



Cluster Munition Monitor 2013

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Monitoring and Research Committee, ICBL-CMC Governance Board
Action on Armed Violence • Handicap International • Human Rights Watch
Mines Action Canada • Norwegian People's Aid
Research team leaders • ICBL-CMC staff experts

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Landmine and Cluster Munition Monitor provides research and monitoring for the Cluster Munition Coalition (CMC) and the International Campaign to Ban Landmines (ICBL) and is a formal program of the ICBL-CMC. For more information visit www.the-monitor.org or email monitor@icblcmc.org.

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Cluster Munition Coalition

The Cluster Munition Coalition (CMC) is an international civil society campaign working to eradicate cluster munitions and prevent further casualties from these weapons. The CMC works through its members to change the policy and practice of governments and organizations and to raise awareness of the devastation that cluster munitions cause.

The CMC calls for:

- A total ban on the use, production, transfer, and stockpiling of cluster munitions;
- Accelerated clearance and destruction of all cluster munition remnants and other explosive remnants of war;
- Fulfillment of the rights and needs of all cluster munition victims; and
- Universal adherence to the 2008 Convention on Cluster Munitions and its full implementation by all.



Preface

Cluster Munitions

Cluster munitions pose significant dangers to civilians for two principal reasons: their impact at the time of use and their deadly legacy. Launched from the ground or dropped from the air, cluster munitions consist of containers that open and disperse submunitions indiscriminately over a wide area, claiming both civilian and military victims. Many explosive submunitions, also known as bomblets, fail to detonate as designed when they are dispersed, becoming *de facto* landmines that kill and maim indiscriminately long after the conflict has ended and create barriers to socio-economic development.

To protect civilians from the effects of cluster munitions, Norway and other like-minded countries initiated a fast-track diplomatic process in 2007 aimed at creating a new international treaty. Working in partnership with UN agencies, the International Committee of the Red Cross, and civil society grouped under the Cluster Munition Coalition (CMC), the Oslo Process resulted in the adoption in May 2008 of the Convention on Cluster Munitions.

After 30 states ratified, the Convention on Cluster Munitions entered into force on 1 August 2010. It prohibits the use, production, transfer, and stockpiling of cluster munitions. The convention also requires destruction of stockpiled cluster munitions within eight years, clearance of cluster munition remnants within 10 years, and assistance to victims, including those killed or injured by submunitions as well as their families and affected communities.

▲
*BLU-26
submunitions
found in
Province de
Savannakhet,
Lao PDR.*

Cluster Munition Coalition

Launched by non-governmental organizations (NGOs) in November 2003, the CMC plays a crucial facilitating role in leading global civil society action in favor of the ban on cluster munitions. With campaign contacts in more than 100 countries, the CMC works for full universalization and implementation of the Convention on Cluster Munitions. In January 2011, the CMC merged with the International Campaign to Ban Landmines (ICBL) to become the ICBL-CMC, but the CMC and ICBL remain two distinct and strong campaigns with dedicated staff.

Landmine and Cluster Munition Monitor

Landmine and Cluster Munition Monitor provides research and monitoring for both the CMC and the ICBL on the Convention on Cluster Munitions and Mine Ban Treaty respectively. Created by the ICBL as Landmine Monitor in June 1998, the initiative became the research and monitoring arm of the CMC in 2008 and changed its name in 2010 to Landmine and Cluster Munition Monitor, known simply as “the Monitor.”

The Monitor represents the first time that NGOs have come together in a coordinated, systematic, and sustained way to monitor humanitarian disarmament treaties and to regularly document progress and problems. Established in recognition of the need for independent reporting and evaluation, the Monitor has put into practice the concept of civil society-based verification. It has become the *de facto* monitoring regime for both treaties, monitoring and reporting on States Parties’ implementation and compliance, and more generally, assessing the international community’s response to the humanitarian problems caused by landmines, cluster munitions, and other explosive remnants of war (ERW). The Monitor’s reporting complements transparency reporting by states required under the treaties and reflects the shared view that transparency, trust, and mutual collaboration are crucial elements for the successful eradication of antipersonnel mines and cluster munitions.

The Monitor is not a technical verification system or a formal inspection regime. It is an attempt by civil society to hold governments accountable for the legal obligations they have accepted with respect to antipersonnel mines and cluster munitions. This is done through extensive collection and analysis of publicly available information, including via field missions in some instances. The Monitor works in good faith to provide factual information about issues it is monitoring in order to benefit the international community as a whole. It aims to promote and advance discussion in support of the goal of a world free of landmines and cluster munitions.

An eight-member Monitoring and Research Committee coordinates the Monitor system and has overall decision-making responsibility for the Monitor's research products, acting as a standing committee of the ICBL-CMC Governance Board. To prepare this report, a 12-person Editorial Team gathered information with the aid of a global reporting network comprised of more than 30 researchers and the assistance of CMC campaigners. Researchers contributed primarily to Country Profiles, available on the Monitor's website at www.the-monitor.org.

Unless otherwise specified, all translations were done by the Monitor.

The Monitor is a system that is continuously updated, corrected, and improved, and as was the case in previous years, the Monitor acknowledges that this ambitious report is limited by the time, resources, and information sources available. Comments, clarifications, and corrections from governments and others are sought in the spirit of dialogue and in the common search for accurate and reliable information on this important subject.

About This Report

This is the fourth annual *Cluster Munition Monitor* report. It is the sister publication to the Landmine Monitor report, which has been issued annually since 1999.

Cluster Munition Monitor reviews every country in the world with respect to cluster munition ban policy as well as cluster munition use, production, trade, and stockpiling. It also contains information on cluster munition contamination and clearance activities, as well as casualties and victim assistance. Its principal frame of reference is the Convention on Cluster Munitions, although other relevant international law is reviewed, including the Convention on Conventional Weapons.

The report focuses on calendar year 2012, with information included up to July 2013 where possible.

Acknowledgements

A broad-based network of individuals, campaigns, and organizations produced this report. It was assembled by a dedicated team of researchers and editors with the support of a significant number of donors.

Researchers are cited separately on the Monitor website at www.the-monitor.org.

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Responsibility for the coordination of the Monitor lies with the Monitoring and Research Committee, a standing committee of the ICBL-CMC Governance Board, which is comprised of research team leaders, ICBL-CMC staff experts, and five NGOs. Members include: Action on Armed Violence (Katherine Harrison), Handicap International (Bruno Leclercq, Marion Libertucci), Human Rights Watch (Stephen Goose, ban policy team leader), Mines Action Canada (Paul Hannon), Norwegian People's Aid (Atle Karlsen, mine action and support for mine action team leader), Loren Persi Vicentic (casualty and victim assistance team co-coordinator), Tamar Gabelnick (ICBL-CMC policy director), and Jeff Abramson (Monitor program manager). Sylvie Brigot-Vilain (ICBL-CMC executive director) is an *ex-officio* member. Kathryn Millett and Jacqueline Hansen also helped coordinate early stages of the 2013 Monitor report until Jeff Abramson joined the team in May 2013.

From January to July 2013, the Monitor's Editorial Team undertook research, updated country profiles, and produced thematic overviews for *Cluster Munition Monitor 2013*. The Editorial Team included:

- Ban policy: Mary Wareham, Kate Castenson, Stephen Goose, Katherine Harrison, Mark Hiznay, Yeshua Moser-Puangsuwan;
- Contamination, clearance, and support: Kathryn Millett, Nick Cumming-Bruce, Atle Karlsen, Mike Kendall; and,
- Casualties and victim assistance: Megan Burke and Loren Persi Vicentic with research assistance from Clémence Caraux, Kerry Clarke, Hugh Hosman, and Marianne Schulze.

Jeff Abramson of ICBL-CMC provided final editing from July to August 2013 with assistance from Vincent Farnsworth and Morgan McKenna (publications consultants) and Patrick Dürst (Monitor intern).

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We also thank the donors who have contributed to the organizational members of the Monitoring and Research Committee and other participating organizations.

Abbreviations and Acronyms

AOAV	Action on Armed Violence
AXO	abandoned explosive ordnance
CBU	cluster bomb unit
CCM	2008 Convention on Cluster Munitions
CCW	1980 Convention on Conventional Weapons
CMC	Cluster Munition Coalition
DPICM	dual purpose improved conventional munition
ERW	explosive remnants of war
HI	Handicap International
HRW	Human Rights Watch
ICBL	International Campaign to Ban Landmines
ICRC	International Committee of the Red Cross
NGO	non-governmental organization
NPA	Norwegian People's Aid
NSAG	non-state armed group
UNICEF	United Nations Children's Fund
UN	United Nations
UNDP	United Nations Development Programme
UXO	unexploded ordnance

Glossary

Cluster bomb – Air-dropped cluster munition.

Cluster munition – According to the Convention on Cluster Munitions a cluster munition is “A conventional munition that is designed to disperse or release explosive submunitions each weighing less than 20 kilograms, and includes those explosive submunitions.” Cluster munitions consist of containers and submunitions. Launched from the ground or air, the containers open and disperse submunitions (bomblets) over a wide area. Submunitions are typically designed to pierce armor, kill personnel, or both.

Convention on Cluster Munitions (CCM) – An international convention adopted in May 2008 and opened for signature in December 2008, which entered into force 1 August 2010. The convention prohibits the use, production, stockpiling, and transfer of cluster munitions. It also requires stockpile destruction, clearance, and victim assistance.

Convention on Conventional Weapons (CCW) – 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, commonly referred to as the Convention on Conventional Weapons (CCW), aims to place prohibitions or restrictions on the use of conventional weapons about which there is widespread concern. It includes Protocol V on Explosive Remnants of War.

Dual purpose improved conventional munition (DPICM) – A type of cluster munition which can be used against both personnel and material targets, including armor.

Explosive remnants of war (ERW) – Under Protocol V to the Convention on Conventional Weapons, explosive remnants of war are defined as unexploded ordnance and abandoned explosive ordnance. Mines are explicitly excluded from the definition.

Interoperability – In relation to Article 21 of the Convention on Cluster Munitions, interoperability refers to joint military operations with states not party to the convention that might engage in activities prohibited to a State Party.

Non-state armed groups (NSAGs) – For the Monitor’s purposes, non-state armed groups include organizations carrying out armed rebellion or insurrection, as well as a broader range of non-state entities, such as criminal gangs.

Oslo Process – The diplomatic process undertaken from 2006–2008 that led to the negotiation, adoption, and signing of the 2008 Convention on Cluster Munitions.

Self-destruct mechanism – Under the Convention on Cluster Munitions, an “incorporated automatically-functioning mechanism which is in addition to the primary initiating mechanism of the munition and which secures the destruction of the munition into which it is incorporated.”

Self-deactivating – Under the Convention on Cluster Munitions, automatically rendering a munition inoperable by making an essential component (e.g. a battery) non-functional.

Submunition – Any munition that, to perform its task, separates from a parent munition (cluster munition). When air-dropped, submunitions are often called “bomblets.” When ground-launched, they are sometimes called “grenades.”

Unexploded submunitions or unexploded bomblets – Submunitions that have failed to explode as intended, becoming unexploded ordnance.

Unexploded ordnance (UXO) – Munitions that were designed to explode but for some reason failed to detonate; unexploded submunitions are known as “duds.”

Victim – According to the Convention on Cluster Munitions, “all persons who have been killed or suffered physical or psychological injury, economic loss, social marginalization or substantial impairment of the realization of their rights caused by the use of cluster munitions. They include those persons directly impacted by cluster munitions as well as their affected families and communities.”

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2008 Convention on Cluster Munitions

Table Key
States Parties: Ratified or acceded as of 25 August 2013
Signatories: Signed, but not yet ratified as of 25 August 2013
States Not Party: Not yet acceded as of 25 August 2013

The Americas

Antigua & Barbuda	Bolivia
Chile	Costa Rica
Dominican Rep.	Ecuador
El Salvador	Grenada
Guatemala	Honduras
Mexico	Nicaragua
Panama	Peru
Saint Vincent & the Grenadines	Trinidad & Tobago
	Uruguay
Canada	Colombia
Haiti	Jamaica
Paraguay	Argentina
Bahamas	Barbados
Belize	Brazil
Cuba	Dominica
Guyana	Saint Kitts & Nevis
Saint Lucia	Suriname
United States	Venezuela

East & South Asia & the Pacific

Afghanistan	Australia
Cook Islands	Fiji
Japan	Lao PDR
Nauru	New Zealand
Samoa	Indonesia
Palau	Philippines
Bangladesh	Bhutan
Brunei	Cambodia
China	India
Kiribati	Korea, North
Korea, South	Malaysia
Maldives	Marshall Islands
Micronesia	Mongolia
Myanmar	Nepal
Niue	Pakistan
Papua New Guinea	Singapore
Solomon Islands	Sri Lanka
Thailand	Timor-Leste
Tonga	Tuvalu
Vanuatu	Vietnam

Europe, the Caucasus & Central Asia

Albania	Andorra	Austria
Belgium	Bosnia & Herzegovina	Bulgaria
Croatia	Czech Republic	Denmark
France	Germany	Holy See
Hungary	Ireland	Italy
Liechtenstein	Lithuania	Luxembourg
Macedonia, FYR	Malta	Moldova
Monaco	Montenegro	Netherlands
Norway	Portugal	San Marino
Slovenia	Spain	Sweden
Switzerland	United Kingdom	Cyprus
Iceland	Armenia	Azerbaijan
Belarus	Estonia	Finland
Georgia	Greece	Kazakhstan
Kyrgyzstan	Latvia	Poland
Romania	Russia	Serbia
Slovakia	Tajikistan	Turkey
Turkmenistan	Ukraine	Uzbekistan

Middle East & North Africa

Iraq	Lebanon	Tunisia
Algeria	Bahrain	Egypt
Iran	Israel	Jordan
Kuwait	Libya	Morocco
Oman	Palestine*	Qatar
Saudi Arabia	Syria	United Arab Emirates
Yemen		

Sub-Saharan Africa

Botswana	Burkina Faso	Burundi
Cameroon	Cape Verde	Chad
Comoros	Côte d'Ivoire	Ghana
Guinea-Bissau	Lesotho	Malawi
Mali	Mauritania	Mozambique
Niger	Senegal	Seychelles
Sierra Leone	Swaziland	Togo
Zambia	Angola	Benin
Central African Rep.	Congo, Dem. Rep.	Congo, Rep.
Djibouti	Gambia	Guinea
Kenya	Liberia	Madagascar
Namibia	Nigeria	Rwanda
São Tomé e Príncipe	Somalia	South Africa
Tanzania	Uganda	Equatorial Guinea
Eritrea	Ethiopia	Gabon
Mauritius	South Sudan	Sudan
Zimbabwe		

* In November 2012, the UN General Assembly voted to recognize Palestine as a non-member observer state. Under its previous UN status designation as a "non-member entity," Palestine was not able to accede to the convention. Palestine is listed here and will be fully integrated into all future editions of the Monitor.



Major Findings

Status of the 2008 Convention on Cluster Munitions

- A total of 112 states have signed or acceded to the Convention on Cluster Munitions as of 31 July 2013, of which 83 are States Parties legally bound by all of the convention's provisions.
- Forty-two countries that have used, produced, exported, and/or stockpiled cluster munitions have joined the convention, thereby committing to never engage in those banned activities again.
- Since the convention entered into force on 1 August 2010, becoming binding international law, states can no longer sign, but must instead accede. Four countries have acceded: Andorra on 9 April 2013, and Grenada, Swaziland, and Trinidad and Tobago in 2011.
- Since August 2012, seven signatories have ratified the convention including two countries where cluster munitions have been used (Chad and Iraq) and one stockpiler (Peru).
- The Convention on Cluster Munitions remains the sole international instrument on cluster munitions, after the Convention on Conventional Weapons (CCW) failed in 2011 to create a new protocol regulating cluster munitions. The CCW did no work on cluster munitions in 2012 or the first half of 2013.

Use

- There have been no confirmed reports or allegations of new use of cluster munitions by any State Party or signatory since the Convention on Cluster Munitions was adopted in May 2008.
- Non-signatory Syria used cluster munitions extensively in the second half of 2012 and the first half of 2013, causing numerous civilian casualties. More than 110 states have condemned Syria's cluster munition use, including dozens of states outside the convention.
- Myanmar government forces may have used a weapon prohibited by the Convention on Cluster Munitions in late 2012 and early 2013, while there were unconfirmed reports of cluster munition use by Sudan in 2012 and 2013. Libya and Thailand used cluster munitions in 2011. None of these states have joined the Convention on Cluster Munitions.
- At least 20 government armed forces have used cluster munitions during conflicts in 36 countries and four disputed territories since the end of World War II.

Production

- A total of 34 states have developed or produced more than 200 types of cluster munitions.
- Sixteen former producers of cluster munitions have joined the Convention on Cluster Munitions, thereby forswearing any future production. Non-signatory Argentina has also stopped production.
- Seventeen countries, mostly in Asia and Europe, continue to produce cluster munitions or reserve the right to produce them in the future. None of these producers are known to have used cluster munitions, except Israel, Russia, and the United States (US).

Transfer

- The Monitor has identified at least 15 countries that have in the past transferred more than 50 types of cluster munitions to at least 60 other countries. Six of these states are now States Parties to the Convention on Cluster Munitions.
- At least three states that have not joined the Convention on Cluster Munitions have enacted an export moratorium: Singapore, Slovakia, and the US.
- It is likely that Egyptian and Russian cluster munitions used by Syria were transferred in the past, and not during the current conflict.

▲
Partially burst artillery-fired cluster munition photographed during a non-technical survey (NTS) in Mauritania. In 2012, Norwegian People's Aid identified eight areas containing cluster munition remnants in the northeast part of the country near the border with Morocco (Western Sahara).

Stockpiling

- The Monitor estimates that prior to the start of the global effort to ban cluster munitions, 91 countries stockpiled millions of cluster munitions containing more than 1 billion submunitions.
- Currently, 72 nations have cluster munition stockpiles, including 24 States Parties and signatories to the convention.
- Collectively, prior to any destruction activities, 28 States Parties stockpiled more than 1.44 million cluster munitions containing 177.1 million submunitions.

Stockpile Destruction

- Under the Convention on Cluster Munitions, 22 States Parties have destroyed 1.03 million cluster munitions and 122.0 million submunitions. This represents the destruction of 71% of cluster munitions and 69% of submunitions declared as stockpiled by States Parties.
- During 2012, nine States Parties including Denmark, France, Germany, Italy, and the United Kingdom (UK) destroyed a total of 173,973 cluster munitions and 27 million submunitions. In 2011, 10 States Parties destroyed more than 107,000 cluster munitions and 17.6 million submunitions.
- In 2012, the Netherlands completed the destruction of its stockpile of 191,543 cluster munitions and 25.8 million submunitions. As of 31 March 2013, the UK had destroyed 95% of all its stockpiled cluster munitions and 84% of its submunitions.
- All 18 States Parties with cluster munitions stockpiles have committed to complete destruction within the eight-year deadline required by the convention. Major stockpilers have indicated they will complete destruction years in advance of the deadline, including Denmark and the UK (by the end of 2013), Italy and Sweden (in 2014), and Germany and Japan (in 2015).

Retention

- Most States Parties that have made a formal statement have said that they will not retain any cluster munitions or submunitions for training and research purposes as permitted by the convention.
- Thirteen States Parties are retaining or have stated their intention to retain cluster munitions and/or submunitions for training and research: Australia, Belgium, Czech Republic, Denmark, France, Germany, Italy, the Netherlands, Peru, Spain, Sweden, Switzerland, and the UK.
- In 2012, the UK destroyed its holding of individual submunitions retained for testing and stated it has “no immediate plans to acquire and retain sub-munitions for permitted purposes, but reserves the right to do so.”
- Among States Parties that declared retention in their transparency reports, only the Netherlands did not consume any cluster munitions or submunitions for training and research purposes in 2012.

Contamination

- At least 26 states and three other areas are contaminated by cluster munition remnants, including unexploded submunitions. Twelve contaminated states have ratified the Convention on Cluster Munitions, committing to clear their land within 10 years, including Lao PDR and Lebanon, the two most affected states.
- Grenada declared in September 2012 that it is free of cluster munition contamination resulting from the US invasion in 1983.
- Somalia has been added to the list of states contaminated by cluster munition remnants after submunitions were found on the border with Ethiopia that are believed to date from the 1977–1978 Ogaden War. Yemen has also been added after the presence of cluster munitions remnants was confirmed in four districts in Sa’ada governorate on the border with Saudi Arabia.
- Non-signatories Cambodia and Vietnam are heavily affected by cluster munition remnants, as is the disputed area of Nagorno-Karabakh.
- Another 13 states may also have a small amount of residual contamination from past use of cluster munitions.

Clearance

- In 2012, more than 59,171 unexploded submunitions were destroyed during clearance of almost 78km² across 11 states and two other areas.
- Eight contaminated States Parties and signatories conducted clearance of unexploded submunitions in 2012: Afghanistan, BiH, Croatia, the Democratic Republic of the Congo (DRC), Iraq, Lao PDR, Lebanon, and Mauritania. The bulk of clearance was conducted in Lao PDR and Lebanon.
- Non-signatories Cambodia, Serbia, Vietnam, and Yemen also conducted clearance as well as Nagorno-Karabakh and Western Sahara.

- Efforts to improve land release efficiency and productivity are underway through the adoption of amended International Mine Action Standards and the development of new clearance methodologies. These focus increasingly on evidence-based battle area clearance and are better tailored to the particular challenges of cluster munitions contamination.

Casualties

- As of 31 July 2013, cluster munition casualties had been reported in 31 states, including 12 States Parties and four signatories to the Convention on Cluster Munitions, as well as in three other areas.
- Through the end of 2012, 17,959 cluster munition casualties have been confirmed globally, but a better indicator of the number of cluster munition casualties is the estimated total of 54,000.
- Where the status was recorded, civilians accounted for the majority of casualties (94%). Most civilian casualties were male (82%) and a significant proportion were children (40%).
- In 2012, 190 cluster munition casualties were identified; this is the highest one-year casualty total since the convention entered into force.
- Syria suffered the highest number of casualties in 2012 with at least 165 new casualties reported from cluster munition attacks.
- Based on data available—appallingly incomplete for most countries—only 25 new casualties of cluster munition remnants were confirmed in 2012; these occurred in two States Parties (Lao PDR and Lebanon), five non-signatories (Cambodia, Serbia, Sudan, Syria, and Vietnam), as well as Nagorno-Karabakh.

Victim Assistance

- The Convention on Cluster Munitions has set the highest standards for victim assistance in international humanitarian law; by 2012, even the two non-signatory states with the most cluster munitions victims (Cambodia and Vietnam) had reported their efforts according to its emerging norm.
- With Iraq's ratification in May 2013, the majority of cluster munition victims now live in States Parties to the convention, which are legally obliged to ensure that these victims are provided with adequate assistance.
- All States Parties with cluster munition victims provided some victim assistance services and nearly all States Parties have acted in accordance with the first time-bound actions of the convention's victim assistance plan.
- There were measurable improvements in the accessibility of services in many States Parties and most strived to make services sustainable while facing the challenges of reliance on international funding and the poor global economic climate.

International Cooperation and Assistance

- Donor states designate very few of their funded projects as activities related only to cluster munitions. In 2012, the Monitor identified a total of 18 states, as well as the European Union and UNDP, that contributed US\$70.2 million in support of activities pertaining to cluster munition clearance, victim assistance, and advocacy in 12 countries and two other areas contaminated with cluster munition remnants.
- All 12 countries and the two other areas receiving funds are also affected by landmines and received funding for mine clearance.
- Lao PDR and Lebanon received a total of \$54 million (77%) of the funding identified as relating to cluster munitions in 2012.

National Legislation and Transparency

- A total of 22 States Parties have enacted national legislation to implement the convention, including Australia, Guatemala, Hungary, Samoa, Sweden, and Switzerland in 2012, and Liechtenstein in the first half of 2013.
- At least 33 States Parties and signatories are in the process of drafting, considering, or adopting national legislation. At least 19 States Parties have indicated that they view their existing laws as sufficient to implement the convention.
- Australia's implementing legislation has been strongly criticized by the Cluster Munition Coalition (CMC) and others for its weak provisions permitting transit and foreign stockpiling of cluster munitions, as well as allowing Australian forces to assist non-signatories in the use of cluster munitions.
- Signatory Canada is in the process of passing its implementation legislation. The draft legislation has been strongly criticized by the CMC and others for its problematic language on interoperability and use.
- A total of 58 States Parties have submitted an initial transparency measures report as required by Article 7 of the convention, which represents 70% of States Parties.

Assistance with Prohibited Acts

- There are some divergent views on the ban on assisting with prohibited acts, especially during joint military operations with states not party that may still use cluster munitions (“interoperability”). At least 39 States Parties and signatories to the convention have expressed a view that, even during joint operations, any intentional or deliberate assistance with banned acts is prohibited.
- States Parties Australia, Japan, the Netherlands, and the UK have indicated support for the contrary view that the Article 1 prohibition on assistance with prohibited acts may be overridden by the interoperability provisions contained in Article 21.
- Signatory Canada is considering draft implementation legislation containing extensive provisions on interoperability that the CMC believes run counter to the letter and spirit of the convention.

Foreign Stockpiling and Transit

- At least 34 States Parties and signatories have said that the convention prohibits both the transit of cluster munitions by a state not party across the territory of a State Party and the stockpiling of cluster munitions by a state not party on the territory of a State Party.
- States Parties Australia, Japan, the Netherlands, Portugal, and the UK have asserted that transit and foreign stockpiling are not prohibited by the convention.
- States Parties Norway and the UK have both confirmed that the US has removed its stockpiled cluster munitions from their respective territories.
- US Department of State cables released by Wikileaks show that the US has stockpiled and may continue to be storing cluster munitions in a number of countries including in States Parties Afghanistan, Germany, Italy, Japan, and Spain, as well as in non-signatories Israel, and Qatar, and perhaps Kuwait

Disinvestment

- Nine States Parties have enacted legislation that explicitly prohibits investment in cluster munitions: including Samoa in 2012, and Liechtenstein, the Netherlands, and Switzerland in 2013.
- Denmark announced in May 2013 that it will ban investment in cluster munition production.
- At least 24 States Parties and signatories to the convention have stated their view that investment in cluster munitions production is a form of assistance that is prohibited by the convention.
- States Parties Germany, Japan, and Sweden have expressed the contrary view that the convention does not prohibit investment in cluster munition production.
- Financial institutions in at least 17 States Parties and signatories have taken action to stop investment in cluster munition production and promote socially responsible investment.



Cluster Munition Ban Policy

Introduction

Seeking to put an end to the human suffering and casualties caused by cluster munitions, the Convention on Cluster Munitions provides a comprehensive framework for eradicating these weapons. Its disarmament provisions prohibit the use, production, transfer, and stockpiling of cluster munitions, as well as assistance with any of these banned activities, and require that stockpiled cluster munitions be destroyed within eight years. The convention's humanitarian provisions require the clearance of areas contaminated by cluster munition remnants within 10 years and assistance to fulfill the rights of victims of cluster munitions.

The convention's creation through the fast-track Oslo Process followed the same unconventional path pioneered by its sister convention, the 1997 Mine Ban Treaty.¹ Together, these humanitarian disarmament conventions have reframed multilateral disarmament and humanitarian law diplomacy by putting humanitarian considerations and the protection of civilians ahead of narrow national security interests.

The Convention on Cluster Munitions was adopted by 107 states in Dublin on 30 May 2008 and then opened for signature in Oslo on 3 December 2008.² The convention entered into force on 1 August 2010, six months after receiving its 30th ratification.

A total of 112 states have joined the Convention on Cluster Munitions as of 31 July 2013 (108 by signature and four by accession). Of these states, a total of 83 are States Parties legally bound by all of the convention's provisions.³ Half of all States Parties have enacted legislation to enforce the ban on cluster munitions or declared that existing legislation will suffice to ensure implementation of the convention. As this report and the online country profiles show, most of the remaining 29 signatories are in the process of ratifying.

Only four states have acceded to the Convention on Cluster Munitions over the past three years. After many years of deliberations, the 1980 Convention on Conventional Weapons (CCW) in 2011 failed to conclude a new protocol aimed at regulating cluster munitions, affirming the status of the Convention on Cluster Munitions as the sole international instrument dedicated to eradicating these weapons.⁴ Yet none of the states that sought a new international law on cluster munitions through the CCW have since joined the Convention on Cluster Munitions.

The disappointing number of new states joining the Convention on Cluster Munitions should not, however, be interpreted as evidence that there has been "no progress" under the convention or that momentum has "stalled" in any way.⁵ As this report shows, States Parties and signatories are implementing the convention's obligations with vigor

▲
Colombian campaigners sent these and many other photos to their Constitutional Court encouraging ratification of the Convention on Cluster Munitions.

¹ All States Parties to the Convention on Cluster Munitions have joined the Mine Ban Treaty except Lao PDR and Lebanon, while 50 Mine Ban Treaty States Parties have not yet joined the Convention on Cluster Munitions: Algeria, Argentina, Bahamas, Bangladesh, Barbados, Belarus, Belize, Bhutan, Brazil, Brunei, Cambodia, Dominica, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, Gabon, Greece, Guyana, Jordan, Kiribati, Kuwait, Latvia, Malaysia, Maldives, Mauritius, Niue, Papua New Guinea, Qatar, Romania, Saint Kitts and Nevis, Saint Lucia, Serbia, Slovakia, Solomon Islands, South Sudan, Sudan, Suriname, Tajikistan, Thailand, Timor-Leste, Turkey, Turkmenistan, Tuvalu, Ukraine, Vanuatu, Venezuela, Yemen, and Zimbabwe. As of 31 July 2013, there were 161 States Parties to the Mine Ban Treaty and one signatory (Marshall Islands).

² The convention text was adopted by consensus by the 107 governments that were full participants in the negotiations. However, adoption does not have any legal obligation attached.

³ Accession and ratification are the most common ways to become a State Party. "States not party" to the convention are those that have signed but not ratified, and those that have not bound themselves as States Parties through accession, ratification or other mechanisms such as acceptance or approval.

