Treaty intersessional meetings in Geneva, Switzerland
Jun. 27-30: Convention on Cluster Munitions intersessional meetings in Geneva
Jul. 11-15: Arms Trade Treaty 3rd preparatory meeting in NY
Aug 1: Convention on Cluster Munitions 1st anniversary of entry into force (EIF)
Aug. 12: Remembrance action and one-month countdown to 2MSP
Aug 1-30: Ramadan (Eid al-Fitr on Tuesday, 30th August)
Sep 7-9: Convention on Rights of Persons with Disabilities 4th conference in NY
Sep: 12-16: Convention on Cluster Munitions 2nd MSP in Beirut, Lebanon
Sep. 21: International Peace Day
Oct. 3: Two-month countdown to MBT 11MSP
Oct: First Committee (disarmament) of 66th UN General Assembly in NY
Nov. 14-25: Convention on Conventional Weapons 4th Review Conference in Geneva
Nov. 28-Dec. 2: Mine Ban Treaty 11th MSP in Phnom Penh, Cambodia

2010-2011 National and Regional Dates

Dec. 5: International marathon in Siem Reap
Nov. 25-27: Regional meeting on disability and CRPD in Tunisia (Ghassan)
First half 2011: Regional meeting on CCM in Guatemala (Marie Eugenia/Hector)
Jan: Regional ATT meeting in Trinidad and Tobago
Feb. 17-18: SEHLAC workshop in Buenos Aires, Argentina (Maria Pia)
Feb: Regional ATT meeting in Morocco
Apr: Caribbean meeting on CCM in Antigua and Barbuda – tentative (Folade)
Apr: Pacific regional workshop on CCM and MBT in Palau/Fiji – tentative (Ema)
Mar/Apr: Arab Inter-parliamentary Union annual meeting in Doha, Qatar (Ghassan)
May: Regional meeting on CCM in Nigeria – tentative (Mimidoo)
Jul: African Union meeting
Aug: Iraqi Alliance for Disabilities annual conference in Baghdad (Muoffak)
Oct. 28-30: Commonwealth Heads of Government Meeting, Perth, Australia
Dec: International Conference on AIDS in Africa incl. CRPD in Ethiopia (Daniel)