⁴ All CCW States Parties have joined the Convention on Cluster Munitions, except Argentina, Bangladesh, Belarus, Brazil, Cambodia, China, Cuba, Estonia, Finland, Gabon, Georgia, Greece, India, Israel, Jordan, Kazakhstan, South Korea, Latvia, Maldives, Mauritius, Mongolia, Morocco, Pakistan, Poland, Qatar, Romania, Russia, Saudi Arabia, Serbia, Slovakia, Sri Lanka, Tajikistan, Turkey, Turkmenistan, Ukraine, United Arab Emirates (UAE), the United States (US), Uzbekistan, and Venezuela.

⁵ SIPRI press release, "Nuclear force reductions and modernizations continue; drop in peacekeeping troops; no progress in cluster munitions control—new SIPRI Yearbook out now," 3 June 2013, www.sipri.org/media/pressreleases/2013/YBlaunch_2013.

and determination, spurred on and supported by the Cluster Munition Coalition (CMC), the United Nations (UN), the International Committee of the Red Cross (ICRC), and other states.

Cluster Munition Monitor 2013 shows impressive progress in stockpile destruction. Under the Convention on Cluster Munitions, 22 States Parties have destroyed 1.03 million cluster munitions containing nearly 122 million submunitions. This represents the destruction of 71% of the cluster munitions and 69% of the submunitions declared as stockpiled by States Parties. In 2012 alone, a total of 173,973 cluster munitions and 27 million submunitions were destroyed by Denmark, France, Germany, Italy, the Netherlands, the United Kingdom (UK), and other States Parties.

Most non-signatories are adhering to the convention's provisions even if they have not joined, but problems remain. Since 2010, cluster munitions have been used by Libya, Thailand, and Syria, while there have been unconfirmed reports of use by Myanmar and Sudan. Syria started using cluster munitions in early 2012 and with greater frequency as its air campaign intensified in October 2012, yet despite numerous civilian casualties the government's extensive use of the weapons has continued unabated in 2013.

More than 110 countries have condemned Syria's use of cluster munitions, including dozens of states not party to the Convention on Cluster Munitions. The president of the convention's Third Meeting of States Parties said, "The widespread condemnation of these actions in Syria shows that the norms established by the Convention on Cluster Munitions are effective principles of international humanitarian law."⁶

Continued vigilance and effort will be required to ensure that the Convention on Cluster Munitions remains a strong and robust international instrument by the time of its First Review Conference in 2015.

This overview covers activities during the second half of 2012 and the first half of 2013, where data is available. For universalization efforts, developments cover the period from the date of completion of *Cluster Munition Monitor 2012* (25 August 2012) through until 31 July 2013, when this report was completed. For more detailed country information, please consult the updated country profiles on cluster munition ban policy on the Monitor website.⁷

Universalization

This section reviews the status of universalization of the Convention on Cluster Munitions, including progress by countries that have yet to join and by the remaining signatories that have yet to ratify. Key meetings and campaigning actions related to the Convention on Cluster Munitions during the period are also reviewed.⁸

More than half of the countries in the world—112 states—have signed, ratified, or acceded to the convention as of 31 July 2013. Of these states, 41 are from Sub-Saharan Africa, 34 are from Europe, 22 are from the Americas, 12 are from Asia-Pacific, and three are from the Middle East and North Africa region, as listed in the summary table at the front of this report.

Compared to 2009 and 2010, the pace of universalization started to fall off in 2011 and decreased further in 2012 and the first half of 2013. Four signatories deposited their instrument of ratification upon signing the convention on 3 December 2008, while 22 ratified during 2009, 23 ratified in 2010, 17 ratified or acceded in 2011, 10 ratified in 2012, and six have ratified or acceded in 2013 as of 31 July.⁹

Signature

A total of 108 states signed the Convention on Cluster Munitions in the period from when it was opened for signature in Oslo on 3–4 December 2008 until its entry into force on 1 August 2010.¹⁰ Because the convention has already taken effect, states can no longer sign, but may instead accede (essentially a process that combines signature and ratification into a single step).¹¹

As of 31 July 2013, 79 signatories have ratified, becoming States Parties to the convention, and 29 signatories still need to ratify. Signatories are bound by the Vienna Convention on the Law of Treaties not to engage in acts that "would defeat the object and purpose" of any treaty they have signed. Thus, signatories to the Convention on Cluster Munitions have committed to never use, produce, or transfer cluster munitions, even if they have not yet ratified.¹²

⁶ Statement by Amb. Steffen Kongstad, Permanent Representative of Norway to the UN in Geneva and President of the Third Meeting of States Parties, Convention on Cluster Munitions Intersessional Meetings, Geneva, 16 April 2013, www.clusterconvention.org/files/2013/04/Opening-Statement-utkast-CLEAN.pdf.

⁷ See www.the-monitor.org.

⁸ For the first time, this edition of Cluster Munition Monitor contains no section on the CCW because the CCW has done no work on cluster munitions since its Fourth Review Conference failed to conclude a protocol on cluster munitions in November 2011.

⁹ Holy See, Ireland, Norway, and Sierra Leone ratified during the signing conference. For comparison, the number of states that ratified or acceded to the Mine Ban Treaty each year after it opened for signature were: three in December 1997, 55 in 1998, 32 in 1999, 19 in 2000, 13 in 2001, eight in 2002, 11 in 2003, and three in 2004, the year of the treaty's First Review Conference.

¹⁰ Ninety-four states signed in Oslo on 3–4 December 2008, 10 signed in 2009, and four signed in the first seven months of 2010 before the convention entered into force as binding international law.

¹¹ A state must deposit an instrument of accession with the UN in New York. The convention enters into force for each individual state on the first day of the sixth month after their deposit of the instrument of accession.

¹² The Vienna Convention is considered customary international law binding on all countries.

Accession

Four countries have acceded to the Convention on Cluster Munitions since it entered into force on 1 August 2010: Grenada, Swaziland, and Trinidad and Tobago in 2011 and Andorra on 9 April 2013.¹³

States that indicated in 2012 or the first half of 2013 that they were seriously considering accession to the Convention on Cluster Munitions came from Africa (Eritrea, Gabon, Mauritius, South Sudan, and Zimbabwe), the Americas (Saint Kitts and Nevis, and Suriname), and Asia-Pacific (Cambodia, Kiribati, Malaysia, Solomon Islands, Thailand, and Vanuatu).

There was little if any progress towards accession in 2012 or the first half of 2013 by the 18 states that adopted the convention in Dublin but did not subsequently sign.¹⁴ None of the mainly European states that previously said they were waiting for an outcome to CCW deliberations on cluster munitions before making a decision on accession to the Convention on Cluster Munitions have joined since 2011.¹⁵

Ratification

A total of 79 signatories have ratified the Convention on Cluster Munitions as of 31 July 2013, an increase of seven ratifications since August 2012.

Convention on Cluster Munitions ratifications since 25 August 2012

Peru	26 September 2012
Australia	8 October 2012
Nauru	4 February 2013
Liechtenstein	4 March 2013
Chad	26 March 2013
Bolivia	30 April 2013
Iraq	14 May 2013

The seven states to ratify the convention since August 2012 include two countries where cluster munitions have been used (Chad and Iraq) and one stockpiler (Peru). Regionally, two of the new ratifications were from the Americas, two were from Asia-Pacific, and there was one each from Sub-Saharan Africa, Europe, and the Middle East.

As the following regional sections show, most of the 29 remaining signatories are in the process of either consulting on ratification or engaging in parliamentary approval of ratification. Some states must complete national implementation legislation before they can ratify, notably Canada, Colombia, and South Africa.

Regional universalization developments

Africa

All of the 49 Sub-Saharan African states have joined the Convention on Cluster Munitions except Equatorial Guinea, Eritrea, Ethiopia, Gabon, Mauritius, South Sudan, Sudan, and Zimbabwe.

A total of 21 African states have ratified and one (Swaziland) has acceded, accounting for a total of 22 States Parties. Since August 2012, Chad has been the only African signatory to ratify the convention.

Five African non-signatories participated as observers in the convention's Third Meeting of States Parties in September 2012. At the meeting, Gabon again pledged to join the convention "soon."¹⁶ Mauritius said that accession to the convention was "being considered by the relevant actors" and committed to "take home a strong call for its universalization."¹⁷ Sudan said that it had "renewed" its commitment to the ban convention, but did not elaborate its position on joining it.¹⁸ South Sudan reiterated its support for the convention, while Zimbabwe did not make a statement.

¹³ Andorra's legislative body, the General Council, approved accession to the Convention on Cluster Munitions on 18 October 2012 and the decision was published in the official journal together with a Catalan translation of the convention. Official Bulletin of the Principality of Andorra, No. 57, 21 November 2012, www.bopa.ad/bopa/2012/bop24057.pdf.

¹⁴ The 18 states that adopted the convention in Dublin but did not subsequently sign are: Argentina, Bahrain, Belize, Brunei, Cambodia, Estonia, Finland, Kyrgyzstan, Malaysia, Morocco, Papua New Guinea, Qatar, Serbia, Slovakia, Sudan, Timor-Leste, Vanuatu, and Venezuela. Six others states adopted the convention and did not sign during the Convention on Cluster Munitions Signing Conference, but joined later: Cameroon, Democratic Republic of the Congo (DRC), Jamaica, Nigeria, Seychelles, and Swaziland.

¹⁵ Among the states that said they preferred to wait for a CCW outcome before deciding on the Convention on Cluster Munitions are Estonia, Finland, Greece, Latvia, Romania, Slovakia, and Turkey.

¹⁶ Statement of Gabon, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 11 September 2012.

¹⁷ Statement of Mauritius, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 13 September 2012.

¹⁸ Statement of Sudan, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 13 September 2012, www.clusterconvention.org/files/2012/09/Sudan.pdf.

Four African non-signatories attended the convention's intersessional meetings in April 2013. Ethiopia stated that it was participating "to learn" and was confident the meeting would "help us make the right decision" on the convention "in the near future."¹⁹ Gabon, South Sudan, and Zimbabwe did not make any statements.

Universalization efforts have intensified in the lead-up to the convention's Fourth Meeting of States Parties, to be held in Lusaka, Zambia in September 2013. A total of 37 states from across the African continent participated in the Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions hosted by Togo on 22–23 May 2013: 17 States Parties, 13 signatories, and six non-signatories Eritrea, Gabon, South Sudan, and Zimbabwe, as well as North African states Libya and Morocco.²⁰

At the Lomé seminar, Eritrea apologized that its process toward accession "has been delayed to this day" due to "other, more important, security priorities."²¹ South Sudan said the government is committed to acceding to the Convention on Cluster Munitions "as soon as possible" and explained it has been unable to do so until now because of competing priorities.²² Zimbabwe informed states that it is "seriously considering" accession, but acknowledged progress has been slow.²³ Gabon did not make a statement.

Equatorial Guinea has not made any public statement on cluster munitions or engaged in any meetings on cluster munitions since 2007.

Sub-Saharan Africa has 19 of the 29 signatories left to ratify the Convention on Cluster Munitions and many have indicated that ratification is in progress.²⁴

Ten signatories provided ratification updates during the Lomé seminar in May 2013. Benin said its National Assembly would soon consider ratification with the aim of completing the approval process in 2013.²⁵ The Republic of the Congo (Congo-Brazzaville) said it would "soon" achieve parliamentary ratification of the convention.²⁶ The Democratic Republic of the Congo (DRC) said the government has urged the Senate to put ratification of the convention on the "fast-track" to completion in 2013.²⁷ Gambia said that the convention's ratification is awaiting cabinet approval and will then be submitted to the National Assembly.²⁸ Liberia stated that a committee working on its ratification of the convention has been holding consultations.²⁹ Madagascar informed the Monitor that its ratification has been stalled since a 2009 coup.³⁰ Namibia reaffirmed its commitment to the convention and said "consultations are underway leading towards the ratification."³¹ South Africa stated that a memorandum recommending ratification of the convention is awaiting approval by a Cabinet committee.³² Tanzania said it has held extensive consultations on ratification "with a view to reaching consensus on all aspects of the Convention."³³ Uganda stated that it is working to complete its ratification in 2013.³⁴

¹⁹ Statement of Ethiopia, Convention on Cluster Munitions Intersessional Meetings, Geneva, 16 April 2013. Notes by the Monitor.

²⁰ Two non-signatories from North Africa also attended: Libya and Morocco. Togo hosted the regional seminar in cooperation with Ghana and Zambia and with the support of UNDP and the Royal Norwegian Ministry of Foreign Affairs.

²¹ Statement of Eritrea, Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions, Lomé, 23 May 2013. Notes by the Monitor.

²² Statement of South Sudan, Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions, Lomé, 23 May 2013. Notes by the Monitor.

²³ Statement of Zimbabwe, Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions, Lomé, 22 May 2013, www.clusterconvention.org/files/2013/05/X_Zimbabwe.pdf.

²⁴ The African signatories that have not completed ratification as of 31 July 2013 are: Angola, Benin, Central African Republic, DRC, Republic of Congo, Djibouti, Gambia, Guinea, Kenya, Liberia, Madagascar, Namibia, Nigeria, Rwanda, São Tomé and Príncipe, Somalia, South Africa, Tanzania, and Uganda.

²⁵ Statement of Benin, Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions, Lomé, 22 May 2013.

²⁶ Statement of the Republic of Congo, Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions, Lomé, 22 May 2013. Notes by the Monitor.

²⁷ Statement of the DRC, Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions, Lomé, 22 May 2013. Notes by the Monitor.

²⁸ Statement of Gambia, Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions, Lomé, 23 May 2013. Notes by the Monitor.

²⁹ Statement of Liberia, Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions, Togo, 22 May 2013. Notes by the Monitor.

³⁰ Letter No. 361-13/RP/GNV/CCM from Solofo Andrianjatovo Razafitrimo, Counsellor of Foreign Affairs, Permanent Mission of Madagascar to the UN in Geneva and Vienna, to Mary Wareham, Human Rights Watch (HRW), 24 April 2013.

³¹ Statement of Namibia, Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions, Lomé, 23 May 2013, www.clusterconvention.org/files/2013/05/XII_Namibia.pdf.

³² Statement of South Africa, Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions, Lomé, 23 May 2013, www.clusterconvention.org/files/2013/05/VIII_South-Africa.pdf; and CMC meeting with Phakamisa Soyothula, Assistant Director, Department of International Relations and Cooperation of the Republic of South Africa, Lomé, 22 May 2013. Notes by the CMC.

³³ Statement of Tanzania, Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions, Lomé, 23 May 2013, www.clusterconvention.org/files/2013/05/XVIII_Tanzania.pdf.

³⁴ Statement of Uganda, Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions, Lomé, 23 May 2013, www.clusterconvention.org/files/2013/05/NIM_Uganda.pdf.

Nigeria said in September 2012 that it has started “urgent consultations with relevant stakeholders” on ratification of the convention.³⁵ Ratification is understood to be underway in Angola and Djibouti, but the precise status is not clear. The status of ratification by Kenya, Rwanda, and São Tomé and Príncipe is not known. In the Central African Republic, internal conflict and instability have prevented ratification of the convention from proceeding.³⁶ Guinea’s political situation is believed to be constraining progress on ratification.³⁷ A representative of the Somalia Mine Action Authority informed the Monitor in April 2013 that continuing instability and a full political agenda have stalled Somalia’s ratification of the convention.³⁸

Americas

A majority of the 35 states from the Americas have joined the Convention on Cluster Munitions. The 13 non-signatories from the region are a mix of those with long-standing objections to the convention—Argentina, Brazil, Cuba, the United States (US), and Venezuela—and smaller states favorable to the convention but with limited capacity to join swiftly: Bahamas, Barbados, Belize, Dominica, Guyana, Saint Kitts and Nevis, Saint Lucia, and Suriname.³⁹

A total of 15 signatories from the Americas have ratified the convention and two non-signatories have acceded, making a total of 17 States Parties.⁴⁰ Since August 2012, Bolivia and Peru have ratified the convention from the region, but there have been no accessions.

Three non-signatories participated in the convention’s Third Meeting of States Parties in September 2012 as observers (Argentina, Saint Kitts and Nevis, and Suriname). For Saint Kitts and Nevis, this marked its first such participation in a meeting of the convention; in a letter to the CMC, its Minister of Foreign Affairs, Patrice Nisbett, said that the government is actively considering ratification.⁴¹ In April 2013, Suriname said it “highly recognizes the importance of becoming a state party to this convention” and announced that its accession process has started with the delivery of draft legislation and an explanatory memorandum to the executive board of ministers for approval.⁴²

In July 2013, senior US Senators Dianne Feinstein and Patrick Leahy and Representative James McGovern called on President Obama to review US policy on the Convention on Cluster Munitions and bring forward the 2018 deadline in current policy for the US to prohibit the use of cluster munitions with more than a 1% unexploded ordnance rate.⁴³

Legislative processes to approve ratification are underway in all the five remaining signatory countries from the Americas: Canada, Colombia, Haiti, Jamaica, and Paraguay. The Canadian Senate adopted legislation to implement and ratify the convention on 4 December 2012.⁴⁴ The draft legislation was then introduced to the House of Commons, where it remained when the parliament went into recess on 18 June 2013. The draft legislation has been strongly criticized by Mines Action Canada, the CMC, and others. Jamaica said in September 2012 that its ratification of the convention is at an “advanced stage” and expected to be completed “in the very near future.”⁴⁵

Asia-Pacific

Only 12 of the 40 states that comprise the Asia-Pacific region have joined the Convention on Cluster Munitions.⁴⁶ A total of nine signatories from Asia-Pacific have ratified the convention and become States Parties, including Australia and Nauru since August 2012.⁴⁷ There have been no accessions from the Asia-Pacific region.

³⁵ Statement of Nigeria, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 13 September 2012, www.clusterconvention.org/files/2012/09/GEV-Nigeria.pdf.

³⁶ CMC meeting with Désiré Malibangar, Coordinator, Ministry of Defense of the Central African Republic, Lomé, 22 May 2013. Notes by the CMC.

³⁷ Statement of Guinea, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010. Notes by Action on Armed Violence/HRW.

³⁸ Interview with Mohammed A. Ahmed, Director, Somalia Mine Action Authority, in Geneva, 16 April 2013.

³⁹ Argentina, Belize, and Venezuela adopted the convention in Dublin in May 2008.

⁴⁰ There are 17 States Parties from the Americas: Antigua and Barbuda, Bolivia, Chile, Costa Rica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru, Saint Vincent and the Grenadines, Trinidad and Tobago, and Uruguay.

⁴¹ Letter from Patrice Nisbett, Minister of Foreign Affairs of Saint Kitts and Nevis, to Sarah Blakemore, Director, CMC, 28 April 2013.

⁴² Statement of Suriname, Convention on Cluster Munitions Intersessional Meetings, Geneva, 16 April 2013, www.clusterconvention.org/files/2013/04/Suriname.pdf.

⁴³ The 17 July 2013 letter is available here, www.feinstein.senate.gov/public/index.cfm/files/serve/?File_id=03164a7d-f81b-49e5-b29a-fbd317abb391.

⁴⁴ Debates of the Senate (Hansard) Volume 148, Issue 125, 4 December 2012, www.parl.gc.ca/Content/Sen/Chamber/411/Debates/125db_2012-12-04-e.htm.

⁴⁵ Statement of Jamaica, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 11 September 2012, www.clusterconvention.org/files/2012/09/GEv-Jamaica.pdf.

⁴⁶ There are 19 non-signatories from Asia (Bangladesh, Bhutan, Brunei, Cambodia, China, India, North Korea, South Korea, Malaysia, Maldives, Mongolia, Myanmar, Nepal, Pakistan, Singapore, Sri Lanka, Thailand, Timor-Leste, and Vietnam) and nine non-signatories from the Pacific (Kiribati, Marshall Islands, Micronesia, Niue, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, and Vanuatu). Six Asia-Pacific non-signatories adopted the convention in Dublin in May 2008: Brunei, Cambodia, Malaysia, Papua New Guinea, Timor-Leste, and Vanuatu. During the Oslo Process, the Marshall Islands, Nepal, and Niue subscribed to the 2008 Wellington Declaration affirming their intent to conclude the negotiation of an instrument prohibiting cluster munitions that cause unacceptable harm to civilians.

⁴⁷ The nine States Parties from the Asia-Pacific are Afghanistan, Australia, Cook Islands, Fiji, Japan, Lao PDR, Nauru, New Zealand, and Samoa.

Of the 28 non-signatories from the Asia-Pacific region, eight attended the convention's Third Meeting of States Parties in September 2012 as observers. Cambodia repeated that it is assessing the impact of joining, while Malaysia repeated that it is in consultation with relevant stakeholders with the view to studying the possibility of acceding.⁴⁸ Thailand said it has carried out a series of activities to prepare for accession but provided no timeframe for when it might join.⁴⁹ Vietnam again expressed "strong support for the humanitarian goal" of the convention but listed its concerns with respect to joining.⁵⁰ China, Myanmar, Singapore, and Sri Lanka did not address the meeting.

Signatory Palau hosted a regional meeting on implementation of the Pacific Islands Forum Regional Unexploded Ordnance (UXO) Strategy in Koror on 24–26 October 2012 that considered the Convention on Cluster Munitions. Ten Pacific states attended the regional meeting, including non-signatories Kiribati, Federated States of Micronesia, Republic of the Marshall Islands, Solomon Islands, Tonga, and Vanuatu.⁵¹ During the meeting, a Vanuatu official informed the CMC that the Council of Ministers is considering the country's accession to the convention, while Kiribati and the Solomon Islands indicated they are still considering joining the convention.⁵² After the regional meeting, signatory Nauru ratified the convention in February 2013. A follow-up regional meeting was held in Brisbane, Australia on 27–28 June 2013.

Half of the Asia-Pacific non-signatories still have not made a public statement articulating their position on joining the convention.⁵³ Six non-signatories participated in the convention's intersessional meetings in April 2013, but none spoke to provide an update on their efforts to join the convention.⁵⁴ None of the non-signatories that previously supported CCW efforts to regulate cluster munitions took any significant action on cluster munitions in 2012 or the first half of 2013, such as China, India, Pakistan, and South Korea.

Stakeholder consultations on ratification are continuing in the three Asia-Pacific signatories of Indonesia, Palau, and the Philippines.

Europe, the Caucasus, and Central Asia

Thirty-three of the 54 countries in Europe, the Caucasus, and Central Asia have signed the convention, of which 31 have ratified and one state has acceded, making a total of 32 States Parties.⁵⁵ Since August 2012, signatory Liechtenstein completed its ratification of the convention, while Andorra became the first European state to join the convention by accession. The two remaining signatories are Cyprus and Iceland.

Of the 28 European Union (EU) member states, Cyprus has signed but not yet ratified the Convention on Cluster Munitions. Estonia, Finland, Greece, Latvia, Poland, Romania, and Slovakia have not joined the convention.

Russia and all states from the Caucasus and Central Asia remain outside the Convention on Cluster Munitions and appear to have made little, if any, progress toward joining it.⁵⁶ For example, in 2011, 2012, and 2013 Kazakhstan repeated its 2010 statement to the Monitor that Kazakhstan "highly values the humanitarian focus of the Convention on Cluster Munitions, but at this stage does not consider its possible accession."⁵⁷

⁴⁸ Statement of Cambodia, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 11 September 2012, www.clusterconvention.org/files/2012/09/GEV-Cambodia.pdf; and statement of Malaysia, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 11 September 2012, www.clusterconvention.org/files/2012/09/GEV-Malaysia1.pdf.

⁴⁹ Statement of Thailand, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 11 September 2012, www.clusterconvention.org/files/2012/09/Thailand-Statement1.pdf.

⁵⁰ Statement of Vietnam, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 11 September 2012, www.clusterconvention.org/files/2012/09/GEV-Vietnam.pdf.

⁵¹ These Pacific states participated: Cook Islands, Kiribati, Micronesia, Nauru, Palau, Marshall Islands, Samoa, Solomon Islands, Tonga, and Vanuatu. Anti-Personnel Mine Ban Convention Implementation Support Unit press release, "Landmine treaty lessons could benefit UXO strategy in the Pacific," 26 October 2012, www.apminebanconvention.org/fileadmin/pdf/mbc/press-releases/PressRelease-UXO-StrategyWS-Palau-26Oct2012-en.pdf.

⁵² CMC meeting with Jenny Tevi, Senior Desk Officer, Treaties and Conventions Divisions, Department of Foreign Affairs of Vanuatu, in Koror, 26 October 2012.

⁵³ Bangladesh, Bhutan, Brunei Darussalam, North Korea, Maldives, Mongolia, Myanmar, Nepal, Sri Lanka, Timor-Leste, Marshall Islands, Micronesia, Tonga, and Tuvalu.

⁵⁴ Cambodia, Kiribati, Myanmar, Sri Lanka, Thailand, and Vietnam.

⁵⁵ There are 32 States Parties from Europe: Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina (BiH), Bulgaria, Croatia, Czech Republic, Denmark, France, Germany, Holy See, Hungary, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Former Yugoslav Republic of Macedonia (FYR Macedonia), Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Portugal, San Marino, Slovenia, Spain, Sweden, Switzerland, and the UK.

⁵⁶ The 13 non-EU states that have not signed from Europe are: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Russia, Serbia, Tajikistan, Turkey, Turkmenistan, Ukraine, and Uzbekistan. Iceland has signed, but not ratified. Estonia, Kyrgyzstan, Serbia, and Slovakia joined in the consensus adoption of the convention on 30 May 2008 in Dublin, while Tajikistan subscribed to the 2008 Wellington Declaration affirming its intent to conclude the negotiation of an instrument prohibiting cluster munitions that cause unacceptable harm to civilians.

⁵⁷ Letter No. 10-2/1570 from A. Tanalinov, Director, Division of International Security, Ministry of Foreign Affairs, 15 April 2013; letter No. 457 from Akan Rakhmetullin, Deputy Permanent Representative, Permanent Mission of Kazakhstan to the UN in New York, 17 April 2012; letter No. 86 from Murat Nurtiliev, Minister-Counselor, Permanent Mission of Kazakhstan to the UN in Geneva, 12 April 2012; letter No. 10-2/1744 from A. Tanalinov, Ministry of Foreign Affairs, 23 April 2011; and letter No. 10-2/2176 from A. Tanalinov, Ministry of Foreign Affairs, 1 August 2010.

Nine non-signatories from Europe and Central Asia attended the convention's Third Meeting of States Parties in Oslo in September 2012 as observers, but only two of them spoke.⁵⁸ Armenia stated that it fully supports the convention, but cannot join at this time due to "the security environment in our region."⁵⁹ Tajikistan said that the government is still considering its position on joining the Convention on Cluster Munitions.⁶⁰ A Finnish official informed the CMC that the government's top priority is to fulfill its obligations as a new State Party to the Mine Ban Treaty, but said Finland continues to review the implications of joining the Convention on Cluster Munitions.⁶¹

Five European non-signatories participated in the convention's intersessional meetings held in April 2013 (Armenia, Kyrgyzstan, Poland, Serbia, and Turkey), but only Armenia spoke during the meeting, repeating its statement from the Third Meeting of States Parties. In April 2013, Slovakia's Deputy Prime Minister and Minister of Foreign and European Affairs, Miroslav Lajčák, informed the CMC that the government is preparing an action plan for Slovakia's accession to the Convention on Cluster Munitions but did not indicate when the plan would be finalized.⁶²

The Former Yugoslav Republic of Macedonia (FYR Macedonia) cooperated with the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC) at the Centre for Security Cooperation in Southeast Europe, with support from Croatia and Norwegian People's Aid (NPA), to host a workshop on implementation of the Convention on Cluster Munitions in Skopje on 13–16 May 2013. The workshop was attended by five States Parties from the region—Albania, Bosnia and Herzegovina (BiH), Croatia, FYR Macedonia, and Montenegro—as well as non-signatory Serbia.⁶³

Of the two European signatories still left to ratify the convention, Cyprus informed the Monitor in April 2013 that its ratification "unfortunately...has been put on hold" due to "other considerations" but affirmed the government's intent to ratify "in the near future."⁶⁴ Iceland's ratification of the convention has been in progress for at least three years but still had not been introduced to parliament for approval as of May 2013.⁶⁵

Middle East and North Africa

There are only three States Parties to the Convention on Cluster Munitions from the Middle East and North Africa: Iraq, Lebanon, and Tunisia.⁶⁶ Iraq ratified on 14 May 2013 after its Council of Representatives (parliament) approved ratification legislation in October 2012.⁶⁷

As president of the Second Meeting of States Parties, Lebanon has continued to play an active leadership role in the convention, promoting universalization especially in the Middle East and North Africa.

Of the 15 countries from the region that have not signed the convention, five participated as observers in the convention's Third Meeting of States Parties in Oslo in September 2012: Jordan, Libya, Morocco, Qatar, and Saudi Arabia. At the meeting, Jordan's Prince Mired Ben Raad Zeid Al-Hussein acknowledged the importance of the Convention on Cluster Munitions and expressed hope that "circumstances will change some time in the not too distant future and we will be able to join."⁶⁸ Libya said it is "committed" to promoting the Convention on Cluster Munitions and making it universal, but did not provide any information on steps it is taking to accede.⁶⁹ Morocco repeated that the government is not in a position to join the convention "for now" because of the "conflict situation imposed for the past 30 years," a reference to Western Sahara.⁷⁰ Qatar and Saudi Arabia did not speak; neither has made a public statement detailing their position on the convention.

⁵⁸ Armenia, Finland, Georgia, Kyrgyzstan, Poland, Serbia, Slovakia, Tajikistan, and Turkey.

⁵⁹ Statement of Armenia, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 11 September 2012, www.clusterconvention.org/files/2012/09/GEV-Armenia1.pdf.

⁶⁰ Statement of Tajikistan, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 11 September 2012, www.clusterconvention.org/files/2012/09/GEV-Tajikistan.pdf.

⁶¹ CMC meeting with Salla Söderman, Advisor, Ministry of Foreign Affairs, in Oslo, 14 September 2012.

⁶² Letter No. 101.381/2013-KAMI from Miroslav Lajčák, Deputy Prime Minister and Minister of Foreign and European Affairs, to Sarah Blakemore, CMC, 25 April 2013.

⁶³ RACVIAC, "Workshop on the Implementation of the Convention on Cluster Munitions: 13–16 May 2013," www.racviac.org/downloads/2013/CSE-01_report.pdf.

⁶⁴ Letter from Basil Polemitis, Security Policy Director, Ministry of Foreign Affairs, to Mary Wareham, HRW, 24 April 2013.

⁶⁵ In May 2013, a Ministry of Foreign Affairs official informed the Monitor that proposed amendments to existing penal law in relation to the convention would be introduced in the fall 2013 parliamentary session and said ratification could be approved by the end of 2013. Email from Pétur G. Thorsteinsson, Minister-Counsellor, Office of the Legal Adviser, Directorate of International and Security Affairs, Ministry for Foreign Affairs, 6 May 2013.

⁶⁶ The 15 non-signatories from the Middle East and North Africa are: Algeria, Bahrain, Egypt, Iran, Israel, Jordan, Kuwait, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, UAE, and Yemen. Bahrain, Morocco, and Qatar joined in the consensus adoption of the convention at the conclusion of the negotiations in May 2008.

⁶⁷ "Law on ratification of 2008 treaty banning the use, development and transfer of cluster munitions," 15 October 2012, www.parliament.iq/Iraqi_Council_of_Representatives.php?name=articles_ajsdyawqwdjasdba46s7a98das6dasda7das4da6sd8asdsawewqeqw465e4qweq4wq6e4qw8eqwe4qw6eqwe4sa dkj&file=showdetails&sid=8153.

⁶⁸ Statement of Jordan, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 11 September 2012. Notes by the CMC.

⁶⁹ Statement of Libya, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 12 September 2012. Notes by the CMC.

⁷⁰ Statement of Morocco, Convention on Cluster Munitions Third Meeting of States Parties, Beirut, 11 September 2013, www.clusterconvention.org/files/2012/09/GEV-Marocco.pdf.

Seven non-signatories in the Middle East and North Africa participated in the convention's intersessional meetings in April 2013, but none spoke.⁷¹ Libya and Morocco attended the Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions in Lomé, Togo in May 2013.

Meetings and Actions on Cluster Munitions

Norway hosted the Third Meeting of States Parties to the Convention on Cluster Munitions in Oslo from 11–14 September 2012. Approximately 800 delegates attended from 121 states (60 States Parties, 30 signatories, and 31 observers/non-signatories), as well as from UN agencies, the ICRC, and the CMC.⁷² The CMC delegation was comprised of 160 campaigners from 45 countries, including survivors and youth. At the Third Meeting of States Parties, governments adopted the Oslo Progress Report which charts progress made in the implementation of the Vientiane Action Plan issued by the convention's First Meeting of States Parties in 2010.⁷³

During the annual UN treaty event held during the opening of the UN General Assembly (UNGA) in the second half of September 2012, Peru's Minister of Foreign Affairs, Rafael Roncagliolo Orbegoso, deposited the country's instrument of ratification for the Convention on Cluster Munitions. Several states spoke on cluster munitions during the meeting of the UNGA First Committee on Disarmament and International Security in October 2012, including some that condemned Syria's cluster bomb use (see section Use of Cluster Munitions below).

At the UNGA First Committee on Disarmament and International Security in October 2012, Indonesia made a statement on behalf of the Non-Aligned Movement (NAM) that acknowledged the Convention on Cluster Munitions and said "NAM recognizes the adverse humanitarian impact caused by the use of cluster munitions and expresses sympathy with the cluster munitions-affected countries."⁷⁴ The final document of the 16th Summit of the Non-Aligned Movement held in Tehran on 26–31 August 2012 "recognized the adverse humanitarian impact caused by the use of cluster munitions" and "noted the entry into force of the Convention on Cluster Munitions on 1 August 2010."⁷⁵

The third round of intersessional meetings of the Convention on Cluster Munitions was held in Geneva on 15–18 April 2013 with assistance provided by UNDP, which has continued to act as an informal secretariat for the convention and hosts an Executive Coordinator appointed by State Parties to support the President of the Third Meeting of States Parties. Diplomatic representatives from 101 countries participated in the meetings, as well as a CMC delegation of 114 campaigners from 32 countries. Zambia as President-Designate of the Fourth Meeting of States Parties invited all states to Lusaka for the convention's Fourth Meeting of States Parties on 9–13 September 2013.

The Pacific regional meeting held in Koror, Palau in October 2012 included discussion of the Convention on Cluster Munitions, as well as a field visit to areas affected by UXO dating from World War II. The fifth annual RACVIAC workshop on implementation of the Convention on Cluster Munitions held in Skopje in May 2013 included a field visit to witness FYR Macedonia's stockpile destruction efforts.⁷⁶ At the regional seminar for African states held in Lomé, Togo in May 2013, participating states adopted the "Lomé Strategy on the Universalization of the Convention on Cluster Munitions," which contains specific actions and concrete commitments that states will undertake to encourage other states to join the convention.⁷⁷

Use of Cluster Munitions

Cluster munitions have been used during armed conflict in 36 countries and four disputed territories since the end of World War II (see the table below). Almost every part of the world has experienced cluster munition use at some point over the past 70 years, including Southeast Asia, Southeast Europe, the Caucasus, the Middle East and North Africa, Sub-Saharan Africa, and Latin America (see Timeline of cluster munition use below).

⁷¹ Egypt, Kuwait, Libya, Morocco, Palestine, Qatar, and Yemen.

⁷² See the official website for the Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 11–14 September 2012, www.3msp.clusterconvention.org/. The list of participants is available at www.clusterconvention.org/files/2012/09/The-Third-Meeting-of-States-Parties-to-the-Convention-on-Cluster-Munitions.pdf.

⁷³ UN, "Oslo Progress Report, Monitoring progress in implementing the Vientiane Action Plan between the Second and Third Meetings of States Parties," CCM/MSP/2012/WP.2, 16 July 2012, unog.ch/80256EE600585943/%28httpPages%29/38FFF3632413D070C12579C900590028?OpenDocument.

⁷⁴ Statement of Indonesia, UNGA First Committee on Disarmament and International Security, New York, 23 October 2012, www.reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com12/statements/23Oct_NAM.pdf.

⁷⁵ See paragraphs 219 and 220, Final Document, 16th Summit of Heads of State or Government of the Non-Aligned Movement Tehran, Islamic Republic of Iran, 26–31 August 2012, www.nam.gov.ir/Portal/File/ShowFile.aspx?ID=212cfdbf-6dbc-4185-a4f5-01fe30a0c772.

⁷⁶ RACVIAC, "Workshop on the Implementation of the Convention on Cluster Munitions: 13–16 May 2013," www.racviac.org/downloads/2013/CSE-01_report.pdf.

⁷⁷ Point six of the Lomé Strategy establishes an African Working Committee on universalization of the ban convention to be led initially by Togo together with Ghana and Zambia. "Lomé Strategy on the Universalization of the Convention on Cluster Munitions," Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions, Lomé, 23 May 2013, www.clusterconvention.org/files/2013/04/Lome-Strategy-for-the-Universalization-of-the-CCM-Final-Draft_En.pdf.

Article 1 of the Convention on Cluster Munitions contains the convention's core preventive measures designed to eliminate future humanitarian problems from cluster munitions, most crucially the absolute ban on use of cluster munitions. There have been no confirmed reports or allegations of new use of cluster munitions by any of the States Parties or signatories to the ban convention since it was adopted on 30 May 2008.

New use

In the second half of 2012 and the first half of 2013, Syrian armed forces used cluster munitions extensively, causing numerous civilian casualties. In addition, there are indications that Myanmar government forces may have used a weapon prohibited by the Convention on Cluster Munitions in late 2012 and early 2013. There were also reports of cluster munition use by Sudan in the first half of 2012 and first half of 2013, but the Monitor has not been able to definitively confirm the reports. None of these states are party to the Convention on Cluster Munitions.

Use by Syria

Syria's cluster munition use directly challenges the norm that the convention seeks to establish—prohibiting the use of cluster munitions—and has evoked a strong and increasingly widespread international condemnation. Initial reports of cluster munition use emerged in mid-2012 and then increased sharply in October 2012 as government forces intensified their air campaign on rebel-held areas. This use has continued unabated in 2013.

In the year from July 2012 until June 2013, Human Rights Watch (HRW) has identified 152 locations across Syria where at least 204 cluster munitions have been used, including in the governorates of Aleppo, Idlib, Latakia, Hama, Deir ez-Zoir, Homs, Daraa, Raqqah, and Rif Dimashq. However, this data is incomplete because not all remnants have been recorded on video or by other means, so the actual number of cluster munitions used in Syria is likely much higher. Several locations have been repeatedly attacked with cluster munitions, most notably al-Za'faraneh (near Rastan), as well as Abil (near Homs), Binnish (Idlib), Deir al-'Assafeer (near Damascus), Douma (near Damascus), and Talbiseh (Homs).

In total, four types of cluster munitions and two types of individual submunitions have been recorded as used in the Syrian conflict as of July 2013.⁷⁸

1. RBK-250 cluster bombs, each containing 30 PTAB-2.5M fragmentation submunitions;
2. RBK-250-275 cluster bombs, each containing 150 AO-1SCh submunitions;
3. RBK-500 cluster bombs, each containing 565 ShOAB-0.5 submunitions;
4. 122mm SAKR rockets, each containing either 72 or 98 dual-purpose improved conventional munition (DPICM) submunitions;⁷⁹
5. PTAB-2.5KO submunitions;⁸⁰ and
6. AO-2.5RT submunitions.⁸¹

Despite abundant evidence and mounting civilian casualties, Syrian authorities have denied the government's use of cluster munitions. The state-run Syrian Arab News Agency (SANA) reported: "The General Command of the Army and the Armed Forces stressed on [15 October 2012] that the misleading media outlets have recently published untrue news claiming the Syrian Arab Army has been using cluster bombs against terrorists." According to SANA, "[T]he General Command said the Syrian Army does not possess such bombs."⁸² In March 2013, Syrian diplomatic representatives continued to deny the evidence of Syrian cluster bomb use.⁸³

Syria's cluster munition use has attracted widespread media coverage and public outcry.⁸⁴ Article 21(2) of the Convention on Cluster Munitions requires that each State Party "make its best efforts to discourage States not party... from using cluster munitions." As of July 2013, a total of 113 states had condemned Syria's use of cluster munitions, most through a UNGA resolution.⁸⁵ At least 25 states have made national statements expressing concern, some condemning the use multiple times.⁸⁶

⁷⁸ In addition, HRW has documented civilian casualties from Syrian government use of ZAB-series incendiary aircraft bombs (Zazhigatelnaya Aviatsionnaya Bomba) made by the Soviet Union, including the RBK-250 ZAB-2.5 bomb, which contains 48 incendiary ZAB-2.5 submunitions. These are not listed by the Monitor as they are not covered by the Convention on Cluster Munitions because the bombs contain incendiary and not explosive submunitions. For more information see HRW press release, "Syria: Incendiary Weapons Used in Populated Areas," 12 December 2012, www.hrw.org/news/2012/12/12/syria-incendiary-weapons-used-populated-areas.

⁷⁹ It is not known if the 122mm rockets were the SAKR-18 or SAKR-36 type, containing 72 and 98 submunitions respectively.

⁸⁰ The PTAB-2.5KO submunitions are loaded into BFK blocks (cartridges), which are loaded into KMGU/KMGU-2 containers that are mounted on aircraft (jets and helicopters).

⁸¹ These types of cluster submunitions can be both dropped inside RBK series cluster bombs, as with the PTAB-2.5M or AO-1SCh types, or inside a KMGU/KMGU-2 container.

⁸² "Syria denies using cluster bombs," CNN, 16 October 2012, www.edition.cnn.com/2012/10/15/world/meast/syria-civil-war/index.html.

⁸³ Letter to Japan Campaign to Ban Landmines from Firas Al Rashidi, Chargé d'affair ad interim, Embassy of the Syrian Arab Republic to Japan, 7 March 2013.

⁸⁴ See CMC webpage, "Cluster munition use in Syria," www.stopclustermunitions.org/syria/; CMC @banclusterbombs Storify, "Syria's cluster bomb use," www.storify.com/banclusterbombs/syria-s-cluster-bomb-use. Last Updated 19 May 2013.

⁸⁵ "The situation in the Syrian Arab Republic," UNGA Resolution A/67/L.63, 15 May 2013, www.un.org/News/Press/docs/2013/ga11372.doc.htm.

⁸⁶ Austria, Belgium, France, Germany, Ireland, Japan, Netherlands, New Zealand, Norway, Portugal, and the UK have made multiple statements.

Austria's Minister of Foreign Affairs, Michael Spindelegger, was the first to publicly raise concern when the first reports of cluster munition use in Syria emerged in July 2012.⁸⁷ Following reports of civilian casualties from cluster munitions in mid-October, the foreign ministers of Belgium,⁸⁸ Denmark,⁸⁹ France,⁹⁰ Germany,⁹¹ Mexico,⁹² and Norway⁹³ made statements condemning the use. Later that month at the UNGA First Committee on Disarmament and International Security seven more States Parties condemned Syria's use: Ireland,⁹⁴ Japan,⁹⁵ Netherlands,⁹⁶ New Zealand,⁹⁷ Portugal,⁹⁸ Switzerland,⁹⁹ and the UK.¹⁰⁰

Non-signatory Qatar told the UN Security Council it was "appalled" at Syria's use of cluster munitions "against its own people."¹⁰¹ The US permanent representative to the UN, Ambassador Susan Rice, tweeted that the cluster munition use was an example of "atrocities" by the Syrian regime.¹⁰²

During the convention's intersessional meetings in Geneva in April 2013, 17 states publicly condemned Syria's continued use of cluster munitions, six for the first time: States Parties Australia,¹⁰³ Croatia,¹⁰⁴ Ecuador,¹⁰⁵ Ghana,¹⁰⁶ and Lao PDR,¹⁰⁷ and non-signatory Cambodia.¹⁰⁸ Later in April, Luxembourg expressed deep alarm at Syria's use of cluster munitions during a UN Security Council debate.¹⁰⁹

At a regional seminar on cluster munitions in Lomé, Togo in May 2013, Guinea-Bissau¹¹⁰ and South Africa¹¹¹ explicitly condemned Syria's cluster bomb use and joined 34 other African states participating in the meeting to endorse the "Lomé Strategy on the Universalization of the Convention on Cluster Munitions," which expresses "grave concern over the recent and on-going use of cluster munitions" and calls for the immediate end to the use of these weapons.¹¹²

⁸⁷ Federal Ministry for European and International Affairs press release, "Fordere dringende Aufklärung über die Verwendung von Streumunition in Syrien" ("Requesting urgent clarification on the use of cluster munitions in Syria"), 13 July 2012, www.bmeia.gv.at/ausenministerium/presse/presseausendungen/2012/spindelegger-fordere-dringende-aufklaerung-ueber-die-verwendung-von-streumunition-in-syrien.html.

⁸⁸ Ministry of Foreign Affairs, Trade, and Development Cooperation, "Minister Reynders on the use of cluster munitions in Syria," 17 October 2012, www.diplomatie.belgium.be/en/Newsroom/news/press_releases/foreign_affairs/2012/10/ni_171012_clustermunition_syrie.jsp?referer=tc:312-202152-64.

⁸⁹ Ministry of Foreign Affairs press release, "Denmark condemns the use of cluster munitions in Syria," 18 October 2012, www.um.dk/en/news/newsdisplaypage/?newsID=94F76D80-7B8A-40EE-9374-544D64308700.

⁹⁰ LCP Assemblée Nationale, "Syrie: Fabius dénonce le recours aux bombes à sous-munitions" ("Syria: Fabius denounces the use of cluster munitions"), 17 October 2012, www.lcp.fr/actualites/politique/141237-syrie-fabius-denonce-le-recours-aux-bombes-a-sous-munitions.

⁹¹ "Westerwelle besorgt wegen Einsatzes von Streubomben in Syrien" ("Westerwelle concerned about use of cluster bombs in Syria"), Die Welt, 18 October 2012, www.welt.de/newsticker/news2/article110018722/Westerwelle-besorgt-wegen-Einsatzes-von-Streubomben-in-Syrien.html.

⁹² Ministry of Foreign Affairs statement, "México condena el uso de municiones en racimo y hace un llamado a Siria para que se adhiera a la Convención de Oslo" ("Mexico condemns the use of cluster munitions and calls on Syria to adhere to the Oslo Convention"), 17 October 2012, saladeprensa.sre.gob.mx/index.php/es/comunicados/1986-292.

⁹³ Royal Norwegian Ministry of Foreign Affairs press release, "Norway Condemns use of Cluster Munitions in Syria," 15 October 2012, www.regjeringen.no/en/dep/ud/press/news/2012/syria_cluster.html?id=704783.

⁹⁴ Statement of Ireland, UNGA First Committee on Disarmament and International Security, New York, 1 November 2012, www.reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com12/statements/1Nov_Ireland.pdf.

⁹⁵ Statement of Japan, UNGA First Committee on Disarmament and International Security, New York, 24 October 2012, www.reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com12/statements/24Oct_Japan.pdf.

⁹⁶ Statement of the Netherlands, UNGA First Committee on Disarmament and International Security, New York, 24 October 2012.

⁹⁷ Statement of New Zealand, UNGA First Committee on Disarmament and International Security, 1 November 2012, www.reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com12/statements/1Nov_NZ.pdf.

⁹⁸ Statement of Portugal, UNGA First Committee on Disarmament and International Security, New York, 1 November 2012.

⁹⁹ Statement of Switzerland, UNGA First Committee on Disarmament and International Security, New York, 24 October 2012. Notes by HRW.

¹⁰⁰ Statement of UK, UNGA First Committee on Disarmament and International Security, New York, 23 October 2012.

¹⁰¹ Email from Anna Fritzsche, Campaign and Research Assistant, Crisis Action, 17 October 2012. The email contained verbatim notes taken during the debate.

¹⁰² Tweet by @AmbassadorRice, 24 October 2012, [www.twitter.com/AmbassadorRice/status/261192284362653696](https://twitter.com/AmbassadorRice/status/261192284362653696).

¹⁰³ Statement of Australia, Convention on Cluster Munitions Intersessional Meetings, Geneva, 17 April 2013, www.clusterconvention.org/files/2013/04/Australia3.pdf.

¹⁰⁴ Statement of Croatia, Convention on Cluster Munitions Intersessional Meetings, 17 April 2013. Notes by the CMC.

¹⁰⁵ Statement of Ecuador, Convention on Cluster Munitions Intersessional Meetings, Geneva, 18 April 2013, www.clusterconvention.org/files/2013/04/Ecuador.pdf.

¹⁰⁶ Statement of Ghana, Convention on Cluster Munitions Intersessional Meetings, Geneva, 16 April 2013, www.clusterconvention.org/files/2013/04/ccm-intersec-statement-universalization-.pdf.

¹⁰⁷ Statement of Lao PDR, Convention on Cluster Munitions Intersessional Meetings, Geneva, 30 May 2013. Notes by the CMC.

¹⁰⁸ Statement of Cambodia, Convention on Cluster Munitions Intersessional Meetings, Geneva, 17 April 2013. Notes by HRW.

¹⁰⁹ Statement of Luxembourg, UN Security Council, New York, 24 April 2013. Recording available at www.unmultimedia.org/radio/library/2013/04/84436.html.

¹¹⁰ Statement of Guinea-Bissau, Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions, Lomé, 23 May 2013. Notes by the Monitor.

¹¹¹ Statement of South Africa, Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions, Lomé, 23 May 2013, www.clusterconvention.org/files/2013/05/VIII_South-Africa.pdf.

¹¹² "Lomé Strategy on the Universalization of the Convention on Cluster Munitions," Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions, Lomé, 23 May 2013, www.clusterconvention.org/files/2013/04/Lome-Strategy-for-the-Universalization-of-the-CCM-Final-Draft_En.pdf.

On 15 May 2013, a total of 107 states voted in favor of UNGA Resolution 67/262 on “the Situation in the Syrian Arab Republic” that included a strong condemnation of “the use by the Syrian authorities of...cluster munitions.”¹¹³ The affirmative votes included 88 states that had not previously condemned Syria’s cluster munition use, of which 37 were non-signatories to the Convention on Cluster Munitions.¹¹⁴

Throughout this period, the President of the Third Meeting of States Parties to the Convention on Cluster Munitions, Norwegian Ambassador Steffen Kongstad, has issued multiple statements condemning the cluster munition use, stating in March 2013 that States Parties and others must “continue to communicate clearly to those responsible in Syria that attacks on civilians in general and the use of cluster munitions in particular must stop.”¹¹⁵

Russia’s Minister of Foreign Affairs, Sergey Lavrov, in October 2012 denied that “Russian-made” cluster bombs were being used in Syria, stating there was “no confirmation” of use and noting it was “difficult” to establish where the cluster munitions came from.¹¹⁶ Egypt has not commented on the Syrian government’s use of Egyptian-made cluster munitions.¹¹⁷

Other reported use

In Myanmar, the Kachin Independence Army (KIA) in Kachin state in the north of the country has claimed that the Myanmar army units stationed at Gangdau Yang used cluster munitions against KIA forces in a 26 January 2013 attack at Hka Ya Bum, “a hill top of strategic significance” five miles west of the town of Laiza in southern Kachin state.¹¹⁸ On 19 April 2013, the Deputy Secretary of the Kachin National Council provided photographs to the CMC showing an unknown type of small air-dropped bomb that it said “confirmed that the World War-Two era 20 pound fragmentation bombs were used during the airstrikes in the KIA’s strategic outposts between 14 December 2012 and 08 January 2013 by the Myanmar Air Force.” According to the Kachin National Council “this type has never been used in Burma’s civil war before.”¹¹⁹ Human Rights Watch has received a separate set of photos showing what appear to be the same remnants, being carried in a vehicle, and at a location not known to be the scene of the attack.¹²⁰

Human Rights Watch has confirmed that airstrikes on and shelling of Laiza by Myanmar forces took place in December 2012 and January 2013.¹²¹ It is not possible, however, to make a definitive determination that the “cluster adapter” and 20-pound fragmentation bombs shown in the photographs are cluster munitions as defined in the Convention on Cluster Munitions.¹²² Nor is it possible to independently confirm that those weapons were used by Myanmar forces at the times and locations alleged. The government of Myanmar initially denied and then admitted to shelling and bombing Laiza.¹²³

¹¹³ “The situation in the Syrian Arab Republic,” UNGA Resolution A/67/L.63, 15 May 2013, www.un.org/News/Press/docs/2013/ga11372.doc.htm.

¹¹⁴ States voting in favor of UNGA Resolution A/67/L.63 included 51 States Parties and signatories to the Convention on Cluster Munitions (Afghanistan, Albania, Andorra, BiH, Botswana, Bulgaria, Burkina Faso, Burundi, Canada, Central African Republic, Chad, Chile, Colombia, Comoros, Costa Rica, Côte d’Ivoire, Cyprus, Czech Republic, Djibouti, Dominican Republic, Gambia, Grenada, Guatemala, Haiti, Honduras, Hungary, Iceland, Italy, Liberia, Liechtenstein, Lithuania, FYR Macedonia, Madagascar, Malawi, Malta, Moldova, Monaco, Montenegro, Nauru, Palau, Panama, Peru, Samoa, San Marino, Senegal, Seychelles, Slovenia, Somalia, Spain, Sweden, and Tunisia.) and 37 non-signatories (Azerbaijan, Bahamas, Bahrain, Brunei Darussalam, Egypt, Estonia, Finland, Gabon, Georgia, Greece, Israel, Jordan, Kuwait, Latvia, Libya, Malaysia, Maldives, Marshall Islands, Mauritius, Micronesia, Mongolia, Morocco, Oman, Pakistan, Papua New Guinea, Poland, South Korea, Romania, Saudi Arabia, Serbia, Slovakia, Thailand, Tonga, Turkey, UAE, Vanuatu, and Yemen). In addition, 19 states that had previously condemned the cluster munition use also voted in favor of the resolution: Australia, Austria, Belgium, Croatia, Denmark, France, Germany, Ireland, Japan, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Portugal, Switzerland, and the UK, as well as non-signatories Qatar and the US.

¹¹⁵ “Continued use of cluster munitions in Syria,” 22 March 2013, www.clusterconvention.org/2013/03/22/continued-use-of-cluster-munitions-in-syria/.

¹¹⁶ *The New York Times* correspondent CJ Chivers noted, “The only charitable way to characterize that denial is to offer that perhaps Mr. Lavrov was engaging in misdirection by word play, as these weapons, by their date stamps, appeared to have been manufactured during the late Soviet period, and not during the period of the current, post-union Russian state.” The Gun blog, “Data Sharing: The ATK-EB Fuze,” 28 December 2012, www.cjchivers.com/post/39051905571/data-sharing-the-atk-eb-fuze-commonly.

¹¹⁷ In January 2013, government officials deferred media questions, stating, “Any comment on this subject should come from a military official in the armed forces.” “Morsi mum on reports that Egyptian cluster bombs used by Syria,” *World Tribune*, 29 January 2013, www.worldtribune.com/2013/01/29/morsi-mum-on-reports-that-egyptian-cluster-bombs-used-by-syria/. According to local media, retired Maj. Gen. Dr. Mahmoud Khalaf, an advisor at Nasser Higher Military Academy, denied that Egypt had manufactured “this kind of unlawful weapon” and stressed Egypt’s commitment to “international conventions.” See “Egypt denies making cluster bombs for Syria’s Assad,” *Al Bawaba*, 15 January 2013, www.albawaba.com/news/syria-bombs-egypt-463900.

¹¹⁸ “Burma army uses cluster bombs to take key KIO position near Laiza,” *Kachin News Group*, 26 January 2013, www.kachinnews.com/news/2465-burma-army-uses-cluster-bombs-to-take-key-kio-position-near-laiza.html.

¹¹⁹ The photographs were contained in an email sent to the CMC from Hkun Htoi, Deputy Secretary, Kachin National Council, 19 April 2013.

¹²⁰ Photographs received and email from Bertil Linter, 25 March 2013.

¹²¹ Human Rights Watch also documented the attacks on Laiza on 14 January 2013, which killed three civilians. See HRW press statement, “Burma: Halt Indiscriminate Attacks in Kachin State,” 17 January 2013, www.hrw.org/news/2013/01/17/burma-halt-indiscriminate-attacks-kachin-state.

¹²² The photographs show a cluster munition canister or “rack” that appears to be a fabricated copy of the US produced M1 cluster adapter. The small fragmentation bombs are of a more modern design and marking than World War II-era munitions, but a number of arms experts have not been able to define the type or origin.

¹²³ According to HRW, “On January 14, government spokesman Ye Thut denied that government shells struck Laiza. The previous week, the Office of the President publicly denied that the army conducted any airstrikes against the KIA with helicopters and fighter jets, but then later backtracked when news reports showed video footage of the attacks.” HRW press statement, “Burma: Halt Indiscriminate Attacks in Kachin State,” 17 January 2013, www.hrw.org/news/2013/01/17/burma-halt-indiscriminate-attacks-kachin-state.

In Sudan, *Cluster Munition Monitor 2012* reported two allegations of cluster munition use by country's armed forces in the first half of 2012 in Troji and Ongolo in Southern Kordofan, a state bordering the Republic of South Sudan that has seen fighting by the Sudan People's Liberation Army North (SPLM-N) and the Sudan Armed Forces since June 2011. The Monitor was not able to independently confirm definitively in either case when the cluster munitions were used or by whom. In addition, a network of citizen journalists reported that on 18 April 2013 at 10:20 in the morning two cluster bombs were dropped from aircraft on the village of Lado in Southern Kordofan.¹²⁴ The Monitor has not been able to independently confirm this report.

Overview of cluster munition use

The Convention on Cluster Munitions is not retroactive, but Article 4 affirms that a State Party that has previously used cluster munitions that have become remnants on the territory of another State Party before the convention's entry into force for both parties is "strongly encouraged" to provide assistance to the other State Party. The CMC believes that all users of cluster munitions should follow the guidance of the convention by providing "information on types and quantities of the cluster munitions used, precise locations of cluster munition strikes and areas in which cluster munition remnants are known to be located."

At least 20 government armed forces have used cluster munitions since the end of World War II, detailed in the following table.

Summary of states using cluster munitions and locations used¹²⁵

User state	Locations used
Colombia	Colombia
Eritrea	Ethiopia
Ethiopia	Eritrea
France	Chad, Iraq, Kuwait
Georgia	Georgia, possibly Abkhazia
Iraq	Iran, Iraq
Israel	Lebanon, Syria
Libya	Chad, Libya
Morocco	Western Sahara, Mauritania
Netherlands	Former Yugoslavia (Kosovo, Montenegro, Serbia)
Nigeria	Sierra Leone
Russia	Chechnya, Afghanistan (as USSR), Georgia
Saudi Arabia	Saudi Arabia
South Africa	Has admitted past use, location unknown
Sudan	Sudan
Syria	Syria
Thailand	Cambodia
UK	Falklands/Malvinas, Iraq, Kuwait, former Yugoslavia (Kosovo, Montenegro, Serbia)
US	Afghanistan, Albania, BiH, Cambodia, Grenada, Iran, Iraq, Kuwait, Lao PDR, Lebanon, Libya, Saudi Arabia, Sudan, Vietnam, Yemen, former Yugoslavia (Kosovo, Montenegro, Serbia)
Yugoslavia (former Socialist Republic of)	Albania, BiH, Croatia, Kosovo

Since the Convention on Cluster Munitions entered into force, there have also been confirmed instances of use of cluster munitions by Libya and Thailand in the first half of 2011, during the reporting period covered by *Cluster Munition Monitor 2011*.

¹²⁴ According to the report, "some of the internal explosives in the cluster bombs did not explode" and were scattered in the village. Nuba Reports, 22 April 2013, www.nubareports.org/breaking/04222013-1533.

¹²⁵ This accounting of states using cluster munitions is incomplete, however, because the party that used cluster munitions is not known or is unclear in several cases, including in Angola, Azerbaijan, DRC, Mozambique, Somalia, Tajikistan, Uganda, Yemen, and Zambia, as well as Nagorno-Karabakh.

In Yemen, there was a serious allegation of cluster munition use in Abyan governorate by the US in December 2009.¹²⁶ In 2013, evidence emerged indicating cluster munitions were used in 2009–2010 in Sa’ada governorate in the northwest of the country near the border with Saudi Arabia. The cluster munition contamination apparently dates from conflict in 2009–2010 between the government of Yemen and rebel forces led by Abdul-Malik Al-Houthi.¹²⁷ Because the circumstances of the cluster munition use are not clear, it is not possible to determine definitively the actor responsible.¹²⁸

Many countries that used cluster munitions in the past are now either States Parties (France, Iraq, the Netherlands, and the UK) or signatories (Colombia, Nigeria, and South Africa) to the Convention on Cluster Munitions and have relinquished use of cluster munitions.

The vast majority of states outside the Convention on Cluster Munitions have never used cluster munitions. Ten of the 17 non-signatories known to produce cluster munitions have stated that they have never used cluster munitions (Brazil, China, Egypt, Greece, South Korea, Pakistan, Poland, Romania, Slovakia, and Turkey) and the Monitor has not verified any use of cluster munitions by four other producer states (India, Iran, North Korea, and Singapore). Therefore, only three states that have not joined the Convention on Cluster Munitions could be considered as “major” users and producers of cluster munitions: Israel, Russia, and the US.

In addition, several non-signatories that stockpile cluster munitions have stated that they have never used the weapons (Estonia, Finland, Turkey, and the United Arab Emirates [UAE]), while another 14 non-signatories with stockpiles are not known to have ever used cluster munitions.¹²⁹

Timeline of cluster munition use

Date	Location	Known details of use
1939–1945	Italy, Libya, Malta, Palau, Solomon Islands, USSR, the UK, possibly other locations	Munitions similar in function to modern cluster munitions were used by belligerent parties during World War II in Europe, North Africa, and the Pacific.
1965–1975	Cambodia, Lao PDR, Vietnam	According to a review by Handicap International (HI) of US bombing data, approximately 80,000 cluster munitions, containing 26 million submunitions, were dropped on Cambodia (1969–1973); more than 414,000 cluster bombs, containing at least 260 million submunitions, were dropped on Lao PDR (1965–1973); and more than 296,000 cluster munitions, containing nearly 97 million submunitions, were dropped in Vietnam (1965–1975).
1970s	Zambia	Remnants of cluster munitions, including unexploded submunitions from air-dropped bombs, have been found at Chikumbi and Shang’ombo.
1973	Syria	Israel used air-dropped cluster munitions against non-state armed group (NSAG) training camps near Damascus.
1975–1988	Western Sahara, Mauritania	Moroccan forces used artillery-fired and air-dropped cluster munitions against a NSAG in Western Sahara. Cluster munition remnants of the same types used by Morocco in Western Sahara have been found in Mauritania.
1977–1978	Somalia	Contamination discovered in 2013 in Somali border region; submunitions found include PTAB-25M and AO-1SCh, but the party that used the weapons is unknown.
1978	Lebanon	Israel used cluster munitions in south Lebanon.
1979–1989	Afghanistan	Soviet forces used air-dropped and rocket-delivered cluster munitions. NSAGs also used rocket-delivered cluster munitions on a smaller scale.
1982	Lebanon	Israel used cluster munitions against Syrian forces and NSAGs in Lebanon.

¹²⁶ According to Amnesty International, the US used at least one ship- or submarine-launched TLAM-D cruise missile, which contains 166 BLU-97 submunitions, to attack a “training camp” in Abyan, Yemen on 17 December 2009. AI published a series of photographs showing the remnants of the cruise missile, including the propulsion system, a BLU-97 submunition, and the payload ejection system, the latter of which is unique to the TLAM-D cruise missile. See also “U.S. missiles killed civilians in Yemen, rights group says,” *CNN*, 7 June 2010. Neither the US nor Yemeni governments have publicly denied the claim or refuted the substantial photographic evidence of the incident.

¹²⁷ In July 2013, mine clearance operators in Yemen shared photographs with the Monitor showing cluster munition contamination in Sa’ada governorate in northwestern Yemen near the border with Saudi Arabia. Human Rights Watch has identified the remnants as unexploded BLU-97 bomblets, BLU-61 submunitions, and DPICM submunitions of an unknown origin. The DPICM submunitions look like an M42 submunition, but the delivery method (surface-fired or air-launched) is unclear. Interview with Abdul Raqeeb Fare, Deputy Director, Yemen Executive Mine Action Center (YEMAC), Sanaa, 7 March 2013; interview with Ali Al-Kadri, Director, YEMAC, in Geneva, 28 May 2013; and email from John Dingley, UNDP Yemen, 9 July 2013.

¹²⁸ Yemen is not known to possess these types of submunitions, but it has provided no information on its stockpiled cluster munitions. Saudi Arabia has supported Yemeni forces and is known to stockpile these weapons so it could be responsible for the use. The US is another possibility. It is highly unlikely that the rebels possess these weapons.

¹²⁹ Algeria, Argentina, Bahrain, Belarus, Cuba, Jordan, Kazakhstan, Kuwait, Mongolia, Oman, Qatar, Turkmenistan, Ukraine, and Uzbekistan.

Date	Location	Known details of use
1982	Falkland Islands/Malvinas	UK forces dropped 107 BL755 cluster bombs containing a total of 15,729 submunitions.
1983	Grenada	US Navy aircraft dropped 21 Rockeye bombs during close air support operations.
1983	Lebanon	US Navy aircraft dropped 12 CBU-59 and 28 Rockeye bombs against Syrian air defense units near Beirut in Lebanon.
1984–1988	Iran, Iraq	It has been reported that Iraq first used air-dropped bombs in 1984. Iraq reportedly also used Ababil-50 surface-to-surface cluster munition rockets during the later stages of the war.
1986	Libya	US Navy aircraft attacked Libyan ships using Mk-20 Rockeye cluster bombs in the Gulf of Sidra on 25 March. On April 14–15, US Navy aircraft dropped 60 Rockeye bombs on Benina Airfield.
1986–1987	Chad	French aircraft dropped cluster munitions on a Libyan airfield at Wadi Doum. Libyan forces also used AO-1SCh and PTAB-2.5 submunitions at various locations.
1988	Iran	US Navy aircraft attacked Iranian Revolutionary Guard speedboats and an Iranian Navy ship using Mk-20 Rockeye bombs during Operation Praying Mantis.
1991	Saudi Arabia	Saudi Arabian and US forces used artillery-delivered and air-dropped cluster munitions against Iraqi forces during the battle of Khafji.
1991	Iraq, Kuwait	The US, France, and the UK dropped 61,000 cluster bombs containing approximately 20 million submunitions. The number of cluster munitions delivered by surface-launched artillery and rocket systems is not known, but an estimated 30 million or more DPICM submunitions were used in the conflict.
1992–1994	Angola	Deminers have found Soviet-made PTAB and AO-2.5RT submunitions in various locations.
1992–1994	Nagorno-Karabakh, Azerbaijan	Submunition contamination has been identified in at least 162 locations in Nagorno-Karabakh, including PTAB-1, ShOAB-0.5, and AO-2.5 types. There are also reports of contamination in other parts of occupied Azerbaijan, adjacent to Nagorno-Karabakh.
1992–1995	BiH	Yugoslav forces and NSAGs used cluster munitions during war. NATO aircraft dropped two CBU-87 bombs.
1992–1997	Tajikistan	ShOAB and AO-2.5RT submunitions have been found in the town of Gharm in the Rasht Valley, used by unknown forces in the civil war.
1994–1996	Chechnya	Russian forces used cluster munitions against NSAGs.
1995	Croatia	A NSAG used Orkan M-87 multiple rocket launchers in an attack on Zagreb on 2–3 May 1995. Additionally, the Croatian government claimed that Serb forces used BL755 bombs in Sisak, Kutina, and along the Kupa River. One cluster bomb fell in a Croatian village across the border in Hungary.
1996–1999	Sudan	Sudanese government forces used air-dropped cluster munitions in southern Sudan, including Chilean-made PM-1 submunitions.
1997	Sierra Leone	Sierra Leone has said that Nigerian peacekeepers in the Economic Community of West African States Monitoring Group (ECOMOG) used BLG-66 Beluga bombs on the eastern town of Kenema.. Nigeria has denied these reports.
1998	Afghanistan/Sudan	In August, US ships and submarines fired 66 TLAM-D Block 3 cruise missiles, each containing 166 BLU-97 bomblets, at a factory target in Khartoum, Sudan, and at NSAG training camps in Afghanistan.
1998	Colombia	On 13 December, the Colombian Air Force used a World War II-era “cluster adapter” of US origin to disperse several 20lb (9kg) fragmentation bombs in Santo Domingo in Tame (Aruna).
1998	Ethiopia, Eritrea	Ethiopia attacked Asmara airport and dropped BL755 bombs in Gash-Barka province in Eritrea. Eritrea used cluster munitions in two separate strikes in Mekele, including on a school.

Date	Location	Known details of use
1998–1999	Albania	Yugoslav forces used rocket-delivered cluster munitions in disputed border areas, and NATO forces carried out six aerial cluster munition strikes.
1998–2003	DRC	Deminers have found BL755 bombs, BLU-63 cluster munitions, and PM1 munitions.
1999	Yugoslavia, Federal Republic of (FRY)	The US, the UK, and the Netherlands dropped 1,765 cluster bombs containing 295,000 submunitions in what is now Kosovo, Montenegro, Serbia, and Albania. FRY also used cluster munitions.
2001–2002	Afghanistan	The US dropped 1,228 cluster bombs containing 248,056 submunitions.
Unknown	Uganda	RBK-250/275 bombs and AO-15Ch submunitions have been found in the northern district of Gulu.
2003	Iraq	The US and the UK used nearly 13,000 cluster munitions containing an estimated 1.8 to 2 million submunitions, in 3 weeks of major combat.
2006	Lebanon	Israeli forces used surface-launched and air-dropped cluster munitions against Hezbollah. The UN estimates that Israel used up to 4 million submunitions.
2006	Israel	Hezbollah fired more than 100 Chinese-produced Type-81 122mm cluster munition rockets into northern Israel.
2008	Georgia	Both Russian and Georgian forces used cluster munitions during the August 2008 conflict. Submunitions found by deminers include the air-dropped AO-2.5RTM and rocket-delivered 9N210, and rocket-delivered M85.
2009–2010	Yemen	Amnesty International reported that the US used at least one TLAM-D cruise missile with 166 BLU-97 submunitions to attack a “training camp” in Yemen on 17 December 2009. Contamination has also been found in Sa’ada governorate near the border with Saudi Arabia, including BLU-97, BLU-61 and M42/M46 submunitions.
2011	Cambodia	Thai forces fired artillery-delivered cluster munitions including M42/M46 and M85 type DPICM submunitions into Cambodia during border clashes near Preah Vihear temple.
2011	Libya	Libyan government forces used MAT-120 mortar-fired cluster munitions, RBK-250 cluster bombs with PTAB-2.5M submunitions, 122mm cargo rockets with an unidentified type of DPICM. Intact submunitions were found an arms depot hit by NATO air strikes.
2012	Sudan (unconfirmed)	Two allegations of cluster munition use by the armed forces of Sudan in the first half of 2012 in Southern Kordofan state bordering South Sudan: one involved the use of Chinese Type-81 DPICM in Troji on 29 February 2012; the other involved the use of a Soviet-made RBK-500 cluster bomb containing AO-2.5RT explosive submunitions in Ongolo on 15 April 2012.
2012–2013	Syria	In the year from July 2012 until June 2013, Human Rights Watch has identified 152 locations across Syria where at least 204 cluster munitions have been used, including in the nine of the country’s 14 governorates. In total, four types of cluster munitions and two types of individual submunitions used by the Syrian government during the conflict.

Non-State Armed Groups

Due to the relative sophistication of cluster munitions and their delivery systems, few NSAGs have used these weapons and none have done so since 2006. In the past, cluster munitions use has been recorded in Afghanistan (by the Northern Alliance), BiH (by a Serb militia), Croatia (by a Serb militia), and Israel (by Hezbollah).

Cluster munitions have also been employed in conflicts in disputed territories against NSAGs. In August 2008, the government of the separatist territory of Abkhazia asserted that Georgian forces fired large numbers of cluster munitions into the Kodor Valley. Cluster munitions were used in Nagorno-Karabakh sometime between 1992 and 1994 during conflict between Armenia and Azerbaijan over the territory, but it is not known which armed forces used cluster munitions. Moroccan forces used artillery-fired and air-dropped cluster munitions against the Popular Front for the Liberation of Saguía el Hamra and Río de Oro (Polisario) in Western Sahara during their conflict from 1975 to 1988.

Unilateral restrictions on use

Several states that have not joined the Convention on Cluster Munitions have imposed restrictions on the possible future use of cluster munitions.

The US confirmed in 2011 that its policy on cluster munitions is still guided by a June 2008 US Department of Defense directive requiring that any US use of cluster munitions before 2018 that results in a 1% or higher unexploded ordnance (UXO) rate—which includes all but a tiny fraction of the US arsenal—must be approved by a “Combatant Commander,” a very high-ranking military official. After 2018, the US will no longer use cluster munitions that result in more than 1% UXO.

Romania has said it restricts the use of cluster munitions to exclusively on its own territory. Poland has said it would use cluster munitions for defensive purposes only, and does not intend to use them outside its own territory. Estonia, Finland, and Slovakia have made similar declarations.

During the unsuccessful CCW negotiations on cluster munitions, several states that have not signed or ratified the Convention on Cluster Munitions publicly stated that they were prepared to accept a ban on the use of cluster munitions produced before 1980 as part of the proposed CCW protocol, including Russia, China, India, and South Korea. The CMC urges that as an interim measure toward joining the Convention on Cluster Munitions, these states should institute the commitment made at CCW as national policy.

Production of Cluster Munitions

A total of 34 states have developed or produced¹³⁰ more than 200 types of cluster munitions.¹³¹ Half of these producers ceased manufacturing cluster munitions prior to or as a result of joining the Convention on Cluster Munitions, while the other half are believed to still produce cluster munitions.

Producers

Seventeen countries are believed to produce cluster munitions or reserve the right to do so.¹³² None of these states have joined the Convention on Cluster Munitions. Asia and Europe account for the majority of producer states, with six each, while the Middle East and North Africa has three producer states, and two producers are from the Americas.

Due to a lack of transparency and available data, it is not known if cluster munitions were produced in all these states in 2012 and/or the first half of 2013. Previously, India has stated that it did not produce any cluster munitions in 2011.¹³³ Greece has informed the Monitor that its last production of cluster munitions was in 2001.¹³⁴

At least three of the countries still producing cluster munitions have established reliability standards for submunitions. The US instituted a policy in 2001 that all submunitions reaching a production decision in fiscal year 2005 and beyond must have a UXO rate of less than 1%.¹³⁵ Poland stated in 2005, “The Ministry of Defense requires during acceptance tests less than 2.5% failure rate for the purchased submunitions.”¹³⁶ South Korea issued a directive in 2008 requiring that in the future it would only acquire cluster munitions with self-destruct mechanisms and a 1% or lower failure rate.¹³⁷

Cluster munition producers

Brazil	Pakistan
China	Poland
Egypt	Romania
Greece	Russia
India	Singapore
Iran	Slovakia
Israel	Turkey
Korea, North	US
Korea, South	

¹³⁰ The loading, assembling, and packaging of submunitions and carrier munitions into a condition suitable for storage or use in combat is considered production of cluster munitions. Modifying the original manufacturers’ delivery configuration for improved combat performance is also considered a form of production.

¹³¹ The list of producers has changed over time as new information has become available. In May 2002, HRW identified a total of 33 states that had produced at least 208 different types of cluster munitions. HRW, “Memorandum to CCW Delegates: A Global Overview of Explosive Submunitions,” 20 May 2002. www.hrw.org/node/66890.

¹³² In April 2011, Romania’s Deputy Minister for Foreign Affairs stated, “Romania is not a producer of cluster munition[s].” In August 2011, Turkey said it has not produced cluster munitions since 2005. However, the Monitor continues to list both Romania and Turkey as producers since it is unclear if they have adopted a new policy forswearing any future production of cluster munitions.

¹³³ Response to Right to Information request submitted by Control Arms Foundation of India from T.J. Konger, Director and Central Public Information Officer, Ordnance Factory Board, Ministry of Defence, 6 June 2012.

¹³⁴ Email from Yannis Mallikouritis, Permanent Mission of Greece to the UN in Geneva, 14 June 2011. The Monitor continues to list Greece as a producer as it has not adopted a formal policy renouncing any future production of cluster munitions.

¹³⁵ Secretary of Defense William Cohen, “Memorandum for the Secretaries of the Military Departments, Subject: DoD Policy on Submunition Reliability (U),” 10 January 2001. Submunitions that reach “full rate production,” i.e. production for use in combat, during the first quarter of Fiscal Year 2005 and afterward must meet the new standard. However, a waiver was granted for M30 GMRLS rocket submunitions, allowing a 2–4% dud rate.

¹³⁶ Communication from the Ministry of National Defence of Poland to Pax Christi Netherlands, 14 February 2005. The information was provided to Pax Christi with the provision that the “content of the paper does not necessarily reflect the official position of Poland.”

¹³⁷ Statement of the Republic of Korea, CCW Meeting of High Contracting Parties, Geneva, 13 November 2008. During 2008, South Korea included a representative of the Hanwha company, a Korean company that produces cluster munitions, in its official delegation to the CCW.

Former producers

Under Article 1(b) of the Convention on Cluster Munitions, States Parties undertake to never develop or produce cluster munitions. Since the convention entered into force on 1 August 2010, there have been no confirmed instances of new production of cluster munitions by any of the convention's States Parties or signatories.

Seventeen states have ceased the production of cluster munitions. All are States Parties to the Convention on Cluster Munitions except signatory South Africa and non-signatory Argentina, which has indicated that it does not intend to produce cluster munitions in future.

Several States Parties have provided information in their Article 7 transparency reports on the conversion or decommissioning of production facilities, including France, Japan, Sweden, and Switzerland.¹³⁸ In its initial report provided in September 2012, Chile indicated that the information on previous production is in the process of being verified.¹³⁹

Former producers of cluster munitions

Argentina*	Italy
Australia	Japan
Belgium	Netherlands
BiH	South Africa
Chile	Spain
Croatia	Sweden
France	Switzerland
Germany	UK
Iraq	

* has not joined the Convention on Cluster Munitions

Transfer of Cluster Munitions

The true scope of the global trade in cluster munitions is difficult to ascertain due to the overall lack of transparency on arms transfers. Despite this challenge, the Monitor has identified at least 15 countries that have in the past transferred more than 50 types of cluster munitions to at least 60 other countries.¹⁴⁰

Exporters and recent transfers

While the historical record is incomplete and there are large variations in public information available, the US has probably been the world leader in exports, having transferred hundreds of thousands of cluster munitions containing tens of millions of submunitions to at least 30 countries and other areas.¹⁴¹

Cluster munitions of Russian/Soviet origin are reported to be in the stockpiles of 35 states, including many that inherited stocks after the dissolution of the USSR.¹⁴² The full extent of China's exports of cluster munitions is not known, but unexploded submunitions of Chinese origin have been found in Iraq, Israel, Lebanon, and Sudan.

Non-signatories Brazil, Israel, South Korea, Slovakia, Turkey, Ukraine, and the US are known to have exported cluster munitions since 2000. States Parties Chile, France, Germany, Moldova, Spain, and the UK exported cluster munitions prior to their adoption of the Convention on Cluster Munitions.

In the reporting period, the Monitor reviewed the following new information on transfers:

- Egypt likely exported or otherwise transferred to Syria 122mm SAKR cluster munition rockets bearing the markings of SAKR Factory for Developed Industries and the Egyptian state-owned Arab Organization for Industrialization.¹⁴³ It is likely that the transfers took place in the past, and not during the current Syrian conflict.
- In July 2012, a Brazilian newspaper reported that Brazil sold cluster bombs to Zimbabwe a decade earlier.¹⁴⁴ A review of 1,572 pages of documents held by the Ministry of Defense and obtained under the Law on Access to Information showed that in the period from January 2001 to May 2002 Brazil transferred 104 BLG-250K and four BLG-60K cluster bombs and various components for BLG-500K, BLG-250K, and BLG-60k cluster bombs to Zimbabwe.¹⁴⁵

¹³⁸ Belgium, Croatia, Germany, Italy, the Netherlands, Spain, and the UK did not report on the conversion or decommissioning of production facilities, most likely because production of cluster munitions ceased before they became States Parties to the convention. BiH, which inherited the production capacity of former Yugoslavia, has declared, "There are no production facilities for [cluster munitions] in Bosnia and Herzegovina." BiH, Convention on Cluster Munitions Article 7 Report, Form E, 20 August 2011.

¹³⁹ Chile, Convention on Cluster Munitions Article 7 Report, Form E, September 2012.

¹⁴⁰ While there is no comprehensive accounting available of global transfers of cluster munitions, at least 15 countries are known to have exported the weapon, including States Parties Chile, France, Germany, Moldova, Spain, and UK, and non-signatories Brazil, Egypt, Israel, Russia, Slovakia, South Korea, Turkey, US, and Yugoslavia.

¹⁴¹ Argentina, Australia, Bahrain, Belgium, Canada, Colombia, Egypt, Denmark, France, Germany, Greece, Honduras, India, Indonesia, Israel, Italy, Japan, Jordan, Morocco, the Netherlands, Norway, Oman, Pakistan, Saudi Arabia, South Korea, Spain, Thailand, Turkey, UAE, and the UK, as well as Taiwan.

¹⁴² Algeria, Angola, Azerbaijan, Belarus, Bulgaria, Republic of the Congo, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Egypt, Hungary, Georgia, Guinea, Guinea-Bissau, India, Iran, Iraq, Kazakhstan, North Korea, Kuwait, Libya, FYR Macedonia, Moldova, Mongolia, Mozambique, Peru, Poland, Romania, Slovakia, Syria, Turkmenistan, Uganda, Ukraine, Uzbekistan, and Yemen. In addition, Russian cluster munition remnants have been identified in Sudan, although the government has denied having a stockpile.

¹⁴³ Human Rights Watch press release, "Syria: Army Using New Type of Cluster Munition," 14 January 2013, www.hrw.org/news/2013/01/14/syria-army-using-new-type-cluster-munition.

¹⁴⁴ Rubens Valente, "Brasil vendeu bombas condenadas a ditador do Zimbábue," ("Brazil sold condemned bombs to Zambia's dictator"), *Folha de São Paulo*, 22 July 2012, www1.folha.uol.com.br/mundo/1124001-brasil-vendeu-bombas-condenadas-a-ditador-do-zimbabue.shtml.

¹⁴⁵ This was the most recent period that could be obtained by *Folha de São Paulo*, as the information is considered confidential for the first 10 years.

- According to a May 2012 document provided to the Monitor by Chile, there were “no other applications or new exports authorizations” for cluster munitions after the year 2001.¹⁴⁶ According to Ministry of National Defense information, Chile exported cluster munitions to five countries between 1991 and 2001.¹⁴⁷

Non-signatories Georgia, India, Pakistan, Slovakia, Turkey, and the UAE are among the recipients of cluster munitions exports since 2005.

At least three states that have not joined the Convention on Cluster Munitions have enacted an export moratorium: Singapore, Slovakia, and the US. Slovakia was added to this list after Slovakia’s Deputy Prime Minister and Minister of Foreign and European Affairs Miroslav Lajčák stated that “concerning the risk of proliferation, we fully adhere to the Convention on Cluster Munitions. The Slovak export control policy on Cluster Munitions, based on this principle, does not allow export of Cluster Munitions.”¹⁴⁸

New transfer information arising from recent use

It is not known who supplied the Soviet-era cluster munitions that were allegedly used in Sudan in 2012 and Syria in 2012–2013 or when they were transferred, but both states are known stockpilers of cluster munitions. It is evident that 122mm cluster munition rockets used by the Syrian Armed Forces in early 2013 bore the production markings of two Egyptian companies. Libya’s use of cluster munitions in April 2011 led to the revelation that Spain transferred 1,055 MAT-120 cluster munitions containing 22,155 submunitions to Libya in 2006 and 2008, before Spain adopted the convention.¹⁴⁹ Thailand’s use of NR269 and M85 cluster munitions in the February 2011 border conflict with Cambodia may indicate recent transfer, as these cluster munition types were not previously known to be stockpiled by Thailand.

Stockpiles of Cluster Munitions and their Destruction

Global stockpiles

The Monitor estimates that prior to the start of the global effort to ban cluster munitions, 91 countries stockpiled millions of cluster munitions containing more than 1 billion submunitions, as shown in the following table.¹⁵⁰ At least 19 of these states have destroyed their stockpiled cluster munitions, while 18 States Parties are in the process of destruction.

In the reporting period, the Monitor added Botswana to the list of countries known to possess stockpiles of cluster munitions.¹⁵¹ Mauritania was removed from the list after it confirmed to the Monitor that it never stockpiled cluster munitions.¹⁵²

Stockpiles possessed by non-signatories

Most non-signatories to the Convention on Cluster Munitions that stockpile cluster munitions have not disclosed detailed information on the quantities and types they hold. Therefore, it is not possible, given what is known, to make a valid global estimate of quantities in stockpiles.

Only a few non-signatories have disclosed information on the size of their stockpile of cluster munitions, disclosing even less information about the types. The US has disclosed that its stockpile is comprised of “more than 6 million cluster munitions.”¹⁵³ Greece and the Ukraine have disclosed only partial figures.¹⁵⁴

¹⁴⁶ Letter from Brig. Gen. Roberto Ziegele Kerber, Director-General of National Mobilization, Ministry of National Defense, 18 May 2012.

¹⁴⁷ Brazil, Colombia, Turkey, UAE, and the US. Cluster Munition Monitor notes on Chilean Air Force document signed by Chair of the Joint Chief of Staff of the Air Force, “Exports of Cluster Bombs authorized in the years 1991-2001,” dated 23 June 2009, taken during Monitor meeting with Juan Pablo Jara, Desk Officer, Ministry of National Defense, Santiago, 11 April 2012.

¹⁴⁸ Letter No. 101.381/2013-KAMI from Miroslav Lajčák, Deputy Prime Minister and Minister of Foreign and European Affairs, 25 April 2013.

¹⁴⁹ Five MAT-120 cluster munitions were transferred in October 2006 and another 1,050 in March 2008. Statement of Spain, Convention on Cluster Munitions Intersessional Meetings, Geneva, 29 June 2011.

¹⁵⁰ The number of stockpiling states has increased since it was first estimated a decade ago as new information has become available and as governments have clarified current and past possession of cluster munitions. In May 2002, HRW identified a total of 56 states that have stockpiled cluster munitions. HRW, “Memorandum to CCW Delegates: A Global Overview of Explosive Submunitions,” 20 May 2002, www.hrw.org/node/66890.

¹⁵¹ In its initial Article 7 transparency report provided August 2012, Botswana declared a stockpile of 510 cluster munitions containing 12,900 submunitions. Botswana, Convention on Cluster Munitions Article 7 Report, Form B, 31 August 2012.

¹⁵² Monitor meeting with Lt.-Col. Alioune O. Mohamed El Hacen, Coordinator, National Humanitarian Demining Program for Development (Programme National de Déminage Humanitaire pour le Développement) Mauritania, in Geneva, 15 April 2013.

¹⁵³ Statement of the US, CCW Fourth Review Conference, Geneva, 14 November 2011, [www.unog.ch/80256EDD006B8954/%28httpAssets%29/AA39A701F5D863C9C1257965003B6737/\\$file/4thRevCon_USA_Rev2.pdf](http://www.unog.ch/80256EDD006B8954/%28httpAssets%29/AA39A701F5D863C9C1257965003B6737/$file/4thRevCon_USA_Rev2.pdf). Previously, in 2004, the US stockpile consisted of nearly 5.5 million cluster munitions containing nearly 730 million submunitions. Office of the Under Secretary of Defense (Acquisition, Technology and Logistics), US Department of Defense, “Report to Congress: Cluster Munitions,” October 2004. The report lists 626,824,422 submunitions in the “Active Inventory” and 728,527,689 in the “Total Inventory.”

¹⁵⁴ Email from Yannis Mallikourtis, Permanent Mission of Greece to the UN in Geneva, 14 June 2011, and presentation of the Ukraine, “Impact of the CCW Draft Protocol VI (current version) on Ukraine’s Defense Capability,” Geneva, 1 April 2011, Slide 2.

Countries that have stockpiled cluster munitions

States Parties	Signatories	Non-signatories	
<i>Afghanistan</i>	Angola	Algeria	Mongolia
<i>Austria</i>	Canada	<i>Argentina</i>	Morocco
<i>Belgium</i>	<i>Central African Rep.</i>	Azerbaijan	Oman
BiH	<i>Colombia</i>	Bahrain	Pakistan
Botswana	<i>Congo, Rep.</i>	Belarus	Poland
Bulgaria	Guinea	Brazil	Qatar
Chile	Indonesia	Cambodia	Romania
<i>Côte d'Ivoire</i>	Nigeria	China	Russia
Croatia	South Africa	Cuba	Saudi Arabia
<i>Czech Republic</i>		Egypt	Serbia
Denmark		Eritrea	Singapore
<i>Ecuador</i>		Estonia	Slovakia
France		Ethiopia	Sudan
Germany		Finland	Syria
Guinea-Bissau		Georgia	Thailand
<i>Honduras</i>		Greece	Turkey
<i>Hungary</i>		India	Turkmenistan
<i>Iraq</i>		Iran	Ukraine
Italy		Israel	UAE
Japan		Jordan	US
<i>Macedonia, FYR</i>		Kazakhstan	Uzbekistan
<i>Moldova</i>		Korea, North	Venezuela
Montenegro		Korea, South	Yemen
Mozambique		Kuwait	Zimbabwe
<i>Netherlands</i>		Libya	
<i>Norway</i>			
Peru			
<i>Portugal</i>			
<i>Slovenia</i>			
Spain			
Sweden			
Switzerland			
UK			
33 (18 current)	9 (6 current)	49 (48 current)	

Note: States in italics report no longer possessing stockpiles.

Stockpiles possessed by States Parties

A total of 33 States Parties have stockpiled cluster munitions at some point in time, of which 15 have already destroyed their stockpiles and the other 18 are preparing to begin, or are in the process of, stockpile destruction.

According to available information, 28 States Parties have stockpiled more than 1.4 million cluster munitions containing 177 million submunitions.

Cluster munitions and explosive submunitions declared by States Parties

State Party	Quantity of cluster munitions	Quantity of explosive submunitions
<i>Austria</i>	12,672	798,336
<i>Belgium</i>	115,210	10,138,480
BiH	445	148,059
Botswana	510	12,900
Bulgaria	6,909	149,398
Chile	249	25,896
<i>Côte d'Ivoire</i>	68	10,200
Croatia	7,235	178,785
<i>Czech Republic</i>	480	16,400
Denmark	42,176	2,440,940
<i>Ecuador</i>	117	17,199
France	34,856	14,923,621
Germany	553,549	62,958,626
<i>Hungary</i>	289	4,000
Italy	5,113	2,849,979
Japan	14,011	2,029,469
<i>Macedonia, FYR</i>	1,000	40,376
<i>Moldova</i>	1,385	27,050
Montenegro	353	51,891
Mozambique	290	22,656
<i>Netherlands</i>	191,471	25,867,510
<i>Norway</i>	52,190	3,087,910
<i>Portugal</i>	11	1,617
<i>Slovenia</i>	1,080	52,920
Spain	8,362	308,245
Sweden	370	20,595
Switzerland	205,894	12,203,035
UK	189,849	38,758,898
Total	1,446,144	177,144,991

Note: Italics indicate States Parties that no longer possess stockpiles.

The number of cluster munitions reported as stockpiled by States Parties has increased significantly since *Cluster Munition Monitor 2012*, which reported that 24 States Parties have stockpiled more than 1.09 million cluster munitions containing 143 million submunitions. This is because Sweden, Switzerland, and other States Parties with stockpiles submitted their initial Article 7 transparency reports in the second half of 2012 or first half of July 2013, declaring a total of 207,132 cluster munitions and 12 million submunitions. The Netherlands also provided new data on its stockpile destruction prior to the convention's entry into force.

Five States Parties that have stockpiled are not listed in the table above due to insufficient information. As of 31 July 2013, Guinea-Bissau and Honduras were late in submitting their initial Article 7 transparency reports, while Peru and Iraq's initial report were not yet due. Honduras and Iraq have stated that they destroyed their cluster munition stockpiles prior to entry into force of the convention, while Guinea-Bissau and Peru have stockpiles to destroy.

The Monitor has listed Afghanistan as a former stockpiler even though it reported on the destruction of cluster munition stockpiles in the reporting period. Both of Afghanistan's Article 7 transparency reports contain information in the

stockpile destruction forms indicating that significant destruction took place in 2005–2011 and in 2012.¹⁵⁵ However, it does not appear that the items listed as destroyed were actually stockpiled weapons under the jurisdiction and control of the Afghan government, but rather were cluster munitions that had been abandoned by other combatants in the past and recently discovered, failed cluster munitions, and unexploded submunitions. These are all considered cluster munition remnants under the Convention on Cluster Munitions and not stockpiled cluster munitions. Some of the items may be residual stockpiles, but it is not possible to segregate the data presented in order to provide a clear accounting.¹⁵⁶

Stockpiles possessed by signatories

Of the nine signatories known to stockpile cluster munitions, three have completed destruction or have stated they no longer stockpile cluster munitions. Colombia destroyed its stockpile of 72 cluster munitions containing 10,832 submunitions during 2009.¹⁵⁷ The Central African Republic stated in 2011 that it voluntarily destroyed a “considerable” stockpile of cluster munitions and has no stockpiles.¹⁵⁸ The Republic of the Congo declared in 2011 that it had no stockpiles of cluster munitions on its territory.¹⁵⁹

Two signatories with current stockpiles have provided information on numbers and/or types of stockpiled cluster munitions. Canada has reported a stockpile of 12,597 cluster munitions containing 1.1 million explosive submunitions.¹⁶⁰ A Nigerian official confirmed in April 2012 that Nigeria has a stockpile of BL755 cluster bombs.¹⁶¹

Four signatories that have stockpiles still have not yet disclosed information on the number and types of cluster munitions. Angola has yet to make an official declaration that all stocks of cluster munitions have been identified and destroyed, but in 2010 it stated that its stockpile has been destroyed and its armed forces no longer possess cluster munitions.¹⁶² Indonesia has acknowledged having a stockpile of cluster munitions, but the size and precise content is not known. South Africa has stated that its “relatively small stockpile of obsolete cluster munitions” has been earmarked for destruction.¹⁶³ The status of Guinea’s stockpile and plans for its destruction were not known as of 31 July 2013.

No stockpiles

Confirmation by States Parties and signatories in transparency reports that they do not possess stockpiles is as important as a declaration of stockpiles. Many States Parties have confirmed never stockpiling the weapon, most critically through a formal declaration in their Article 7 report.¹⁶⁴ Since August 2012, Antigua and Barbuda, Samoa, Saint Vincent and the Grenadines, Senegal, Seychelles, and Swaziland have made such a declaration.

¹⁵⁵ The initial Article 7 transparency report details the destruction between 2005 and 2011 of more than 271,000 submunitions of various types. Afghanistan, Convention on Cluster Munitions, Article 7 Report, Form B, 30 August 2012. The May 2013 Article 7 transparency report details the destruction of 724 munitions and submunitions discovered during 2012, and provides a more thorough accounting of the destruction of the various submunitions between 2005 and 2011, listing five types of munitions that were not included in the initial report. The report states that Afghanistan “has not officially announced completion of stockpiled Cluster Munitions programme however the Ministry of Defence verbally confirms that there is not any stockpile of cluster munitions left with Afghan National Forces.” This would appear to indicate that while there are not any stocks under the jurisdiction and control of national forces, the government anticipates that it may discover additional cluster munitions abandoned by other combatants in the past. Afghanistan, Convention on Cluster Munitions Article 7 Report, Form B, Part II, 14 May 2013.

¹⁵⁶ In July 2013, a Mine Action Coordination Center for Afghanistan (MACCA) representative indicated that some items destroyed during clearance operations were been reported in Form B on stockpile destruction. Email from Habib Khan, MACCA, 5 August 2013.

¹⁵⁷ Letter from Sonia Matilde Eljach Polo, Director of Multilateral Affairs, Ministry of External Relations, 19 April 2012; and response to Monitor questionnaire by the Ministry of Foreign Affairs, 26 March 2010. The CB-250K bombs were produced by Chile and each contains 240 submunitions. The ARC-32 bomb is apparently a 350kg weapon containing 32 anti-runway submunitions produced by Israel.

¹⁵⁸ Statement of the Central African Republic, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 14 September 2011, www.clusterconvention.org/files/2011/09/statement_central_african_republic.pdf.

¹⁵⁹ Statement of the Republic of the Congo, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 15 September 2011, www.clusterconvention.org/files/2011/09/cl_congo.pdf. In 2011, clearance personnel destroyed cluster munitions remnants and PTAB-2.5M and AO-1SCh submunitions from an arms depot that was bombed during the 1997–1998 conflict. Cluster munitions were also apparently part of weapons stockpiles destroyed in 2008–2010 with the assistance of UK-based humanitarian demining organization Mines Advisory Group. Email from Lt.-Col. André Pampile Serge Oyobe, Director of Information Division, Ministry of Defense, 13 July 2010.

¹⁶⁰ In April 2012, Canada reported a stockpile of 12,597 M483A1 155mm artillery projectiles, containing total of 1,108,800 DPCIM submunitions (806,208 M42 and 302,328 M46). Canada, Convention on Cluster Munitions voluntary Article 7 Report, Form B, 30 April 2012.

¹⁶¹ Statement of Nigeria, Convention on Cluster Munitions Intersessional Meetings, Geneva, 18 April 2012, www.clusterconvention.org/files/2012/04/Nigeria_StockpileDestruction.pdf. Jane’s Information Group has reported that the Nigeria Air Force possesses British-made BL755 cluster bombs. Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), p. 843.

¹⁶² CMC meetings with Maria Madalena Neto, Victim Assistance Coordinator, National Intersectoral Commission for Humanitarian Demining and Assistance (Comissão Nacional Intersectorial de Desminagem e Assistência às Vitimas de Minas, CNIDAH), in Santiago, 7–9 June 2010. Notes by the CMC/HRW. Neto later confirmed this statement, noting that the Air Force headed up a task force responsible for the program. Email from Maria Madalena Neto, CNIDAH, 13 August 2010.

¹⁶³ Statement of South Africa, UNGA First Committee on Disarmament and International Security, New York, 18 October 2010. In December 2008, South Africa also said that a “relatively small stockpile of outdated cluster munitions” had been “earmarked for destruction.” See statement by Charles Nqakula, Minister of Defence, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

¹⁶⁴ Albania, Burkina Faso, Burundi, Grenada, Guatemala, Ireland, Holy See, Lao PDR, Lebanon, Lesotho, Lithuania, Luxembourg, Malawi, Malta, Mexico, Monaco, New Zealand, Nicaragua, Saint Vincent and the Grenadines, San Marino, Uruguay, and Zambia have made definitive statements, either in Article 7 transparency reports or in interventions at official meetings. However, some States Parties did not indicate if they possess stockpiles and instead simply indicated “not applicable” or “none” in the form or left the form blank. The CMC has urged all states to clearly indicate in their next reports that there are no cluster munitions stockpiled under their jurisdiction and control, including by stating a more unequivocal response such as “zero.”

Stockpile destruction

Under Article 3 of the Convention on Cluster Munitions, each State Party is required to declare and destroy all stockpiled cluster munitions under its jurisdiction and control as soon as possible, but no later than eight years after entry into force for that State Party.

A total of 22 States Parties have declared the destruction of 1.03 million cluster munitions containing 122 million submunitions as of July 2013, as detailed in the following table.¹⁶⁵ This represents the destruction of 71% of the cluster munitions and 69% of submunitions declared stockpiled by States Parties.

Cluster munitions destroyed by States Parties

State Party (year completed)	Cluster munitions destroyed	Explosive submunitions destroyed
<i>Austria (2010)</i>	12,672	798,336
<i>Belgium (2010)</i>	115,210	10,138,480
BiH	441	147,967
<i>Côte d'Ivoire (2013)</i>	68	10,200
Croatia	159	13,830
<i>Czech Republic (2010)</i>	400	16,400
Denmark	19,905	1,045,631
<i>Ecuador (2004)</i>	117	17,199
France	6,134	2,263,659
Germany	444,436	44,890,236
<i>Hungary (2011)</i>	289	4,000
Italy	2,275	1,022,307
Macedonia, FYR	12	396
<i>Moldova (2010)</i>	1,385	27,050
<i>Montenegro (2010)</i>	353	51,891
<i>Netherlands (2012)</i>	191,543	25,862,158
<i>Norway (2010)</i>	52,190	3,087,910
<i>Portugal (2011)</i>	11	1,617
<i>Slovenia (2011)</i>	1,080	52,920
Spain	4,762	232,647
Sweden	148	0
UK	180,196	32,275,586
Total	1,033,786	121,960,420

Note: Italics indicate States Parties that have completed stockpile destruction.

The total amount of stockpiles destroyed has increased significantly since the publication of the Cluster Munition Monitor Report 2012, which reported the destruction of more than 700,000 cluster munitions and 85 million submunitions. There are two main reasons for the increase: a large number of stockpiled cluster munitions were reported destroyed in 2012; and the Netherlands disclosed a significantly higher number of stockpiled cluster munitions destroyed prior to the convention's entry into force for the Netherlands (146,689 cluster munitions containing 22,027,032 submunitions).

Prior to the convention's entry into force for States Parties, a total of 716,976 cluster munitions containing just more than 78 million submunitions were destroyed by Belgium, Germany, the Netherlands, Switzerland, and the UK. Switzerland declared in April 2013 that 3,999 cluster bombs and 587,853 BL755 Mk1 submunitions held by the Swiss Air Force were destroyed between 1997 and 2000.¹⁶⁶

¹⁶⁵ This includes the information submitted by States Parties on a voluntary basis for those cluster munitions and explosive submunitions destroyed before entry into force.

¹⁶⁶ Switzerland, Convention on Cluster Munitions Article 7 Report, Form B, 30 June 2013; and email from François Garraux, Arms Control and Disarmament Policy, Federal Department of Defence, Civil Protection and Sports, 23 August 2011.

Destruction completed

A total of 15 States Parties have stated that they no longer stockpile cluster munitions, of which 12 have reported information on the number and/or types of munitions destroyed: Ecuador completed destruction in 2004; Austria, Belgium, Czech Republic, Moldova, Montenegro, and Norway completed destruction in 2010; Hungary, Portugal, and Slovenia completed in 2011; the Netherlands finished in 2012; and Côte d'Ivoire completed in the first half of 2013.

Afghanistan declared that it has completed the destruction of stockpiles, but is still reporting significant quantities of newly destroyed stockpiles; it appears these are abandoned and failed cluster munitions, however, which are addressed by the convention's clearance provisions. Honduras and Iraq have stated that they destroyed their stockpiles prior to entry into force of the convention but have yet to provide their Article 7 transparency reports making a formal declaration and providing information on the number and/or types of munitions destroyed.

Spain announced the completion of its stockpile destruction in 2009 while BiH announced completion in 2011, but in early 2012 both reported additional cluster munitions requiring destruction.

Destruction underway

In 2012, nine States Parties destroyed a total of 173,973 cluster munitions and 27 million submunitions, as detailed in the following table.

Cluster munitions destroyed by States Parties in 2012

State Party	Cluster munitions destroyed	Explosive submunitions destroyed
Croatia	159	13,830
Denmark	19,905	1,045,631
France	6,034	2,248,638
Germany	73,058	8,943,989
Italy	1,265	791,237
Macedonia, FYR	12	396
<i>Netherlands</i>	2,143	82,558
Sweden	148	0
UK	71,249	14,036,979
Total	173,973	27,163,258

Note: Italics indicate completion of stockpile destruction.

In 2011, 10 States Parties destroyed more than 107,000 cluster munitions and 17.6 million submunitions. Germany and the UK accounted for the majority of cluster munitions destroyed in 2012, as they did in 2011. The Netherlands, France, and Denmark also destroyed a significant number of stocks in 2012.

The UK, Denmark, and some other States Parties are working to complete their stockpile destruction in 2013. The UK had destroyed 95% of all its stockpiled cluster munitions and 84% of its submunitions by 31 March 2013 and was on track to complete destruction in 2013. Denmark announced in September 2012 that it should complete its stockpile destruction during 2013—four years earlier than originally planned.¹⁶⁷ Botswana reported in August 2012 that it planned to destroy its stockpiled cluster munitions by February 2013, but it is not known if the stockpile destruction was conducted as planned.¹⁶⁸ FYR Macedonia stated in April 2013 that it is undertaking a joint project with NPA to destroy its stockpile of cluster munitions by 31 October 2013.¹⁶⁹ Chile expressed its hope in April 2013 that stockpile destruction will be completed by the end of 2013.¹⁷⁰

Other States Parties have indicated they will complete destruction well in advance of their treaty deadlines. Italy had destroyed 44% of its original stockpile of cluster munitions and 35% of its submunitions by the end of 2012 and is working to complete destruction by 2014.¹⁷¹ Sweden stated in April 2013 that “approximately 40%” of its BK-M90 cluster munitions

¹⁶⁷ Presentation by Major Kim Willum Guldbeck, Liaison and verification branch, Danish Defence Command, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 13 September 2012, www.clusterconvention.org/files/2012/09/Denmark-presentation.pdf.

¹⁶⁸ Botswana, Convention on Cluster Munitions Article 7 Report, Form B, 31 August 2012.

¹⁶⁹ Statement of FYR Macedonia, Convention on Cluster Munitions Intersessional Meetings, Geneva, 17 April 2013.

¹⁷⁰ Statement of Chile, Convention on Cluster Munitions Intersessional Meetings, Geneva, 17 April 2013, www.clusterconvention.org/files/2013/04/Chile1.pdf.

¹⁷¹ Statement of Italy, Convention on Cluster Munitions Intersessional Meetings, Geneva, 18 April 2012, www.clusterconvention.org/files/2012/04/Italy_StockpileDestruction.pdf.

have been destroyed. It intends to complete destruction of the stockpile by the end of 2014.¹⁷² Germany reported in April 2013 that it destroyed 80% of its stockpile by the end of 2012 and was “well on track for completion by 2015.”¹⁷³ Japan affirmed in April 2013 that its stockpile will be destroyed by 2015.¹⁷⁴ France announced an amended schedule in April 2013 to destroy its OGR 155mm artillery projectiles by the end of 2013 (instead of 2015) and destroy other stocks by the end of 2017.¹⁷⁵ Switzerland announced in July 2013 that its stockpile will be destroyed by the end of 2017.¹⁷⁶

All other States Parties with cluster munitions stockpiles have committed to complete destruction within the eight-year deadline required by the convention and several provided updates in the reporting period. BiH said in May 2013 that the destruction of a stockpile discovered in 2012 has been approved, but the cluster munitions have not been destroyed yet.¹⁷⁷ Bulgaria announced in April 2013 that it was in “the final stages” of preparing its stockpile destruction plan.¹⁷⁸ Croatia said in April 2013 that in 2014 it hopes to finalize the procedures for the destruction of the remainder of its stockpiled cluster munitions.¹⁷⁹ Guinea-Bissau said in May 2013 that it has requested assistance for its stockpile destruction and hopes the destruction process will soon be able to move forward.¹⁸⁰ Mozambique confirmed in September 2012 that it is still in the process of preparing a stockpile destruction plan.¹⁸¹

Spain in April 2013 reiterated its commitment to meeting its stockpile destruction obligations under the convention.¹⁸² Peru did not provide any updated information on its stockpile or preparations for its destruction in the second half of 2012 or first half of 2013.

Destruction costs

At least US\$12 million has been spent on stockpile destruction by States Parties (including BiH, Croatia, Moldova, Norway, and Spain). At least \$224 million has been allocated or estimated as necessary for the destruction of stockpiled cluster munitions by States Parties Denmark (DKK18 million or €2.5 million or \$3.2 million), France (€20.2 or \$26 million), Germany (€41.4 million or \$53 million), Japan (JPY2.8 billion or \$35 million), Switzerland (CHF40 million or \$43 million) and the UK (£40 million or \$63 million).¹⁸³

Retention

Article 3 of the Convention on Cluster Munitions permits the retention of cluster munitions and submunitions for development of and training in techniques for detection, clearance and destruction of these weapons, as well as for development of counter-measures such as armor to protect troops and equipment.

The CMC and more than three dozen States Parties and signatories believe that no compelling reason exists to retain live cluster munitions and explosive submunitions for these purposes. Nonetheless, to date, 13 States Parties have chosen to retain cluster munitions.

Retention by States Parties

As of July 2013, 13 States Parties have declared they are retaining cluster munitions for training and research purposes. Germany, Spain, Belgium, and the Netherlands hold the highest number of retained cluster munitions. It is not clear if the holdings constitute the “minimum number absolutely necessary” as required by the convention.

The following table contains information on the 11 States Parties that have provided detailed information on numbers and types of retained cluster munitions and submunitions.

¹⁷² “Utrikesutskottets betänkande 2011/12:UU7 Nedrustning, icke-spridning och konventionell rustningskontroll samt Sveriges tillträde till konventionen om klusterammunition” (“Foreign Affairs Committee Report 2011/12:UU7 Disarmament, non-proliferation and conventional arms control and Sweden’s accession to the Convention on Cluster Munitions”), 23 February 2012, www.riksdagen.se/sv/Dokument-Lagar/Utskottens-dokument/Betankanden/Arenden/201112/UU7/?latlast=true; statement of Sweden, Convention on Cluster Munitions Intersessional Meetings, Geneva, 16 April 2012; and Försvarets Materielverk document 10FMV1726-7:1, dated 10 February 2011.

¹⁷³ Germany, Convention on Cluster Munitions Article 7 Report, Form B, April 2013; and statement of Germany, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 11 September 2012.

¹⁷⁴ Statement of Japan, Convention on Cluster Munitions Intersessional Meetings, Geneva, 17 April 2013, www.clusterconvention.org/files/2013/04/Japan2.pdf; and Japan, Convention on Cluster Munitions Article 7 Report, Form B, 30 April 2013.

¹⁷⁵ France, Convention on Cluster Munition Article 7 Report, Form B, 30 April 2013, p. 77.

¹⁷⁶ Website of the Swiss Confederation, “Elimination des stocks de munitions à sous-munitions” (“Elimination of stockpiled cluster munitions”), 11 July 2013, www.news.admin.ch/message/index.html?lang=fr&msg-id=49658.

¹⁷⁷ Email to Landmine Survivors Initiatives from the BiH Ministry of Defense, 17 May 2013.

¹⁷⁸ Statement of Bulgaria, Convention on Cluster Munitions Intersessional Meetings, Geneva, 17 April 2013. Notes by the CMC.

¹⁷⁹ Statement of Croatia, Convention on Cluster Munitions Intersessional Meetings, Geneva, 17 April 2013.

¹⁸⁰ Statement of Guinea-Bissau, Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions, Lomé, 23 May 2013. Notes by the Monitor.

¹⁸¹ Statement of Mozambique, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 12 September 2012, www.clusterconvention.org/files/2012/09/Moz.pdf.

¹⁸² Statement of Spain, Convention on Cluster Munitions Intersessional Meetings, Geneva, 17 April 2013.

¹⁸³ Average exchange rate for 2012. US Federal Reserve, “List of Exchange Rates (Annual),” 2 January 2013, www.federalreserve.gov/releases/g5a/current/default.htm.

Cluster munitions retained for training¹⁸⁴

State Party	Quantity of cluster munitions (submunitions)			Types of cluster munitions (individual submunitions)
	Retained initially (2011 unless noted)	Retained in 2012	Consumed in 2012	
Germany	743 (68,910)	683 (62,580)	60 (6,254)	Projectiles: DM602, DM632, DM642/DM642A1, DM602 (MUSA, KB44, STABO, MIFF, MUSPA, BLU-3/B, DM1383, M77, Mk1)
Spain	711 (16,652)	656 (14,722)	27 (793)	MAT-120, ESPIN-21 projectiles BME-330, CBU-100 bombs
Belgium	276 (24,288)	233 (20,504)	38 (3,344)	M483A1 projectile
Netherlands	272 (23,545)	276 (24,353)	0 (0)	CBU-87 bomb, Mk-20 Rockeye bomb, M261 rocket, M483 projectiles. (Mk1)
Switzerland – 2013	138 (7,346)	–	–	Projectiles KaG-88, KaG-90, KaG-88/99, MP-98
France	55 (10,284)	9 (4,953)	0 (27)	(KB-1, SAKR, M93, 9N22)
Denmark – 2013	170 (–)	0 (3,634)	–	(DM1383, DM1385)
Italy – 2013	3 (641)	–	–	Bombs RBL-755, Mk-20 Rockeye
Czech Republic	0 (796)	0 (293)	0 (168)	(AO-2.5, AO-10, PTAB-25)
Sweden – 2013	0 (125)	–	–	(MJ-1, MJ-2)
UK	0 (956)	0 (0)	0 (956)	(M42, M46, Alpha, KB-1)

Note: The quantity totals may include individual submunitions retained, which are not contained in a delivery container.

Four States Parties have declared the retention of cluster munitions since the publication of *Cluster Munition Monitor Report 2012*: Denmark, Italy, Sweden, and Switzerland.

In addition, Australia and Peru have stated that they intend to retain, but have not yet delivered, Article 7 transparency reports in order to make a formal declaration detailing the numbers and types. Peru has stated that it intends to retain cluster munitions for the purposes of training in detection, clearance and destruction techniques, but has not yet identified the number.¹⁸⁵ Australia has said it intends to retain a combination of submunitions and dispensers of which two bombs would be “live” and noted these would not be part of operational stocks and not suitable for use.¹⁸⁶

Use of retained cluster munitions

The Convention on Cluster Munitions requires that States Parties maintain detailed annual reporting on use of retained cluster munitions to ensure they are being kept only for permitted purposes. In the reporting period, several States Parties reduced the number of cluster munitions retained for training and research. Some consumed cluster munitions in the course of training explosive ordnance disposal (EOD) personnel, while others reduced the number of cluster munitions for other reasons. Several States Parties indicated that they are retaining individual submunitions only.

- **Belgium** consumed 38 projectiles and 3,344 submunitions in training EOD personnel during 2012, while five projectiles and 440 submunitions were consumed in 2011, and prior to entry into force 24 projectiles and 2,112 submunitions were consumed in 2009–2010.¹⁸⁷
- **The Czech Republic’s** stockpile of submunitions retained for training decreased by two-thirds between November 2010 and December 2012 as submunitions were consumed in the course of training of EOD personnel. The Czech Republic has stated that the submunitions have “no air or surface-fired means of delivery.”¹⁸⁸

¹⁸⁴ Please see the individual 2013 ban policy country profiles online for more information on retention, including specific quantities for each type retained.

¹⁸⁵ Statement of Peru, Convention on Cluster Munitions Intersessional Meetings, Geneva, 18 April 2012, www.clusterconvention.org/files/2012/04/Intervencion_Reunion_Intersesional_CM - _Destructuccion_de_existencias.pdf.

¹⁸⁶ Statement of Australia, Convention on Cluster Munitions Intersessional Meetings, Geneva, 27 June 2011.

¹⁸⁷ Belgium, Convention on Cluster Munitions Article 7 Report, Form C, 27 January 2011; and Belgium, Convention on Cluster Munitions Article 7 Report, Form C, 30 April 2013.

¹⁸⁸ Letter No. 102273/2011-OSN from Katerina Sequensova, Ministry of Foreign Affairs, to Mary Wareham, HRW, 2 May 2011; and statement of the Czech Republic, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 11 September 2012.

- **Denmark** stated in 2010 that it would retain 170 cluster munitions for training, but in May 2013 reported a substantially lower number of 3,634 individual submunitions.¹⁸⁹ Denmark has said the retained submunitions will be separated from their cluster munition containers and so “cannot be used operationally anymore.”¹⁹⁰
- **France** consumed 27 individual KB-1 and KB-2 submunitions in 2012.¹⁹¹ The number of cluster munitions that France retained for training in 2012 was far below the amount allowed by its national law, which permits 500 cluster munitions and their submunitions plus an additional 400 individual submunitions.¹⁹² French NGOs have criticized the number of submunitions permitted by the national law as “excessive.”¹⁹³
- **Germany** announced in September 2012 that it plans to intensify EOD training and, as a result there will be “an estimated increase in consumption of individual submunitions of approximately 30% from 2013 onwards.” In addition, “Some types of submunitions, previously designated for training will not now be used for this purpose and will be instead destroyed, resulting in a further decrease in the numbers retained.” This means “the complete stock of retained cluster munitions will be used up even earlier than 2020 as well as approximately 50% of the retained submunitions.”¹⁹⁴
- **Italy’s** national implementation legislation permits the retention of a “limited quantity” of cluster munitions not exceeding 1,000 “units” or submunitions, yet it is retaining a significantly lower number of three cluster bombs and 641 submunitions, including one Rockeye bomb and 247 Mk-118 submunitions that it is “converting to dummy” munitions, presumably by removing the explosive content.¹⁹⁵
- The **Netherlands** was the only State Party to increase the number of cluster munitions retained for training in 2012, after adding four cluster bombs containing 808 submunitions that were discovered after the completion of stockpile destruction. Among the States Parties providing reports, the Netherlands was the only one that did not consume any cluster munitions or submunitions for training and research purposes in 2012.
- **Sweden** has declared that it is retaining 125 individual submunitions for training and research purposes.¹⁹⁶
- **Switzerland** emphasized in its initial Article 7 transparency report that “the numbers [of retained cluster munitions provided in the report] refer to the *planned* retention of cluster munitions and submunitions.”¹⁹⁷
- The UK reported in April 2013 that it has destroyed its holding of individual submunitions retained for testing “because of concerns over condition, packaging and storage” and stated that it has “no immediate plans to acquire and retain sub-munitions for permitted purposes, but reserves the right to do so.”¹⁹⁸

Intended purposes of retained cluster munitions

The Convention on Cluster Munitions also requires that States Parties report on planned use of retained cluster munitions to ensure they are being kept only for permitted purposes. Several States Parties have explained their requirements for retaining cluster munitions and submunitions and detailed the manner by which the items are consumed.

- **Belgium** anticipates that 20–40 cluster munitions will be consumed each year in the training of EOD personnel.¹⁹⁹
- **Germany** has provided detailed criteria for how it determines the number and types of cluster munitions retained. It has stated that the quantity retained for EOD personnel training needs over a 10-year period means that “on average...two to four items of live munitions are expended during the course for each participant.”²⁰⁰
- The **Netherlands** has not explained how it intends to consume its retained cluster munitions other than to state that they are intended for “purposes of the ‘Defense Explosive Ordnance Disposal Service.’”²⁰¹
- **Sweden** stated in April 2013 that the retained submunitions would be used “for training personnel in destruction techniques on live ammunition” because in its view, “it is crucial for such training to feature the handling of live explosives.”²⁰²

¹⁸⁹ See Statement of Denmark, Convention on Cluster Munitions First Meeting of States Parties, Vientiane, 9 November 2010; and Denmark, Convention on Cluster Munitions Article 7 Report, Form C, 3 May 2013.

¹⁹⁰ Statement of Denmark, Convention on Cluster Munitions Intersessional Meetings, Geneva, 18 April 2012.

¹⁹¹ France, Convention on Cluster Munitions Article 7 Report, Form C, 30 April 2013, pp. 80–83.

¹⁹² National Assembly, “Projet de loi tendant à l’élimination des armes à sous-munitions, Texte adopté no.508” (“Bill on the elimination of cluster munitions, Adopted text no. 508”), 6 July 2010, paras. 2344–4.

¹⁹³ HI and AI France, “Analyse préliminaire du projet de loi tendant à l’élimination des armes à sous-munitions et proposition d’amendements” (“Preliminary analysis of the bill to eliminate cluster munitions and suggested amendments”), 8 April 2010.

¹⁹⁴ Presentation and statement of Germany, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 13 September 2012.

¹⁹⁵ Italy, Convention on Cluster Munitions Article 7 Report, Form C, 30 April 2013; and Italy, Convention on Cluster Munitions initial Article 7 Report, Form C, 28 August 2012.

¹⁹⁶ Sweden, Convention on Cluster Munitions initial Article 7 Report, Form C, 25 May 2013.

¹⁹⁷ Switzerland, Convention on Cluster Munitions Article 7 Report, Form C, 30 June 2013.

¹⁹⁸ UK, Convention on Cluster Munitions Article 7 Report, Form C, 30 April 2013.

¹⁹⁹ Belgium, Convention on Cluster Munitions Article 7 Report, Form C, 30 April 2013.

²⁰⁰ Presentation and statement by Germany, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 13 September 2012. See also Germany’s 2013 ban policy profile.

²⁰¹ The Netherlands, Convention on Cluster Munitions Article 7 Report, Form C; , 2013 (for calendar year 2012) and the Netherlands, Convention on Cluster Munitions Article 7 Report, Form C, 1 December 2011.

²⁰² Statement of Sweden, Convention on Cluster Munitions Intersessional Meetings, Geneva, 17 April 2013.

- **Switzerland** stated in April 2013 that its plan is for Armasuisse to retain cluster munitions for the development of counter-measures, and for the Swiss EOD Centre to retain cluster munitions and explosive submunitions for training, detection, clearance, and destruction techniques.²⁰³
- **The UK** stated in 2011 that “it is the UK’s current intention to not retain any prohibited munitions from our own, former operational, UK stocks. We will however, retain a small number of prohibited sub-munitions for trials, development and training activities for the advancement of counter measures to any uncertain future threats.”²⁰⁴

Under Article 3 of the Convention on Cluster Munitions, every State Party has the opportunity to know the types of testing and research involving cluster munitions that is done by other States Parties. Thus it is possible for States Parties to share technical data among themselves without having to acquire items or conduct possibly duplicative testing. However, as yet there has been no reported acquisition or transfer of cluster munitions or submunitions between States Parties.

Retention by signatories

Signatories Angola and South Africa have indicated that they intend to retain cluster munitions and/or submunitions for training and research purposes. South Africa has stated that it would likely retain only inert cluster munition casings and not the explosive content.²⁰⁵

No retention

At least 36 States Parties have expressed their view that there is no need to retain any live cluster munitions or explosive submunitions for training or research in detection, clearance and destruction techniques, or for the development of counter-measures.

Three States Parties—Chile, Croatia, and Moldova—have stated that they are retaining only inert items that have been rendered free from explosives and no longer qualify as cluster munitions or submunitions under the convention. Chile declared in September 2012 that it is retaining a total of 12 CBK-250 cluster munitions containing 240 inert PM-1 submunitions for training and research purposes.²⁰⁶

At least 14 States Parties that declared stockpiled cluster munitions in their Article 7 transparency reports have stated that they do not intend to retain cluster munitions for training or research purposes: Afghanistan, Austria, BiH, Botswana, Bulgaria, Ecuador, Hungary, Japan, FYR Macedonia, Montenegro, Mozambique, Norway, Portugal, and Slovenia. Côte d’Ivoire has yet to deliver its Article 7 transparency report, but in May 2013 stated that it is not retaining any cluster munitions for training and research purposes because “we don’t want to have these types of arms in our arsenal.”²⁰⁷

Eighteen States Parties that have never stockpiled cluster munitions have confirmed they do not retain any cluster munitions or explosive submunitions.²⁰⁸ Malawi has stated that the retention of cluster munitions for training and development “should be the exception and not the rule,” and those that do retain should only keep a “very limited number.”²⁰⁹

Signatories Canada and Colombia have indicated they are not retaining any cluster munitions for training or research purposes. A Canadian official said in July 2013, “The Canadian Armed Forces currently have no plans to retain any cluster munitions for purposes permitted by Article 3 of the Convention on Cluster Munitions.”²¹⁰ In 2012, Colombia confirmed that it has not retained any cluster munitions or submunitions for training or development purposes.²¹¹

Transparency Reporting

Under Article 7 of the Convention on Cluster Munitions, States Parties are obliged to submit an initial transparency report no later than 180 days after entry into force for that State Party. The CMC encourages states to submit their Article 7 transparency reports by the deadline and provide complete information, including definitive statements.²¹²

²⁰³ Statement of Switzerland, Convention on Cluster Munitions Intersessional Meetings, Geneva, 17 April 2013.

²⁰⁴ Statement of the UK, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 14 September 2011, www.clusterconvention.org/files/2011/09/ssd_united_kingdom.pdf.

²⁰⁵ Interview with Col. Nigel Aspey, Department of Defence, Pretoria, 7 April 2011.

²⁰⁶ Chile, Convention on Cluster Munitions Article 7 Report, Form B, September 2012.

²⁰⁷ Statement of Côte d’Ivoire, Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions, Lomé, 22 May 2013, Notes by the Monitor.

²⁰⁸ Albania, Burkina Faso, Holy See, Ireland, Lebanon, Lao PDR, Lithuania, Luxembourg, Malawi, Malta, Mexico, Monaco, New Zealand, San Marino, Sierra Leone, Saint Vincent and the Grenadines, Uruguay, and Zambia.

²⁰⁹ Statement by Maj. Dan Kuwali, Director of Legal Services, Malawi Defence Force, on Promoting a Common Understanding of the Provisions of the Convention in Africa, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 25 March 2010.

²¹⁰ Email from Julie Croteau, Foreign Affairs and International Trade Canada, 19 July 2013.

²¹¹ Letter from Sonia Matilde Eljach Polo, Ministry of External Relations, 19 April 2012; and statement of Colombia, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 12 September 2012, www.clusterconvention.org/files/2012/09/Stockpile-destruction-Colombia.pdf.

²¹² A small number of states are not providing definitive statements throughout their reports. Notably, some simply submit “not applicable” in response to particular information requests. States should, for example, include a short narrative statement on Form E on conversion of production facilities, i.e., “Country X never produced cluster munitions,” instead of simply putting “N/A” in the form. In addition, only a small number of states used voluntary Form J to report on actions to promote universalization and to discourage use of cluster munitions by states not party, cooperation and assistance, or to report on other important matters such as positions on interpretive issues. Austria, Belgium, DRC, France, Guatemala, Ireland, Japan, Lao PDR, Lebanon, New Zealand, Norway, Spain, and Zambia have utilized Form J in their initial Article 7 transparency reports.

Initial reports

As of 31 July 2013, 58 States Parties have submitted an initial report as required by Article 7 of the convention, representing 70% of States Parties for which the obligation applied at that time.²¹³

Seventeen States Parties are late in submitting their initial Article 7 transparency reports, as listed in the table below. Of these states, nine had submission deadlines in 2011, while four were due in 2012.

Eight States Parties have pending deadlines for their initial reporting obligations, as listed in the table below.

Annual updated reports

After submitting their initial report, by 30 April of each year States Parties are required to provide an updated Article 7 transparency report covering the previous calendar year. States with no changes since their previous report can complete a simple cover page indicating no change, while others can provide updated information using only the cover page and relevant forms.

In 2013, 18 States Parties that have submitted previous Article 7 reports did not provide annual updates for calendar year 2012: Antigua and Barbuda, BiH, Botswana, Burundi, Chile, Ecuador, Lesotho, Luxembourg, Malawi, Malta, Monaco, Netherlands, Nicaragua, Saint Vincent and the Grenadines, Samoa, Senegal, Sierra Leone, and Zambia.

In 2012, 11 States Parties that have submitted initial Article 7 reports did not provide annual updates for calendar year 2011: Burkina Faso, Burundi, Ecuador, Lesotho, Malawi, Malta, Mauritania, Montenegro, Nicaragua, Sierra Leone, and Uruguay.

Voluntary reports

States not party to the convention may submit voluntary reports as an interim step toward ratification or accession, or at least as an indication of support for the convention. Three signatories have provided voluntary initial Article 7 transparency reports: Canada in 2011, 2012, and 2013; DRC in 2011 and 2012; and Palau in 2011.

National Implementation Legislation

Article 9 of the Convention on Cluster Munitions requires States Parties to take “all appropriate legal, administrative and other measures to implement this Convention, including the imposition of penal sanctions.”²¹⁴ The CMC urges all States Parties to enact comprehensive national legislation to enforce the convention’s provisions and provide binding, enduring, and unequivocal rules that are less subject to interpretation.

As of 31 July 2013, 22 States Parties are known to have enacted specific legislative measures to implement the convention, while 19 States Parties have indicated that their existing national laws are sufficient to implement the convention. Another 33 States Parties and signatories are planning or are in the process of drafting, reviewing, or adopting specific legislative measures to implement the convention.

National implementation legislation by States Parties

The 22 States Parties that have enacted legislation to implement the convention are listed in the table below. Most enacted legislation prior to ratifying, often combining the approval process for legislation and ratification.

State Parties with overdue initial Article 7 reports (as of 31 July 2013)

Cameroon	30 June 2013
Cape Verde	28 October 2011
Comoros	30 June 2011
Cook Islands	30 July 2012
Costa Rica	29 March 2012
Côte d’Ivoire	28 February 2013
Dominican Republic	28 November 2012
El Salvador	28 December 2011
Fiji	30 April 2011
Guinea-Bissau	28 October 2011
Honduras	28 February 2013
Mali	30 May 2011
Niger	28 January 2011
Panama	28 October 2011
Togo	29 May 2013
Trinidad and Tobago	28 August 2012
Tunisia	28 August 2011

State Parties with pending initial Article 7 report deadlines

Peru	28 August 2013
Australia	28 September 2013
Nauru	28 January 2014
Chad	28 February 2014
Liechtenstein	28 February 2014
Andorra	30 March 2014
Bolivia	30 March 2014
Iraq	30 April 2014

²¹³ Afghanistan, Albania, Antigua and Barbuda, Austria, Belgium, BiH, Botswana, Bulgaria, Burkina Faso, Burundi, Chile, Croatia, Czech Republic, Denmark, Ecuador, France, Germany, Ghana, Grenada, Guatemala, Holy See, Hungary, Ireland, Italy, Japan, Lao PDR, Lebanon, Lesotho, Lithuania, Luxembourg, FYR Macedonia, Malawi, Malta, Mauritania, Mexico, Monaco, Moldova, Montenegro, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Portugal, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Seychelles, Sierra Leone, Slovenia, Spain, Swaziland, Sweden, Switzerland, UK, Uruguay, and Zambia.

²¹⁴ For recommendations of best practice in this field, see HRW and Harvard Law School’s International Human Rights Clinic, “Fulfilling the Ban: Guidelines for Effective National Legislation to Implement the Convention on Cluster Munitions,” June 2010; and ICRC, “Model Law, Convention on Cluster Munitions: Legislation for Common Law States on the 2008 Convention on Cluster Munitions.”

Two states adopted legislation before the convention was concluded in May 2008 (Austria and Belgium), two adopted legislation in 2008 prior to signing the convention in December (Ireland and Norway), four adopted legislation in 2009 (Germany, Japan, Luxembourg, and New Zealand), four in 2010 (Ecuador, France, Spain, and the UK), three in 2011 (Cook Islands, Czech Republic, and Italy), five in 2012 (Australia, Guatemala, Hungary, Samoa, Sweden, and Switzerland), and one in the first half of 2013 (Liechtenstein).

In the reporting period, four states were added to the Monitor's list of states with implementing legislation:

- **Australia's** implementing legislation is the Criminal Code Amendment (Cluster Munitions Prohibition) Act 2012, which came into force on 1 April 2013.²¹⁵
- **Guatemala's** implementing legislation for the convention is the Law on Cluster Munitions and/or Explosive Bomblets (Ley de municiones en racimo y/o bombetas explosivas), enacted on 14 August 2012.
- **Liechtenstein's** ratification of the Convention on Cluster Munitions was enabled by an amendment to its Law on Brokering in War Material, which also expressly prohibits "brokering and direct, as well as indirect, financing of cluster munitions." The amended law will take effect in Liechtenstein on 1 September 2013. In addition, under the Customs Union Treaty between Liechtenstein and Switzerland "the development, manufacture, purchase, acquisition, transfer, import, export, transport, and stockpiling and possession of cluster munitions is governed by Swiss legislation in Liechtenstein." The amendments to Switzerland's Federal Law on War Material enacted by the Swiss parliament in March 2012 "are therefore also applicable in Liechtenstein."²¹⁶
- **Samoa's** national implementation legislation is the Cluster Munitions Prohibition Act 2012, which came into effect on 27 April 2012.²¹⁷

Existing law deemed sufficient

At least 19 States Parties have indicated that they view their existing laws as sufficient to implement the convention: Albania, Andorra, Bulgaria, Denmark, Guinea-Bissau, Holy See, Lithuania, FYR Macedonia, Malta, Mexico, Moldova, Montenegro, the Netherlands, Nicaragua, Portugal, San Marino, Slovenia, Tunisia, and Uruguay.

Several states joined this list in the reporting period:

- **Albania** declared that it does not see a need for specific legislation to implement the Convention on Cluster Munitions as existing legislation is considered to be "sufficient."²¹⁸
- **Andorra** stated that following a legislative review it finds that "current domestic legislation already complies with the main obligations" of the Convention on Cluster Munitions so "it is not necessary to develop... internal regulations."²¹⁹
- **Bulgaria** declared that after reviewing its existing laws, "no special national legislation on the implementation of the Convention on Cluster Munitions will be considered for adoption." It stated that under its constitution, international treaties ratified by Bulgaria become part of domestic law so "there is no legal necessity to adopt an additional specific legislation."²²⁰

States Parties that have enacted national legislation

State Party	Year enacted
Australia	2012
Austria	2008
Belgium	2006
Cook Islands	2011
Czech Republic	2011
Ecuador	2010
France	2010
Germany	2009
Guatemala	2012
Hungary	2012
Ireland	2008
Italy	2011
Japan	2009
Liechtenstein	2013
Luxembourg	2009
New Zealand	2009
Norway	2008
Samoa	2012
Spain	2010
Sweden	2012
Switzerland	2012
UK	2010

²¹⁵ Criminal Code Amendment (Cluster Munitions Prohibition) Act 2012, www.comlaw.gov.au/Details/C2012A00114.

²¹⁶ Letter from Christine Stehrenberger, Deputy Director, Office for Foreign Affairs on behalf of the Minister of Foreign Affairs, Aurelia Frick, to Mary Wareham, HRW, 28 May 2013; and Liechtensteinisches Landesgesetzblatt, No. 197, 21 May 2013, www.gesetze.li/chrono/0/pdfs/2013197000. The letter contained a copy of Liechtenstein's amended Law on Brokering in War Material.

²¹⁷ Statement of Samoa, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 11 September 2012, www.clusterconvention.org/files/2012/09/SAMOA_General-Statement1.pdf.

²¹⁸ Albania, Convention on Cluster Munitions Article 7 Report, Form A, 30 April 2013.

²¹⁹ According to Andorra's accession package, "from the entry into force of Andorra, the definitions contained therein immediately become part of the internal legal system." The document notes that a decree dated 3 July 1989 addresses the "possession, use and circulation of arms, prohibits the manufacture, import, circulation, possession, use, sale and advertising of weapons of war. The definition the Decree provides for weapons of war seems large enough to qualify cluster bombs and weapons of war and to contain, implicitly, its prohibition." In addition, the document states that Article 265 of Andorra's penal code, "punishes by imprisonment of four to ten years for manufacturing, development, marketing, transfer or stockpiling of weapons of war and their munitions." See "Proposal of approval to the accession of the Convention on Cluster Munitions, adopted in Dublin on 30 May 2008," accession package submitted to the Council General (Consell General) by the Head of Government of the Principality of Andorra (Cap de Govern del Principat d'Andorra), 25 June 2012, www.parlament.ad/micg/webconsell.nsf.

²²⁰ The Convention on Cluster Munitions was ratified by the National Assembly with an act adopted on 10 February 2011 that took effect on 1 October 2011. Bulgaria, Convention on Cluster Munitions Article 7 Report, Form A, 20 April 2013.

- **Guinea-Bissau** stated that it considers its existing laws as sufficient to implement the Convention on Cluster Munitions and the Mine Ban Treaty and said its penal code contains clear sanctions for any violations.²²¹

Legislation under consideration

At least 33 other States Parties and signatories have said that they are planning or are in the process of drafting, reviewing, or adopting specific legislative measures to implement the convention: Afghanistan, Benin, BiH, Botswana, Burkina Faso, Burundi, Canada, Central African Republic, Chad, Colombia, Republic of the Congo, DRC, Côte d'Ivoire, Croatia, Cyprus, Ghana, Grenada, Iceland, Lao PDR, Lebanon, Lesotho, Malawi, Niger, Senegal, Seychelles, Sierra Leone, Spain, Saint Vincent and the Grenadines, South Africa, Tanzania, Togo, Uganda, and Zambia.

Many of these states reported progress toward enacting national legislation in the second half of 2012 and the first half of 2013:

- **Afghanistan** reported that draft legislation banning antipersonnel landmines and cluster munitions is being reviewed by the Ministry of Justice.²²²
- **BiH** officials said that legislative measures to implement and enforce the Convention on Cluster Munitions are being considered.²²³
- **Botswana** reported that “consultations [are] underway to domesticate the convention through an Act of parliament.”²²⁴
- **Burkina Faso** said that it is working to conclude national legislation to implement the Convention on Cluster Munitions in 2013.²²⁵
- **Burundi** said that it intends to expand its existing Mine Ban Treaty legislation to address cluster munitions.²²⁶
- **Canada**’s implementation legislation, the “Act to Implement the Convention on Cluster Munitions” or Bill S-10, was introduced in the Senate on 25 April 2012 and approved on 4 December 2012. As of 31 July 2013, the draft legislation was awaiting approval by the House of Commons.²²⁷ The draft legislation to implement the ban convention has been strongly criticized by the CMC, Mines Action Canada, and others.
- **Chad** said that the government is discussing possible national legislation to implement the convention’s provisions with the ICRC and others.²²⁸
- **Colombia**’s Congress enacted Law 1604 on 12 December 2012, which incorporates the Convention on Cluster Munitions into domestic law, but separate implementation legislation is also planned.
- The **Republic of the Congo** said that after ratification it intends to amend its existing Mine Ban Treaty law to include cluster munitions.²²⁹
- **Côte d’Ivoire** said its National Assembly is updating the country’s laws to ensure compliance with international treaties and said it would “be compliant very soon” with its Convention on Cluster Munitions obligations.²³⁰
- **Ghana** stated that draft legislation prepared by the Attorney General’s department to prohibit the use, manufacturing, production, stockpiling, and transfer of cluster munitions should be adopted soon.²³¹
- **Iceland** said that proposed amendments to existing penal law in relation to the convention would be introduced in the fall 2013 parliamentary session.²³²
- **Lao PDR** stated that it intends to either establish a new law or amend existing laws in order to “prevent and suppress activities prohibited to a State Party” and reflect its national implementation obligations.²³³

²²¹ Statement of Guinea-Bissau, Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions, Lomé, 23 May 2013. Notes by the Monitor.

²²² Afghanistan, Convention on Cluster Munitions Article 7 Report, Form A, 30 August 2012.

²²³ CMC meeting with Tarik Serak, Director of Department, BiH Mine Action Center, Convention on Cluster Munitions Intersessional Meetings, Geneva, 18 April 2013. BiH has reported its ratification legislation under national implementation measures in its Article 7 transparency reports.

²²⁴ Botswana, Convention on Cluster Munitions Article 7 Report, Form A, 31 August 2012.

²²⁵ Statement of Burkina Faso, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 12 September 2012, www.clusterconvention.org/files/2012/09/GEV-Burkina-Faso.pdf.

²²⁶ CMC-Togo meeting with Désiré Nshimirimana, Second Vice-President of the National Permanent Commission to Combat the Proliferation of Small Arms and Light Weapons, in Geneva, 17 April 2013.

²²⁷ Senate of Canada, “Bill S-10: An Act to Implement the Convention on Cluster Munitions,” www.parl.gc.ca/content/lop/legislaturesummaries/41/1/s10-e.pdf.

²²⁸ CMC meeting with Gen. Izzo Miskine Abdel Aziz, Director, National Demining Center, and Moussa Ali Sultani, Strategic Plan and Operations Advisor, National Demining Center, in Geneva, 16 April 2013.

²²⁹ Statement by Col. Lucien Nkoua, National Focal Point of the Struggle Against Mines, Seminar to mark the 20th Anniversary of the ICBL hosted by the Congolese Campaign to Ban Landmines and Cluster Bombs, Kinshasa, 19 December 2012; and interview with Col. Lucien Nkoua, National Focal Point of the Struggle Against Mines, 13 May 2013.

²³⁰ Statement of Côte d’Ivoire, Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions, Lomé, 23 May 2013, Notes by the Monitor.

²³¹ Statement of Ghana, Convention on Cluster Munitions Intersessional Meetings, Geneva, 16 April 2013, www.clusterconvention.org/files/2013/04/CCM-GHANA-OFFICIAL-imp-STATEMENT-final.pdf.

²³² Email from Pétur G. Thorsteinsson, Ministry for Foreign Affairs, 6 May 2013.

²³³ Statement of Lao PDR, Convention on Cluster Munitions Intersessional Meetings, 16 April 2013.

It has also indicated that the relevant articles of the penal code may be amended to reflect its obligations under the convention.²³⁴

- **Lebanon** announced that it plans to amend existing legislation in 2013 to enforce the provisions of the Convention on Cluster Munitions.²³⁵
- **Lesotho** said that draft legislation to implement the Convention on Cluster Munitions has been prepared for submission to parliament.²³⁶
- **Niger** stated that draft implementation legislation for the Convention on Cluster Munitions is being prepared.²³⁷ An official said it would be submitted to the National Assembly in 2014.²³⁸
- **Senegal** said that it intends to enact specific legislation to enforce the provisions of the convention in domestic law.²³⁹
- **Seychelles** said that, following a legislative review process, the government has concluded that its existing Mine Ban Treaty law will be amended to apply the provisions of the Convention on Cluster Munitions.²⁴⁰
- **Sierra Leone** said that draft implementation legislation has been prepared using a model provided by the ICRC.²⁴¹
- **Spain** reported that a process is underway to amend its national implementation legislation for the Mine Ban Treaty, Law 33/1998, to include “a total ban on cluster munitions and similar arms.”²⁴²
- **Togo** said that it is cooperating with the ICRC to revise its penal code to incorporate provisions of the Convention on Cluster Munitions into domestic law.²⁴³
- **Uganda** said that national implementation legislation for the Convention on Cluster Munitions is being prepared for consideration after ratification.²⁴⁴
- **Zambia** stated that it “is in the process of domesticating” the Convention on Cluster Munitions and hopes to complete the process by September 2013.²⁴⁵

The status of national implementation measures is unknown or unclear in the remaining States Parties and signatories. This includes 15 States Parties that have yet to submit an initial Article 7 transparency report as of 31 July 2013.²⁴⁶ The status of national implementation legislation in 19 of the 29 signatories is not known.²⁴⁷

Interpretive Issues

During the Oslo Process and the final negotiations in Dublin where the Convention on Cluster Munitions was adopted on 30 May 2008, it appeared that there was not a uniform view on some important issues related to interpretation and implementation of the convention. The CMC has urged States Parties and signatories to declare their views on the following special issues of concern so that common understandings can be reached:

1. The prohibition on assistance during joint military operations with states not party that may use cluster munitions (“interoperability”);
2. The prohibition on transit and foreign stockpiling of cluster munitions; and
3. The prohibition on investment in production of cluster munitions.

²³⁴ Statement of Lao PDR, Convention on Cluster Munitions Intersessional Meetings, Geneva, 18 April 2012, www.clusterconvention.org/files/2012/04/LaoPDR_nationalimplementationmeasure2012final.pdf; and Lao PDR, Convention on Cluster Munitions Article 7 Report, Form A, 25 January 2011, [www.unog.ch/80256EDD006B8954/\(httpAssets\)/BD3A6411F7DA3B85C1257823005645AB/\\$file/Laos+I.pdf](http://www.unog.ch/80256EDD006B8954/(httpAssets)/BD3A6411F7DA3B85C1257823005645AB/$file/Laos+I.pdf).

²³⁵ Statement of Lebanon, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 11 September 2012, www.clusterconvention.org/files/2012/09/Statement-Lebanon.pdf.

²³⁶ CMC meeting with Ntsme Victor Jafeta, Counsellor, Permanent Mission of Lesotho to the UN in Geneva, Geneva, 16 April 2013.

²³⁷ Statement of Niger, Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions, Lomé, 22 May 2013. Notes by the Monitor.

²³⁸ Monitor meeting with Allassan Fousseini, Expert on Mine Action and Small Arms and Light Weapons, National Commission for the Collection and Control of Illicit Weapons (Commission Nationale pour la Collecte et le Contrôle des Armes Illicites, CNCCAI), in Geneva, 28 May 2013.

²³⁹ CMC meeting with Abdoulaye Bathily, First Secretary, Permanent Mission of Senegal to the UN in Geneva, in Lomé, 22 May 2013.

²⁴⁰ Statement of Seychelles, Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions, Lomé, 23 May 2013. Notes by the Monitor.

²⁴¹ CMC meeting with Gen. Modibo Lymon (retired), Commissioner, Sierra Leone National Commission on Small Arms, in Lomé, 22 May 2013. Notes by the CMC.

²⁴² Spain, Convention on Cluster Munitions Article 7 Report, Form A, 30 April 2013. Spain has stand-alone national implementation legislation in place for the Mine Ban Treaty: “Law Banning Antipersonnel Landmines as well as those Arms with Similar Effects, Law 33/1998.” A copy of the Spanish law can be found in the official journal of the state, *Boletín Oficial del Estado*, Num. Ver. 239-1998, 6 October 1998. See also ICBL, *Landmine Monitor Report 2000: Toward a Mine-Free World* (Human Rights Watch: New York, 2000).

²⁴³ Statement of ICRC, Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions, Lomé, 22 May 2013. Notes by the Monitor.

²⁴⁴ Statement of Uganda, Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions, Lomé, 22 May 2013, www.clusterconvention.org/files/2013/05/NIM_Ugnada.pdf.

²⁴⁵ Statement of Zambia, Convention on Cluster Munitions Intersessional Meetings, Geneva, 19 April 2013, www.clusterconvention.org/files/2013/04/Zambia.pdf.

²⁴⁶ Bolivia, Cameroon, Cape Verde, Comoros, Costa Rica, Dominican Republic, El Salvador, Fiji, Honduras, Iraq, Mali, Nauru, Panama, Peru, and Trinidad and Tobago.

²⁴⁷ Angola, Djibouti, Gambia, Guinea, Haiti, Indonesia, Jamaica, Kenya, Liberia, Madagascar, Namibia, Nigeria, Palau, Paraguay, Philippines, Rwanda, São Tomé and Príncipe, Somalia, and Tanzania.

A significant number of States Parties and signatories to the convention have declared their views on these matters, including through Article 7 transparency reports, statements at meetings, parliamentary debates, and in direct communication with the Monitor. Several strong implementation laws have been enacted that provide useful models for how to implement certain provisions of the Convention on Cluster Munitions. Yet, as of 31 July 2013, 33 of the 83 States Parties to the Convention on Cluster Munitions still had not declared their views on even one of these interpretive issues.²⁴⁸

In addition, US Department of State cables made public by Wikileaks in late 2010 and 2011 show how the US, despite not itself participating in the Oslo Process, attempted to influence its allies, partners and other states on the content of the Convention on Cluster Munitions, especially with respect to interoperability.²⁴⁹ The cables also show that the US has stockpiled and may continue to be storing cluster munitions in a number of States Parties, including Afghanistan, Germany, Italy, Japan, and Spain. US cluster munition stocks have been removed from Norway and the UK.

Prohibition on assistance and interoperability

Article 1 of the convention obliges States Parties “never under any circumstances to... assist, encourage or induce anyone to engage in any activity prohibited to a State Party under this Convention.” Yet during the Oslo Process, some states expressed concern about the application of the prohibition on assistance during joint military operations with countries that have not joined the convention. In response to these “interoperability” concerns, Article 21 on “Relations with States not Party to this Convention” was included in the convention. Article 21 was strongly criticized by the CMC for being politically motivated and for leaving a degree of ambiguity about how the prohibition on assistance would be applied in joint military operations.

Article 21 says that States Parties “may engage in military cooperation and operations with States not party to this Convention that might engage in activities prohibited to a State Party.” It does not, however, negate a State Party’s obligations under Article 1 to “never under any circumstances” assist with prohibited acts. The article also requires States Parties to discourage use of cluster munitions by those not party and to encourage them to join the convention. Together, Article 1 and Article 21 should have a unified and coherent purpose, as the convention cannot both discourage the use of cluster munitions and, by implication, encourage it. Furthermore, to interpret Article 21 as qualifying Article 1 would run counter to the object and purpose of the convention, which is to eliminate cluster munitions and the harm they cause to civilians.

The CMC position is therefore that States Parties must not intentionally or deliberately assist, induce, or encourage any activity prohibited under the Convention on Cluster Munitions, even when engaging in joint operations with states not party.

At least 38 States Parties and signatories have agreed that the convention’s Article 21 provision on interoperability should not be read as allowing states to avoid their specific obligation under Article 1 to prohibit assistance with prohibited acts.²⁵⁰ Developments in the reporting period included:

- **Guatemala’s** 2012 law explicitly allows for participation in joint operations, but does not state that this participation permits assistance with the use of cluster munitions. Article 3 prohibits the “assistance, encouragement, or inducement to anyone to participate in any of the aforementioned activities.”
- **Niger** informed the Monitor that it views assistance during joint military operations with states not party that may use cluster munitions to be banned by the convention.²⁵¹
- **Samoa’s** law reinforces the importance of prohibiting assistance without creating explicit exceptions to Article 1 of the Convention on Cluster Munitions. The Cluster Munitions Prohibition Act 2012 specifically makes it an offence for members of Samoa’s police forces to expressly request the use of cluster munitions while engaged in operations, exercises or other military activities with the armed forces of a state that is not party to the convention, when the choice of munitions used is within the exclusive control of the police.²⁵²

²⁴⁸ States Parties that have not publicly expressed a view on any of these interpretive issues include: Afghanistan, Albania, Andorra, Antigua and Barbuda, Bolivia, Botswana, Cape Verde, Cook Islands, Costa Rica, Côte d’Ivoire, Dominican Republic, El Salvador, Fiji, Guinea-Bissau, Honduras, Iraq, Lesotho, Lithuania, Mauritania, Moldova, Monaco, Mozambique, Nauru, Panama, Peru, Saint Vincent and the Grenadines, San Marino, Seychelles, Sierra Leone, Swaziland, Trinidad and Tobago, Tunisia, and Uruguay.

²⁴⁹ As of July 2012, Wikileaks had made public a total of 428 cables relating to cluster munitions originating from 100 locations for the period from 2003 to 2010. *Cluster Munition Monitor 2011* had reviewed cables released by Wikileaks as of early August 2011, a total of 57 US diplomatic cables from 24 locations. See www.cablegatesearch.net/search.php?q=cluster+munitions&qo=0&qc=0&qto=2010-02-28.

²⁵⁰ At least 35 States Parties and signatories have previously stated their agreement with this view: Austria, Belgium, BiH, Bulgaria, Burundi, Cameroon, Chile, Colombia, Croatia, Czech Republic, DRC, Ecuador, France, Germany, Ghana, Guatemala, Holy See, Hungary, Iceland, Ireland, Lao PDR, Lebanon, Madagascar, Malawi, Mali, Mexico, Montenegro, New Zealand, Nicaragua, Norway, Portugal, Senegal, Slovenia, Sweden, and Switzerland. See CMC, *Cluster Munition Monitor 2012* (Geneva: ICBL-CMC, August 2012), pp. 34–35; CMC, *Cluster Munition Monitor 2011* (Ottawa: Mines Action Canada, October 2011), pp. 25–27; ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 20–21; and HRW and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 25–26.

²⁵¹ Monitor meeting with Allassan Fousseini, CNCCA, in Geneva, 28 May 2013.

²⁵² Cluster Munitions Prohibition Act 2012, Part II, Section 6 (2)(a&b).

States Parties Australia, Japan, the Netherlands, and the UK have indicated support for the contrary view that the Article 1 prohibition on assistance with prohibited acts may be overridden by the interoperability provisions contained in Article 21.

The CMC has described Australia's Criminal Code Amendment (Cluster Munitions Prohibition) Act 2012 as "extremely problematic" because it allows Australian military personnel to assist with cluster munition attacks by states not party—a provision that runs counter to the convention's prohibition on assistance—and contravenes Article 9 requiring penal sanctions for activities prohibited by the convention. An Australian official informed the Monitor in June 2013 that "Australia's view regarding interoperability is a matter of public knowledge and has been consistent throughout the negotiations on the Convention to the present day. Section 72.41 of Australia's implementing legislation is consistent with the provisions in Article 21 of the Convention."²⁵³ In a statement issued upon Australia's ratification in October 2012, the Minister for Foreign Affairs stated, "With this legislation, it is now an offence to use...and also to encourage others to engage with these dangerous weapons ... The Convention and the Act will also apply to Australian Defence Force (ADF) personnel during military operations and ADF personnel serving alongside the defence forces of States not party to the Convention."²⁵⁴

Japan has been reluctant to publicly discuss its views on Article 21, but in a June 2008 State Department cable, a senior Japanese official apparently told the US that Japan interprets the convention as enabling the US and Japan to continue to engage in military cooperation and conduct operations that involve US-owned cluster munitions.²⁵⁵

Denmark reported in May 2013 that its Defence Command has issued instructions that stipulate "limitations on the possibilities to co-operate with nations who have not signed the convention."²⁵⁶

Signatory Canada is in the process of considering draft implementation legislation that contains extensive provisions on interoperability. Section 11 of Canada's draft implementing legislation on "Joint Military Operations" would permit Canadian Armed Forces and public officials to "direct or authorize" an act that "may involve" a state not party while that state is performing activities prohibited under the Convention on Cluster Munitions. The bill would also permit Canadian forces and public officials to "expressly request" use of cluster munitions by a state not party if the choice of weapons is not within the "exclusive control" of the Canadian Armed Forces. Section 11 would also allow Canadians themselves to use, acquire, possess, or transfer cluster munitions if they are on secondment to the armed forces of a state not party.²⁵⁷ At the convention's Third Meeting of States Parties in September 2012, Canada defended the draft legislation as reflecting "all of the legal obligations called for" in the convention and emphasized that "we have gone even further by prohibiting other activities as a matter of policy, policy which will be translated in operational directives which are themselves legally binding for our soldiers under the military justice system."²⁵⁸

At the Third Meeting of States Parties in September 2012, the CMC, States Parties, and others expressed concern at certain interpretations in national legislation undertaken by Australia, Canada, and others.²⁵⁹ Austria stated that "all State Parties are obliged to undertake best efforts to discourage States from using cluster munitions" and said that "exceptions in national legislation with respect to interoperability clauses risk to run counter to the object and purpose of the Convention."²⁶⁰ Norway said that, "Article 1(1) states the absolute prohibition on any use of all cluster munitions, linked to the unambiguous phrase 'never under any circumstances.' This prohibition applies to all kinds of conflicts as well as situations falling below the threshold of armed conflict. The prohibition against use, production, etc., cannot be bypassed or circumvented by creative interpretations of other articles in the Convention. Article 21(4) of the Convention specifies that nothing in the Convention shall authorise a State Party to inter alia use cluster munitions. Article 9 requires that what is prohibited to States Parties must also be prohibited for all individuals."²⁶¹

²⁵³ Email from Namdi Payne, Second Secretary/Legal Advisor, Permanent Mission of Australia to the UN in Geneva, to Mary Wareham, HRW, 13 June 2013.

²⁵⁴ Department of Foreign Affairs and Trade and Department of Defence press release, "Australia ratifies global treaty to ban cluster munitions," 17 October 2012, www.foreignminister.gov.au/releases/2012/bc_mr_121017.html.

²⁵⁵ "Oslo convention on cluster munitions will not prevent U.S.-Japan military operations," US Department of State cable 08TOKYO1748 dated 25 June 2008, released by Wikileaks on 16 June 2011, [www.cablegatesearch.net/cable.php?id=08TOKYO1748&q=cluster munitions](http://www.cablegatesearch.net/cable.php?id=08TOKYO1748&q=cluster%20munitions).

²⁵⁶ Denmark, Convention on Cluster Munitions Article 7 Report, Form A, 5 May 2013.

²⁵⁷ Senate of Canada, "Bill S-10: An Act to Implement the Convention on Cluster Munitions," www.parl.gc.ca/content/lop/legislative/summaries/41/1/s10-e.pdf.

²⁵⁸ Statement of Canada, Convention on Cluster Munitions Third Meeting of States Parties, 14 September 2012, www.clusterconvention.org/files/2012/09/NIM-Canada.pdf.

²⁵⁹ The CMC said the problematic provisions "would clearly constitute assistance with use of cluster munitions, which is prohibited under Article 1 of the Convention." It urged Canada "in the strongest terms to revise the law before passage." CMC Statement, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 11 September 2012, www.clusterconvention.org/files/2012/09/CMC-Statement-on-National-Implementation-Measures.pdf.

²⁶⁰ Statement of Austria, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 11 September 2012, www.clusterconvention.org/files/2012/09/GEV-Austria.pdf.

²⁶¹ Statement by Amb. Steffen Kongstad, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 11 September 2012.

Transit and foreign stockpiling

The CMC has stated that the injunction to not provide any form of direct or indirect assistance with prohibited acts contained in Article 1 of the Convention on Cluster Munitions should be seen as a ban on the transit of cluster munitions across or through the national territory, airspace, or waters of a State Party. It has also said that the convention should be seen as banning the stockpiling of cluster munitions by a state not party on the territory of a State Party.

At least 34 States Parties and signatories have declared that transit and foreign stockpiling are prohibited by the convention.²⁶² This includes three states that made their views known in this reporting period:

- The **Republic of the Congo**'s National Mine Action Focal Point informed the Monitor that the Republic of the Congo "is not willing to assist any country with prohibited acts" under the convention, nor "to use its national territory for transit of these weapons or the stockpiling of cluster munitions and landmines belonging to a foreign army."²⁶³
- Article 3 of **Guatemala**'s national implementation legislation prohibits the "use, development, production, acquisition, stockpiling, retention, direct or indirect transfer of one or more cluster munitions and/or explosive bomblets."²⁶⁴
- A representative of **Niger** informed the Monitor that Niger considers transit and foreign stockpiling of cluster munitions on the territory of a State Party to be prohibited under the Convention on Cluster Munitions.²⁶⁵

States Parties that have indicated support for the opposite view, that transit and foreign stockpiling are not prohibited by the convention, include Australia, Japan, the Netherlands, Portugal, Sweden, and the UK.

- **Australia**'s implementing legislation (Section 72.42) explicitly allows states not party to stockpile cluster munitions on Australian soil and permits them to transit cluster munitions through Australian ports and airspace. However, in June 2013, a government representative informed the Monitor that "The Australian Government has stated consistently since 2011 that, as a matter of policy, it will not approve the stockpiling of cluster munitions by foreign governments in Australia. Nor are there any existing stockpiles of cluster munitions on Australian territory."²⁶⁶
- The **Netherlands** appears to permit transit, but requires a special permit. The Regulations on General Transit Permits NL008 for military goods from allied countries entered into force on 1 July 2012. According to Articles 3 and 4, cluster munitions and antipersonnel mines are excluded from general transit permits, meaning that an individual transit permit is required for both types of weapons. An explanatory note to the regulations says that cluster munitions and antipersonnel mines are "very sensitive goods for which the Netherlands has committed itself to the obligations stemming from the Convention on Cluster Munitions and the Ottawa Convention. Naturally, these goods are excluded from the scope of the NL008 general transit permits."²⁶⁷
- **Sweden**'s 2012 parliamentary report articulates the view of the government that transit of cluster munitions is not prohibited under the convention.²⁶⁸ Sweden has not made an explicit statement on the issue of the prohibition on foreign stockpiling of cluster munitions, but its 2011 ratification legislation states that "stockpiling, transport, and other handling of cluster munitions could occur in the occasion of military cooperation with states that are not parties to the convention, typically when the latter has a military base, a military ship, or aircraft on the territory of a state party. These activities could also occur during an international mission where military forces from many nations take part and where weapons and ammunition are supplied through common logistical functions."

²⁶² A total of 32 States Parties and signatories have previously said transit and foreign stockpiling are prohibited: Austria, Belgium, BiH, Bulgaria, Burkina Faso, Burundi, Cameroon, Colombia, Comoros, Croatia, Czech Republic, DRC, Ecuador, France, Germany, Ghana, Guatemala, Holy See, Ireland, Lao PDR, Luxembourg, FYR Macedonia, Madagascar, Malawi, Malta, Mexico, New Zealand, Norway, Senegal, Slovenia, Spain, and Zambia. See CMC, *Cluster Munition Monitor 2011* (Ottawa: Mines Action Canada, October 2011), pp. 27–29; ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 20–21; and HRW and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 25–26.

²⁶³ Interview with Col. Lucien Nkoua, National Focal Point of the Struggle Against Mines, 13 May 2013.

²⁶⁴ See "Ley de municiones en racimo y/o bombetas explosivas" ("Law Regarding Cluster Munitions and/or Explosive Bomblets"), Decree number 22-2012, 14 August 2012, Articles 7–8, www.sgp.gob.gt/soft/publico/descargarchivo.php?id=2250&nombrearchivo=uploads/2013/02/05/622250Y3fXNrGAmnzScxCoXAeNW0eHJ24x5n0.pdf.

²⁶⁵ Monitor meeting with Allassan Fousseini, CNCCAI, in Geneva, 28 May 2013.

²⁶⁶ Email from Namdi Payne, Permanent Mission of Australia to the UN in Geneva, to Mary Wareham, HRW in Geneva, 13 June 2013.

²⁶⁷ Officiële Bekendmakingen, "Regeling van de Staatssecretaris van Economische Zaken, Landbouw en Innovatie van 29 mei 2012, nr. WJZ / 12063076, houdende regels inzake de algemene doorvoervergunning N008 voor militaire goederen met eindbestemming bondgenoten (Regeling algemene doorvoervergunning NL008)" (Official Notice, "Regulation from the Secretary of State of Economic Affairs, Agriculture, and Innovation of 29 May 2012, nr. WJZ / 12063076, pertaining to rules on general transit permits N008 for military goods where the end destination is an allied country (Regulations on General Transit Permits NL008)", Staatscourant (Gazette) 2012, 11116, 5 June 2012, zoek.officielebekendmakingen.nl/stert-2012-11117.html.

²⁶⁸ The report was issued by the Foreign Affairs Committee on 23 February 2012 and approved by parliament on 15 March 2012. "Betänkande 2011/12:UU7 Nedrustning, icke-spridning och konventionell rustningskontroll samt Sveriges tillträde till konventionen om klusterammunition" ("Report 2011/12:UU7 Disarmament, non-proliferation and conventional arms control and Sweden's accession to the Convention on Cluster Munitions"), 23 February 2012, www.riksdagen.se/sv/Dokument-Lagar/Utskottens-dokument/Betankanden/Arenden/201112/UU7/?lattelast=true.

In addition, signatory Canada's draft legislation does not explicitly address transit or foreign stockpiling of cluster munitions but could be read to implicitly allow these activities.²⁶⁹ Section 11(2) of the proposed legislation would allow Canadian forces to transport the cluster munitions of a state not party during joint military operations. According to a senior government official, the bill "does not allow stockpiling of cluster munitions on Canada's territory, including by a State not party to the Convention, as it prohibits all forms of possession."²⁷⁰ On 29 May 2013, the Parliamentary Secretary to the Minister of Foreign Affairs stated that, "The Canadian Forces would also prohibit, as a matter of policy, the transportation of any cluster munitions aboard Canadian assets."²⁷¹

US stockpiling and transit

States Parties Norway and the UK have confirmed that the US has removed its stockpiled cluster munitions from their respective territories. The UK announced in 2010 that there were now "no foreign stockpiles of cluster munitions in the UK or on any UK territory."²⁷² According to a Norwegian Ministry of Foreign Affairs official the US removed its stockpiled cluster munitions from Norway in 2010.²⁷³

The US Department of State cables released by Wikileaks show that the US has stockpiled and may continue to be storing cluster munitions in five other States Parties to the Convention on Cluster Munitions (Afghanistan, Germany, Italy, Japan, and Spain), as well as in non-signatories Israel, Qatar, and perhaps Kuwait:

- A US cable dated December 2008 states, "The United States currently has a very small stockpile of cluster munitions in Afghanistan."²⁷⁴ Some International Security Assistance Force (ISAF) troops operating in Afghanistan have been equipped with cluster munitions, but the current status of any possible stockpiles is not known.
- According to a December 2008 cable, Germany has engaged with the US on the matter of cluster munitions that may be stockpiled by the US in Germany.²⁷⁵ Germany has yet to publicly express clear views on the convention's prohibition on foreign stockpiling of cluster munitions.
- In a November 2008 cable, the US identified Italy, Spain, and Qatar as states of particular concern with respect to interoperability since "they are states in which the US stores cluster munitions," even though apparently Qatar "may be unaware of US cluster munitions stockpiles in the country."²⁷⁶ Spain reported in 2011 that it is in the process of informing the states not party with which it cooperates in joint military operations of its international obligations with respect to the prohibition of storage of prohibited weapons on territory under its jurisdiction or control.²⁷⁷

²⁶⁹ The prohibition on transfer (Section 6c) applies only if there is intent to transfer ownership (not mere physical movement), which arguably means that transit of cluster munitions through Canada could be permissible.

²⁷⁰ Email from John MacBride, Senior Defence Advisor, Non-Proliferation and Disarmament Division, Foreign Affairs and International Trade Canada, 9 July 2012.

²⁷¹ House of Commons official report (Hansard), Volume 146, Number 258, 29 May 2013, www.parl.gc.ca/HousePublications/Publication.aspx?Pub=Hansard&Doc=258&Parl=41&Ses=1&Language=E&Mode=1.

²⁷² Section 8 of the UK's legislation states that its foreign secretary may grant authorization for visiting forces of states not party to the Convention on Cluster Munitions to "possess cluster munitions on, or transfer them through, UK territory." In November 2011, UK officials stated that the only such authorization given to date was provided by former Foreign Secretary David Miliband to the US Department of State to permit the US to transfer its cluster munitions out of UK territory. Statement by Jeremy Browne, Minister of State, Foreign and Commonwealth Office, House of Commons Debate, Hansard, (London: HMSO, 1 November 2011), Column 589W, www.publications.parliament.uk/pa/cm201011/cmhansrd/cm111101/text/111101w0004.htm#1111024001854.

²⁷³ According to a Norwegian Ministry of Foreign Affairs official, "After the adoption of the Convention on Cluster Munitions, Norway discussed with the USA the issue of their stockpile of cluster munitions on Norwegian territory. Norway offered to destroy these cluster munitions together with our own stockpiles. However, the USA decided to remove their stocks, something which happened during the spring of 2010." Email from Ingunn Vatne, Senior Advisor, Department for Human Rights, Democracy and Humanitarian Assistance, Royal Norwegian Ministry of Foreign Affairs, 1 August 2012. According to a US cable dated 17 December 2008, the US stockpile in Norway was believed to consist of "2,544 rounds" of "D563 Dual Purpose Improved Conventional Munitions (DPICM)" and "2,528 rounds" of "D864 Extended Range Dual Purpose ICM." See "Norway raises question concerning U.S. cluster munitions," US Department of State cable 08OSLO676 dated 17 December 2008, released by Wikileaks on 1 September 2011, www.cablegatesearch.net/cable.php?id=08OSLO676&q=cluster munitions.

²⁷⁴ "Demarche to Afghanistan on cluster munitions," US Department of State cable 08STATE134777 dated 29 December 2008, released by Wikileaks on 2 December 2010, www.cablegatesearch.net/cable.php?id=08STATE134777&q=cluster munitions.

²⁷⁵ A US cable dated 2 December 2008 citing a discussion between US officials and Gregor Köbel, then-Director of the Conventional Arms Control Division of the German Federal Foreign Office, states "Koebel stressed that the US will continue to be able to store and transport CM in Germany, noting that this should be of 'no concern whatsoever to our American colleagues.'" "MFA gives reassurances on stockpiling of US cluster munitions in Germany," US Department of State cable 08BERLIN1609 dated 2 December 2008, released by Wikileaks on 1 September 2011, www.cablegatesearch.net/cable.php?id=08BERLIN1609&q=cluster munitions. See also "Demarche to Germany Regarding Convention on Cluster Munitions," US Department of State cable 08STATE125631 dated 26 November 2008, released by Wikileaks on 1 September 2011, www.cablegatesearch.net/cable.php?id=08STATE125631&q=cluster munitions.

²⁷⁶ The cable states, "Rome should note that cluster munitions are stored at Aviano and Camp Darby." "Demarche to Italy, Spain and Qatar Regarding Convention on Cluster Munitions," US Department of State cable 08STATE125632 dated 26 November 2008, released by Wikileaks on 30 August 2011, www.cablegatesearch.net/cable.php?id=08STATE125632&q=cluster munitions.

²⁷⁷ Spain, Convention on Cluster Munitions Article 7 Report, Forms A and J, 27 January 2011.

- A December 2008 cable states that Japan “recognizes U.S. forces in Japan are not under Japan’s control and hence the GOJ [government of Japan] cannot compel them to take action or to penalize them.”²⁷⁸ Japan maintains that US military bases in Japan are under US jurisdiction and control, so the possession of cluster munitions by US forces does not violate the national law or the convention.
- According to a cable detailing the inaugural meeting on 1 May 2008 of the “U.S.-Israeli Cluster Munitions Working Group (CMWG),” until US cluster munitions are transferred from the War Reserve Stockpiles for use by Israel in wartime, “they are considered to be under U.S. title, and U.S. legislation now prevents such a transfer of any cluster munitions with less than a one percent failure rate.”²⁷⁹
- According to a May 2007 cable, the US may store clusters munitions in Kuwait.²⁸⁰

Disinvestment

A number of States Parties and the CMC believe that the convention’s Article 1 ban on assistance with prohibited acts constitutes a prohibition on investment, both direct and indirect, in the production of cluster munitions.

A total of nine States Parties have enacted legislation that explicitly prohibits investment in cluster munitions, as shown in the following table.²⁸¹

Belgium was first to enact disinvestment legislation in 2007, followed by Ireland in 2008, Luxembourg and New Zealand in 2009, Italy in 2011, Samoa in 2012, and Liechtenstein, the Netherlands, and Switzerland in 2013.

There were a number of legislative developments concerning disinvestment in the second half of 2012 and first half of 2013:

- **Belgian** Senator Cécile Thibaut and others introduced a draft bill on 22 May 2013 to recognize and promote socially responsible investments in pension funds and the Ageing Fund. The proposed legislation would prohibit investment in enterprises or public entities that use, adjust, produce, acquire, stock in one way or another, save or transfer to anyone, directly or indirectly, cluster munitions.²⁸² On 28 March 2013, two senators introduced a draft bill to create a “green” savings account that would not permit the financing of companies “in the field of international humanitarian law” that “directly or indirectly...use” cluster munitions as well as “develop, produce, acquire in any way, store, retain or transfer to whomever.”²⁸³
- **Canada’s** draft implementing legislation for the convention, Bill S-10, contains no specific prohibition on investment in the production of cluster munitions and the Parliamentary Secretary to the Minister of Foreign Affairs has stated that “the convention does not require state bodies to criminalize investment. However, liability for aiding and abetting, as set out in the bill, would include investment scenarios in which there is sufficient intention and connection between the investment and the prohibited activity to meet Canadian charter and criminal law requirements.”²⁸⁴ According to a senior Canadian official, “an investment that is executed with the knowledge and intention that it will encourage or assist cluster munitions production would be captured by the legislation’s prohibition on aiding and abetting any primary offence.”²⁸⁵

Disinvestment laws on cluster munitions

State Party	Year enacted
Belgium	2007
Ireland	2008
Italy	2011
Liechtenstein	2013
Luxembourg	2009
Netherlands	2013
New Zealand	2009
Samoa	2012
Switzerland	2013

²⁷⁸ “Consultations with Japan on implementing the Oslo convention on cluster munitions,” US Department of State cable 08TOKYO3532 dated 30 December 2008, released by Wikileaks on 1 September 2011, www.cablegatesearch.net/cable.php?id=08TOKYO3532&q=cluster munitions.

²⁷⁹ “Cluster munitions: Israeli’s operational defensive capabilities crisis,” US Department of State cable 08TELAVIV1012 dated 7 May 2008, released by Wikileaks on 1 September 2011, www.cablegatesearch.net/cable.php?id=08TELAVIV1012.

²⁸⁰ The cable contains the text of a message sent from a US military advisor to UAE authorities concerning a transfer of “ammunition immediately via US Air Force aircraft from Kuwait stockpile to Lebanon.” With respect to the items to be transferred, the cable states: “The United States will not approve any cluster munitions or white phosphorus.” See “Follow-up on UAE response to Lebanese request for emergency aid,” US Department of State cable 07ABUDHABI876 dated 24 May 2007, released by Wikileaks on 1 September 2011, www.cablegatesearch.net/cable.php?id=07ABUDHABI876&q=cluster munitions.

²⁸¹ Italy’s Law No. 95 bans financial assistance to anyone for any act prohibited by the convention, a provision that supports a ban on investment in the production of cluster munitions. However, the Italian Campaign to Ban Landmines has advocated for a separate, more detailed law.

²⁸² Belgian Senate, “Proposition de loi visant à la reconnaissance et la promotion de l’investissement socialement responsable et à l’orientation durable des fonds de pension et du Fonds de vieillissement” (“Draft bill for the recognition and promotion of socially responsible investment and sustainable orientation of pension funds and Ageing Fund”), Introduced by Mrs. Cécile Thibaut and others, 22 May 2013, Legislative Document 5-2102/1, www.senat.be/www/?Mlval=/publications/viewPub&COLL=S&LEG=5&NR=2102&PUID=83889779&LANG=fr.

²⁸³ Senators Benoit Hellings and Freya Piryns, “Wetsvoorstel tot instelling van een groep spaarboekje,” www.senate.be/www/webdriver?Mltab Obj=pdf&MicolObj=pdf&MlnamObj=pdfid&MltypeObj=application/pdf&MlvalObj=83889723.

²⁸⁴ House of Commons official report (Hansard), Volume 146, Number 258, 29 May 2013, www.parl.gc.ca/HousePublications/Publication.aspx?Pub=Hansard&Doc=258&Parl=41&Ses=1&Language=E&Mode=1.

²⁸⁵ Email from John MacBride, Foreign Affairs and International Trade Canada, 9 July 2012.

- **Denmark's** Minister for Business and Growth, Annette Vilhelmsen, announced in May 2013 that the government will work to ban investment in cluster munition production and requested that the Danish Council on Social Responsibility provide recommendations on how a legal prohibition on investment in weapons subject to international disarmament conventions, such as cluster munitions and landmines, could be undertaken.²⁸⁶
- **Liechtenstein's** 2013 amendment to its Law on Brokering in War Material "prohibits brokering and direct as well as indirect financing of cluster munitions." According to the Office for Foreign Affairs, under Article 7(b) of the law, "the following acts are considered as direct financing: the direct extension of credits, loans and donations or comparable financial benefits to cover the costs of or to promote the development, manufacturing or the acquisition of prohibited war material."²⁸⁷
- **Luxembourg's** Ministry of Foreign Affairs confirmed in May 2013 that all assets from producers of cluster munitions had been sold from the Social Security Compensation Fund and declared that it would control the compliance of other government investments with its 2009 law prohibiting investment in cluster munitions.²⁸⁸
- The **Netherlands** enacted a legal prohibition on direct investment in production, sale, and distribution of cluster munitions, effective January 2013. The amended Market Abuse (Financial Supervision Act) Decree prevents an enterprise from "directly supporting any national or foreign enterprise which produces, sells, or distributes cluster munitions," with a view to restricting, as much as possible, any investment in cluster munition producers. The Netherlands Authority for Financial Markets is the primary body responsible for supervising compliance.²⁸⁹
- **Samoa's** Cluster Munitions Prohibition Act 2012 makes it an offence to invest in cluster munitions development or production. According to Section 6(1)(f), the offence pertains to persons who "directly or indirectly invest funds with the intention that the funds be used, or knowing that they are to be used, in the development and production of cluster munitions."²⁹⁰

An additional 25 States Parties and signatories to the convention have provided their view that investment in cluster munitions production is a form of assistance that is prohibited by the convention: Australia, BiH, Cameroon, Canada, Colombia, Republic of the Congo, Croatia, Czech Republic, DRC, France, Guatemala, the Holy See, Hungary, Lao PDR, Lebanon, Madagascar, Malawi, Malta, Mexico, Niger, Rwanda, Senegal, Slovenia, the UK, and Zambia.

A few states have expressed the contrary view that the convention does not prohibit investment in cluster munition production, including Germany, Japan, and Sweden.

Government pension funds in Australia, Ireland, New Zealand, Norway, Luxembourg, and Sweden have withdrawn and/or banned investments in cluster munition producers.

Financial institutions have acted to stop investment in cluster munition production and promote socially responsible investment in Australia, Belgium, Canada, Denmark, France, Germany, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, and the UK.

CMC member NGOs and national stakeholders have continued to call on governments to legislate against investment in cluster munition producers and to provide clear guidance to financial institutions and investors on the issue of investment in cluster munition producers.²⁹¹ In June 2012, IKV Pax Christi (the Netherlands) and FairFin (former Netwerk Vlaanderen, Belgium) issued an update of their October 2009 report, *Worldwide Investments in Cluster Munitions: a shared responsibility*.²⁹² In April 2013, they launched a report on states' best practices to ban investment in cluster munitions.²⁹³

²⁸⁶ Ministry of Business and Growth, Press Release, "Annette Vilhelmsen: Det bør være forbudt at investere i klyngevåben og landminer" ("Annette Vilhelmsen: It should be prohibited to invest in cluster bombs and landmines"), 27 May 2013, www.evm.dk/aktuelt/pressemeddelelser/2013/27-05-13-annette-vilhelmsen-det-boer-vaere-forbudt-at-investere-i-klyngevaaben.

²⁸⁷ According to the Office for Foreign Affairs, Article 7(c) defines indirect financing as "the participation in companies that develop, manufacture or acquire forbidden war material as well as the purchase of bonds or other investment products issued by such companies."

²⁸⁸ Letter from Georges Friden, Ministry of Foreign Affairs, to Martin Lagneau, HI, 21 May 2013.

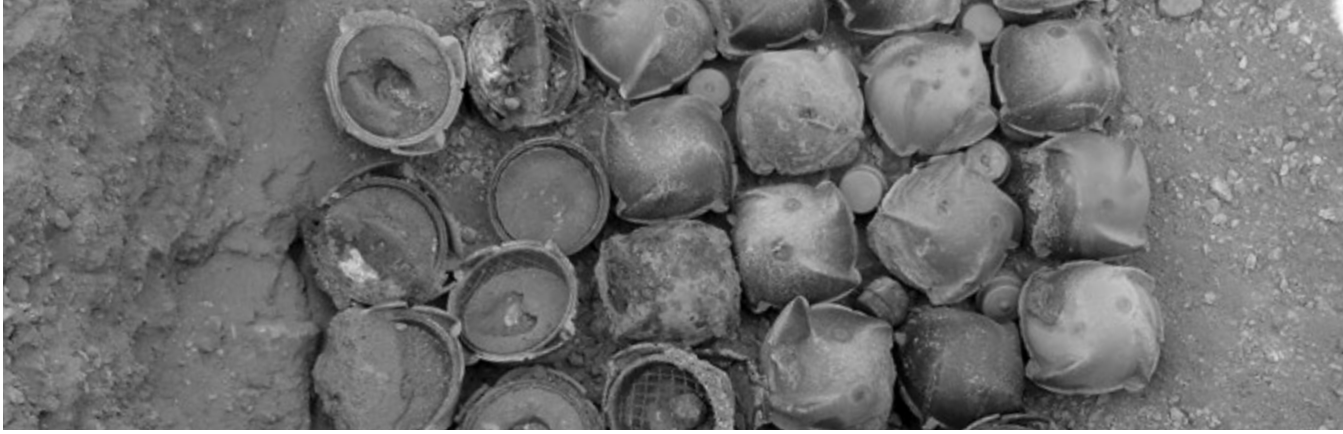
²⁸⁹ Officiële Bekendmakingen, "Besluit van 21 december 2012 tot wijziging van het Besluit Gedragstoezicht financiële ondernemingen Wft, het Besluit marktmisbruik Wft, het Besluit prudentiële regels Wft, alsmede enige andere besluiten op het terrein van de financiële markten (Wijzigingsbesluit financiële markten 2013)" (Official Notice, "Decree of 21 December 2012 to amend the Market Conduct Supervision (Financial Institutions) Decree, the Market Abuse (Financial Supervision Act) Decree, the Prudential Rules (Financial Supervision Act) Decree and other decisions in the domain of the financial markets (Financial Markets (Amendment) Decree 2013"), 28 December 2012, www.zoek.officielebekendmakingen.nl/stb-2012-695.html.

²⁹⁰ Samoa annexed a copy of the Cluster Munitions Prohibition Act 2012 to its initial Article 7 transparency report. Samoa, Convention on Cluster Munitions, Article 7 Report, Form A, 7 September 2012.

²⁹¹ The CMC launched the Stop Explosive Investments initiative in 2009. See www.stopexplosiveinvestments.org.

²⁹² IKV Pax Christi and FairFin, "Worldwide Investments in Cluster Munitions: a shared responsibility," June 2012, www.stopexplosiveinvestments.org/uploads/pdf/5.%20Worldwide%20investments%20in%20cluster%20munitions;%20a%20shared%20responsibility%20June%202012.pdf.

²⁹³ IKV Pax Christi and FairFin, "States' Best Practices to Ban Investments in Cluster Munitions," April 2013, www.ikvpaxchristi.nl/media/files/countries-best-practices-april-2013.pdf.



Contamination and Clearance

Summary

A total of 26 states and three other areas were believed to be contaminated by cluster munition remnants as of 1 July 2013. Twelve of these states have ratified the Convention on Cluster Munitions¹, two have signed but not yet ratified², while another 12 have neither signed nor acceded.³ Seven states—Bosnia and Herzegovina (BiH), Cambodia, Iraq, Lao PDR, Lebanon, Mauritania, and Vietnam—as well as one other area, Nagorno-Karabakh, have estimated contamination covering 10km² or more of land.

The Monitor has calculated that in 2012 at least 59,171 unexploded submunitions were destroyed during clearance of almost 78km² of land contaminated by cluster munitions in 11 states and two other areas. This data, however, is known to be incomplete due to the fact that reporting by states and operators on clearance of cluster munition remnants is partial and inconsistent in content, format, and quality.

Eight contaminated States Parties and signatories conducted clearance of unexploded submunitions in 2012: Afghanistan, BiH, Croatia, the Democratic Republic of the Congo (DRC), Iraq, Lao PDR, Lebanon, and Mauritania. Clearance of cluster munition remnants was also conducted in non-signatories Cambodia, Serbia, Vietnam, and Yemen, as well as two other areas, Nagorno-Karabakh and Western Sahara.

▲
Remnants of BLU-63 submunitions prepared for destruction in Aqwasheen, northern Mauritania.

Global Contamination

Cluster munition remnants are defined in the convention as covering four types of hazard; unexploded submunitions, unexploded bomblets, failed cluster munitions, and abandoned cluster munitions.⁴ Unexploded submunitions pose the greatest threat to civilians, primarily as a result of their sensitive fuzing but also because of their appearance in terms of shape, color, and metal content, which often attracts tampering, playful attention, or collection, especially by boys and young men.

As detailed in the table below, a total of 26 states and three other areas are believed to have cluster munition remnants, including unexploded submunitions, on their territory as of 1 July 2013. Twelve of the states contaminated by cluster munition remnants are States Parties to the Convention on Cluster Munitions and have committed to clear their land within 10 years, while another two have signed but not yet ratified.

With reports in 2013 confirming cluster munitions contamination in Somalia and Yemen, there are two additions to the list of contaminated states since reporting in July 2012.⁵

¹ Afghanistan, Bosnia and Herzegovina (BiH), Chad, Chile, Croatia, Germany, Iraq, Lao PDR, Lebanon, Mauritania, Montenegro, and Norway.

² Democratic Republic of the Congo (DRC) and Somalia.

³ Azerbaijan, Cambodia, Georgia, Libya, Russia, Serbia, South Sudan, Sudan, Syria, Tajikistan, Vietnam, and Yemen.

⁴ Unexploded submunitions are submunitions that have been dispersed and have landed but have failed to explode as intended. Unexploded bomblets are similar to unexploded submunitions but refer to “explosive bomblets” which have been dropped from an aircraft dispenser but have failed to explode as intended. Failed cluster munitions are cluster munitions that have been dropped or fired but the dispenser has failed to disperse the submunitions as intended. Abandoned cluster munitions are unused cluster munitions that have been left behind or dumped and are no longer under the control of the party that left them behind or dumped them. See Convention on Cluster Munitions, Article 2, paragraphs 4, 5, 6, 7, and 15.

⁵ Yemen was previously listed by the Monitor as having a “suspected” cluster munition remnants contamination problem. For both Somalia and Yemen, cluster munition use occurred prior to 2012.

Grenada declared it was free of cluster munition contamination at the Third Meeting of States Parties in September 2012, following technical survey and non-technical survey⁶ in 2012 by clearance operator Norwegian People's Aid (NPA).⁷ Accordingly, Grenada has been removed from last year's list of states contaminated with cluster munition remnants.

States and other areas contaminated by cluster munition remnants

Africa	Americas	Asia-Pacific	Europe, Caucasus, and Central Asia	Middle East and North Africa
Chad	Chile	Afghanistan	BiH	Iraq
DRC		Lao PDR	Croatia	Lebanon
Mauritania		Cambodia	Germany	Libya
Somalia		Vietnam	Montenegro	Syria
South Sudan			Norway	Yemen
Sudan			Azerbaijan	<i>Western Sahara</i>
			Georgia (South Ossetia)	
			Russia (Chechnya)	
			Serbia	
			Tajikistan	
			Kosovo	
			<i>Nagorno-Karabakh</i>	
6 states	1 state	4 states	10 states and 2 areas	5 states and 1 area

Note: Convention on Cluster Munition States Parties and signatories are indicated in **bold** and other areas in *italics*.

Residual or suspected contamination

Another 13 states may also have a small amount of contamination, including Angola,⁸ Colombia,⁹ Eritrea,¹⁰ Ethiopia,¹¹ Iran,¹² Israel,¹³ Jordan,¹⁴ Kuwait,¹⁵ Mozambique,¹⁶

⁶ The International Mine Action Standards (IMAS) define non-technical and technical survey as follows: "Non-technical Survey" refers to the collection and analysis of data, without the use of technical interventions, about the presence, type, distribution and surrounding environment of mine/ERW contamination, in order to define better where mine/ERW contamination is present, and where it is not, and to support land release prioritisation and decision-making processes through the provision of evidence... "Technical Survey" refers to the collection and analysis of data, using appropriate technical interventions, about the presence, type, distribution and surrounding environment of mine/ERW contamination, in order to define better where mine/ERW contamination is present, and where it is not, and to support land release prioritisation and decision making processes through the provision of evidence." IMAS 07.11 on Land Release, First Edition, 10 June 2009, pp. 3–4.

⁷ Statement of Grenada, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 11 September 2012.

⁸ While there is no confirmed contamination from cluster munition remnants in Angola, there may be a small residual threat from either abandoned cluster munitions or unexploded submunitions. However, clearance operators have not reported finding any cluster munition remnants since 2008.

⁹ In December 2010, the Colombian Air Force stated that cluster munitions were last used in Colombia in October 2006. Presentation on Cluster Munitions by the National Ministry of Defense of Colombia, Bogotá, 9 December 2010.

¹⁰ It is not known to what extent Eritrea has cluster munition remnants on its territory as a result of the 1998–2000 conflict between Ethiopia and Eritrea in which both used cluster munitions. Eritrean forces were also heavily bombed in 1988–1990 during the struggle for independence, including with cluster munitions. The Ethiopia and Eritrea Mine Action Coordination Center (UNMEE MACC) reported that in 2007, BL-755 and (an unidentified variant of) PTAB-2.5 unexploded submunitions were found in Eritrea. UNMEE MACC, "Annual Report 2008," undated draft, p. 1, provided by email from Anthony Blythen, Programme Officer, UN Mine Action Service (UNMAS), 7 April 2009.

¹¹ In 2004, the Eritrea-Ethiopia Claims Commission concluded that Eritrea had conducted four cluster munition strikes on 5 June 1998 in the vicinity of a school in Ayder and at the airport surrounding a neighborhood in Mekele town, both in Tigray region. In June 2012, the Permanent Mission of Ethiopia to the UN in Geneva informed the Monitor that cluster munition remnants "are still found in the area" around an elementary school in Ayder. Letter from the Permanent Mission of Ethiopia to the UN in Geneva, 13 June 2012.

¹² The precise nature and extent of Iran's contamination by explosive remnants of war (ERW) is not known, although the contamination is suspected to be significant and to contain cluster munition remnants.

¹³ According to the commander of the National Police's bomb squad, all known strike locations of cluster munitions fired into Israel from Lebanon in 2006 were cleared of any remnants found at the time. However, no systematic survey was conducted, nor was there any attempt to identify strikes that may have landed in the desert. In addition, based on an interview with the head of Arava's drainage authority, Survivor Corps has claimed that the Ktura Valley in Arava region is contaminated by unexploded submunitions. Survivor Corps, "Explosive Litter: Status Report on Minefields in Israel and the Palestinian Authority," Report, June 2010, p. iv.

¹⁴ Jordan may be affected by unexploded submunitions resulting from the use of cluster munitions on training ranges.

¹⁵ Unexploded submunitions from the 1990–1991 Gulf War have been found in Kuwait, including six unexploded submunitions in Abdaly near the border with Iraq in May 2011 (believed to have been remnants of the Iraqi invasion of Kuwait in 1990) that were subsequently destroyed by the Ministry of the Interior. In December 2010, 3.5 tons of unexploded ordnance, including an unspecified number of unexploded submunitions, were found south of Kuwait city. The area was cleared by Ministry of Defense personnel. Report in Al Qabas (daily newspaper), 12 May 2011, p. 10; and email from Dr. Raafat Misak, Scientific Researcher, Environment and Urban Development Division, Kuwait Institute for Scientific Research, 2 August 2011.

¹⁶ In its initial Article 7 report, Mozambique stated that an unknown number of CBU-470 alpha bomblets were found in Changara District, Tête Province in July–August 2011 and April 2012. Mozambique will conduct a survey to determine the scope of any residual threat, although it believes that "the use of these weapons was limited and that clearance of unexploded submunitions can be managed within the scope of the existing mine action programme." Mozambique, Convention on Cluster Munitions Article 7 Report (for the period 1 September 2011 to 31 May 2012), Form F, 9 July 2012. In 2010, the NGO APOPO reported finding one dispenser containing 150 submunitions in Gaza province. Response to Monitor questionnaire by Andrew Sully, Programme Manager, APOPO, 3 May 2011.

Palau,¹⁷ and Saudi Arabia.¹⁸ Both Argentina and the United Kingdom (UK) claim sovereignty over the Falkland Islands/Malvinas, which may contain areas with unexploded submunitions.¹⁹

Extent of contamination

The extent of contamination across affected states varies significantly. Seven states and one other area have the greatest contamination from cluster munition remnants (more than 10km²), particularly unexploded submunitions (see table below).

Extent of contamination in cluster munition-affected states and other areas²⁰
(as of July 2013)

State/area	Estimated extent of contamination (km ²)	No. of confirmed and suspected hazardous areas
Lao PDR	No credible estimate	Not known
Vietnam	No credible estimate	Not known
Iraq	No credible estimate	Not known
Cambodia	489.23*	990
<i>Nagorno-Karabakh</i>	88.40	241
Lebanon	13.42	166
BiH	12.18	669
Mauritania	10	8
Serbia	9.01	26
Afganistan	7.64	22
Croatia	4.47	7
Germany	4	1

Note: Convention on Cluster Munition States Parties and signatories are indicated in **bold** and other areas in *italics*.

*This figure is likely to rise following additional survey.

States Parties

Twelve States Parties are contaminated by cluster munition remnants, with the heaviest contamination to be found in Lao PDR and Lebanon:

- **Afghanistan** is contaminated by cluster munition remnants primarily from Soviet use of air-dropped and rocket-delivered submunitions, and from United States (US) aircraft dispersing 1,228 cluster munitions containing an estimated 248,056 submunitions between October 2001 and early 2002.²¹ Afghanistan reported 22 remaining cluster munition hazardous areas contaminated with BLU-97 submunitions²² covering a total of 7.64km² in the assessment of all explosive remnants of war (ERW) contamination submitted for its Mine Ban Treaty Article 5 deadline extension request in 2012.²³ Submunition contamination appears to be more widespread, however, with some demining operators reporting that they continue to find cluster bomb submunition remnants while on demining tasks.²⁴

¹⁷ Cleared Ground Demining (CGD), which has been clearing ordnance in Palau since 2009, found a cluster munition remnant in 2010 and a further two unexploded submunitions were found in 2011. CGD, "Republic of Palau – 2010 Landmine Monitor Clearance Statistics," undated but 2011; and email from Cassandra McKeown, Finance Director, CGD, 18 July 2011. See also NPA, "Assessment Mission (PALAU) Report," October 2012, p. 4.

¹⁸ Saudi Arabia may have a small residual problem of unexploded ordnance from the 1991 Gulf War, including cluster munition remnants. In 1991, Saudi Arabian and United States (US) forces used artillery-delivered and air-dropped cluster munitions against Iraqi forces during the Battle of Khafji. See Human Rights Watch (HRW), "Timeline of Cluster Munition Use," Cluster Munition Coalition (CMC), 2009, www.stopclustermunitions.org.

¹⁹ In November 2010, the UK stated that "there is only a very small residual risk that may exist from cluster munitions" and that it had "suitable measures in place to mitigate this." Statement by Amb. Stephen Lillie, Head of Delegation, Convention on Cluster Munitions First Meeting of States Parties, Vientiane, 9 November 2010. The UK found and destroyed two submunitions during clearance operations in 2009–2010.

²⁰ While Lao PDR, Iraq, and Vietnam have been unable to quantify the extent of their cluster munition remnants contamination, Lao PDR—known to have the greatest extent of contamination of all states—and Vietnam are often described as having "massive" contamination, and Iraq as "very large."

²¹ Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 27.

²² Statement of Afghanistan, Convention on Cluster Munitions Intersessional Meetings, Geneva, 15 April 2013.

²³ Afghanistan, Mine Ban Treaty Article 5 deadline Extension Request, undated but submitted on 29 March 2012, p. 165.

²⁴ Interviews with Mine Action Coordination Centre of Afghanistan (MACCA) implementing partners, Kabul, 15–22 May 2013.

- **BiH** is contaminated with cluster munition remnants, primarily as a result of Yugoslav aircraft dropping BL-755 cluster bombs in the early stages of the 1992–1995 conflict related to the break-up of the Socialist Federal Republic of Yugoslavia. NATO forces also used them in Republika Srpska.²⁵ The first phase of a general survey completed by NPA in 2011 identified 140 areas hit by air strikes and artillery with an estimated total of 3,774 submunitions, and additional contamination around a former ammunition factory at Pretis that was hit by a NATO air strike. It identified 669 suspected hazardous area (SHA) polygons covering a total of 12.18km², of which 3.23km² is believed to be high risk. Some 5km² is contaminated by artillery-delivered submunitions: 3.9km² by BL-755 and 3.1km² by KB-1 submunition remnants.²⁶
- **Chad** is contaminated by cluster munition remnants, but the precise extent remains to be determined. In December 2008, Chad stated it had “vast swathes of territory” contaminated with “mines and UXO [unexploded ordnance] (munitions and submunitions).”²⁷ Mines Advisory Group (MAG) found unexploded Soviet PTAB-1.5 submunitions close to Faya Largeau during a 2010–2011 re-survey of mine and ERW contamination.²⁸
- **Chile** has identified four areas contaminated with cluster munition remnants located within three military training bases in three regions. The combined total area of the training bases is estimated at 969km². The precise extent of cluster munition-contaminated area will be determined during technical survey and clearance.²⁹
- **Croatia** has areas contaminated by mainly KB-1 type cluster munition remnants left over from the conflict in the 1990s following the dissolution of the Socialist Federal Republic of Yugoslavia. By the end of 2012, these covered an area of 4.47km² across seven counties but most contamination (86%) is located in three counties, Zadarska (52%), Splitsko-dalmatinska (18%), and Ličko-senjska (16%).³⁰
- **Germany** announced in June 2011 that it had identified areas suspected of containing cluster munition remnants at a former Soviet military training range at Wittstock in Brandenburg.³¹ Germany has reported the size of the area as 4km²; the type and extent of cluster munitions remnants are unknown, but a historical and technical survey is ongoing with the results expected in 2013.³²
- **Iraq**’s cluster munition contamination is believed to be large but the extent is not known with any degree of accuracy. In northern Iraq (Iraqi Kurdistan), MAG has found, and in 2012 continued to clear, cluster munition remnants from strikes around Dohuk in 1991 launched by coalition forces.³³ Heavy contamination exists in central and southern Iraq as a result of extensive use of cluster munitions by allied troops during the 2003 invasion of Iraq, particularly around Basra, Nasiriyah, and the approaches to Baghdad. In 2004, Iraq’s National Mine Action Authority identified 2,200 sites of cluster munition contamination along the Tigris and Euphrates river valleys.³⁴ Submunitions made up a significant share of the items cleared by commercial companies working on clearance of southern oilfields and for Basra-based Danish Demining Group (DDG).³⁵
- **Lao PDR** is the world’s most heavily cluster munition-contaminated country. The US dropped more than 270 million submunitions between 1964 and 1973.³⁶ There is no agreed estimate of the true extent of contamination from unexploded submunitions, but close to 70,000 cluster munition strikes have been identified, each with an average strike “footprint” of 125,000m² (0.125km²).³⁷ Lao PDR continues to state that cluster munitions contaminate approximately 8,470km² and overall contamination by UXO covers more than 84,000km² (around 35% of the Laotian territory).³⁸ Such estimates, however, are based on bomb targeting data that clearance operators have found bears little relation to actual contamination on the ground. After more than 15 years of UXO/mine action, Lao PDR has not yet conducted sufficient survey to produce a credible estimate of the total area contaminated in the country. The National Regulatory Authority (NRA) has reported 10 of Lao PDR’s 17 provinces are “severely contaminated” by explosive remnants of war, affecting up to a quarter of all villages.³⁹

²⁵ NPA, “Implementation of the Convention on Cluster Munitions (CCM) in Bosnia and Herzegovina,” Sarajevo, undated but 2010, provided by email from Darvin Lisica, Programme Manager, NPA, 3 June 2010.

²⁶ BiH, Convention on Cluster Munitions Article 7 Report, Initial Report, Form F, 20 August 2011, pp. 20–21.

²⁷ Statement of Chad, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

²⁸ Email from Liebeschitz Rodolphe, Chief Technical Advisor, UNDP, 21 February 2011; and email from Bruno Bouchardy, Program Manager, MAG Chad, 11 March 2011.

²⁹ Chile, Convention on Cluster Munitions Article 7 Report, Form F, September 2012.

³⁰ Croatia, Convention on Cluster Munitions Article 7 Report, Form F, 2 May 2013.

³¹ Statement of Germany, Mine Ban Treaty Standing Committee on Mine Clearance, Geneva, 21 June 2011.

³² Germany, Mine Ban Treaty Article 5 deadline Extension Request, 15 April 2013.

³³ Email from Zana Kaka, Acting Program Officer, MAG, 13 March 2013; and Zana Kaka, “IRAQ: Saving lives of returnees in Dohuk,” MAG, 28 May 2010.

³⁴ Landmine Action, “Explosive remnants of war and mines other than anti-personnel mines,” London, March 2005, p. 86.

³⁵ Email from Bazz Jolly, Operations/Program Manager, DDG Iraq, 15 July 2013; emails from Simon Porter, ERW Programme Manager, Majnoon Field Development, Shell EP International Ltd, 25 and 31 July 2012.

³⁶ “US bombing records in Laos, 1964–73, Congressional Record,” 14 May 1975.

³⁷ National Regulatory Authority (NRA), “National Regulatory Authority for UXO/Mine Action in Lao PDR,” www.nra.gov.la.

³⁸ Statement of Lao PDR, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 13 September 2012; and Lao PDR, Convention on Cluster Munitions Article 7 Report, Form F, 28 March 2013.

³⁹ NRA, “National Regulatory Authority for UXO/Mine Action in Lao PDR,” www.nra.gov.la.

- **Lebanon** is affected by cluster munition contamination that originates primarily from the July–August 2006 conflict with Israel, but parts of the country remain affected from cluster munitions used in the 1980s. As of May 2013, 13.42km² was suspected to be contaminated by cluster munition remnants,⁴⁰ a decrease from 17.86km² a year earlier.⁴¹
- In **Mauritania**, survey in 2012 by NPA identified eight areas containing cluster munition remnants in the northeast part of the country near the border with Morocco (Western Sahara).⁴² NPA estimated the total contaminated area at 10km². This represents a revised estimate of an additional 1km² and three confirmed hazardous areas (CHAs) since 2011.
- **Montenegro** informed States Parties in April 2012 that it was contaminated by cluster munition remnants left over from conflict in the 1990s. Non-technical survey conducted by NPA between December 2012 and April 2013 identified 87 polygons of SHAs or CHAs covering a total area of 1.72km² affecting five communities in three municipalities. The most affected area was Golubovci municipality, particularly around its airport, accounting for 1.38km² of the total, followed by Tuzi and Rožaje municipalities. There are signs that submunitions may also be present in two other areas of Plav municipality, Bogajice and Murino, which could not be immediately investigated because of high levels of snow.⁴³
- **Norway** reported in its initial Convention on Cluster Munitions Article 7 report that the Hjerkin “shooting range”⁴⁴ in central Norway contains an estimated 30 unexploded DM 1383/DM 1385 submunitions over an area of 617,300m² as a result of test firing.⁴⁵ Norway has reported that clearance of the area, under the responsibility of the Ministry of Defense, remains ongoing⁴⁶ and has projected clearance to be completed “no later than 2013.”⁴⁷

Signatories

Two signatories are believed to be contaminated with cluster munition remnants: DRC and Somalia.

In **DRC**, the scale of contamination from unexploded submunitions has not yet been quantified. However, cluster munition remnants have been found in the provinces of Équateur, Katanga, Maniema, and Oriental;⁴⁸ in 2011, the DRC reported 32 cluster submunition locations in five provinces.⁴⁹ The ongoing national survey to be completed in December 2013 includes questions regarding the existence and location of submunitions.⁵⁰

Somalia’s level of cluster munition contamination is unknown. Dozens of dud PTAB-2.5M and some AO-1SCh explosive submunitions have been found within a 30km radius of the Somali border town of Dolow. The contamination is believed to have occurred during the 1977–1978 Ogaden War.⁵¹ On 2 January 2013, The Development Initiative (TDI) removed a PTAB-2.5M submunition in Bundundu village, located in the Dolow district.⁵²

Non-signatories

Several of the 12 contaminated states that have not joined the convention have active clearance programs in place, including Cambodia, Libya, Serbia, South Sudan, and Vietnam.

- **Cambodia**, particularly its eastern and northeastern areas bordering Lao PDR and Vietnam, is affected by between 1.9 million and 5.8 million cluster munition remnants as a result of US aircraft dropping approximately 26 million explosive submunitions in Cambodia during the Vietnam War.⁵³ In February 2011, Thailand’s use of cluster munitions in Cambodia’s northern province, Preah Vihear, resulted in additional submunition contamination over an area of approximately 1.5km².⁵⁴ Cluster munition remnants in Cambodia include

⁴⁰ Response to Monitor questionnaire by Col. Hassan Fakh, Lebanon Mine Action Center (LMAC), 24 May 2013.

⁴¹ Presentation by Maj. Pierre Bou Maroun, Director of Regional Mine Action Center, Nabatiye, 3 May 2012.

⁴² Mauritania, Convention on Cluster Munitions Article 7 Report, Form F, 20 March 2013.

⁴³ NPA, “Cluster Munition Remnants in Montenegro,” July 2013, pp. 6 and 21.

⁴⁴ The area was used in 1986–2007 as a firing range.

⁴⁵ Norway, Convention on Cluster Munitions Article 7 Report, Form F, 29 April 2011.

⁴⁶ Statement of Norway, Convention on Cluster Munitions Intersessional Meetings, 17 April 2013.

⁴⁷ Statement of Norway, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 13 September 2012; and statement of Norway, Convention on Cluster Munitions Intersessional Meetings, Geneva, 17 April 2013.

⁴⁸ Email from Charles Frisby, former UN advisor, UN Mine Action Coordination Centre in DRC (UNMACC), 30 March 2011.

⁴⁹ DRC, Convention on Cluster Munitions Article 7 Report, 10 April 2012.

⁵⁰ Interview with Pascal Simon, Programme Manager, UNMACC, in Geneva, 17 April 2013.

⁵¹ Email from Mohammed A. Ahmed, Director, Somalia Mine Action Authority, 17 April 2013.

⁵² TDI, “Making progress in South Central Somalia as operations expand to new provinces,” January 2013. UNMAS Somalia, 2 January 2013, www.flickr.com/photos/unmassomalia/8385215689/.

⁵³ South East Asia Air Sortie Database, cited in Dave McCracken, “National Explosive Remnants of War Study, Cambodia,” NPA in collaboration with the Cambodian Mine Action and Victim Assistance Authority (CMAA), Phnom Penh, March 2006, p. 15; HRW, “Cluster Munitions in the Asia-Pacific Region,” October 2008, www.hrw.org/news/2008/10/17/cluster-munitions-asia-pacific-region; and Handicap International (HI), *Fatal Footprint: The Global Human Impact of Cluster Munitions* (HI: Brussels, November 2006), p. 11.

⁵⁴ An assessment by the Cambodian Mine Action Centre and NPA immediately after the shelling identified 12 strike sites and contamination by unexploded submunitions over an area of approximately 1.5km². See Aina Ostreg, “Norwegian People’s Aid clears cluster bombs after clash in Cambodia,” NPA, 19 May 2011. NPA said evidence in the area suggested about one in five of the submunitions had failed to detonate. Thomas Miller, “Banks tied to cluster bombs named,” *Phnom Penh Post*, 26 May 2011.

unexploded BLU-24, BLU-26, BLU-36, BLU-42, BLU-43, BLU-49, BLU-61, M42, M46, and M85 submunitions.⁵⁵ As of April 2013, an ongoing baseline survey (BLS) identified 990 suspected cluster munition-contaminated areas covering an area of 489.23km², particularly in southeastern Kratie province bordering Vietnam, northeastern Stung Treng province and northern Preah Vihear province. This figure is likely to rise as a result of survey of additional areas.⁵⁶

- **Libya** was added to the list of contaminated states following use of cluster munitions by government forces in April 2011. Operators identified three types of cluster munition, including Chinese, Russian, and Spanish devices,⁵⁷ but no comprehensive survey has been possible and the precise extent of contamination from cluster munition remnants is not known.
- **Serbia's** problem with cluster munition remnants dates from NATO air strikes in 1999, which hit 16 municipalities across the country.⁵⁸ Serbia reported that, as of March 2013, it had 13 confirmed cluster munition hazards affecting 2.36km² and another 13 suspected hazards covering 6.65km².⁵⁹ NPA surveyed cluster munition contamination starting in 2007 and by the end of 2012 had estimated the overall problem at about 7km².⁶⁰
- **South Sudan** has identified 629 sites containing cluster munition remnants in all 10 states. The UN Mine Action Coordination Centre reported that in April 2013 there were 58 known dangerous areas containing unexploded submunitions in seven states: Central Equatoria, East Equatoria, West Equatoria, Upper Nile, West Bahr El Ghazal, Jonglei, and Unity.⁶¹
- **Sudan** is believed to have nine areas contaminated with unexploded submunitions, while another 81 have been released.⁶² The Mine Action Center has not reported on cluster munition contamination since 2011. In May 2012, a cluster bomb was discovered in the village of Angolo in the Nuba Mountains in South Kordofan.⁶³ The government of Sudan has denied using cluster munitions in South Kordofan.⁶⁴
- **Syria** is contaminated with cluster munition remnants due to the ongoing armed conflict. While the full extent of contamination is unknown, as of April 2013 a number of locations in Syria have been identified as areas where cluster munitions have been used, including: Abu Kamal,⁶⁵ near Azaz,⁶⁶ Deir Jamal, Talbiseh al-Za'faraneh, Abil, Binnish, Deir al-Asafeer, Douma, and the governorates of Aleppo, Idlib, Deir al-Zor and Latakia.⁶⁷
- **Vietnam** is one of the most cluster munition-contaminated countries in the world as a result of an estimated 413,130 tons of submunitions used by the US in 1965–1973.⁶⁸ Cluster munitions were used in 55 provinces and cities, including Haiphong, Hanoi, Ho Chi Minh City, Hue, and Vinh, but no accurate assessment exists of the extent of cluster munition contamination. Substantial amounts of cluster munitions were abandoned by the US military, notably at or around old US air bases, including eight underground bunkers found in 2009, one of them covering an area of 4,000m² (0.004 km²) and containing approximately 25 tons of munitions.⁶⁹
- **Yemen** is affected by cluster munition remnants, but the extent is not known. The Yemen Executive Mine Action Center (YEMAC) has confirmed the presence, but not the origin, of cluster munitions remnants in four districts on the border between Sa'ada governorate and Saudi Arabia⁷⁰ consisting mainly of type BLU-97, dual-purpose improved conventional munitions (DPICM), and BLU-61.⁷¹ Amnesty International reported the presence of unexploded BLU-97 submunitions in June 2010, which it alleged originated from a US cruise

⁵⁵ South East Asia Air Sortie Database, cited in Dave McCracken, "National Explosive Remnants of War Study, Cambodia," NPA in collaboration with CMAA, Phnom Penh, March 2006, p. 15; HRW, "Cluster Munitions in the Asia-Pacific Region," October 2008, www.hrw.org; Aina Ostreg, "Norwegian People's Aid clears cluster bombs after clash in Cambodia," NPA, 19 May 2011; and HI, *Fatal Footprint: The Global Human Impact of Cluster Munitions* (HI: Brussels, November 2006), November 2006, p. 11.

⁵⁶ "BLS Statistics by Land Classification," data received by email from Eang Kamrang, Database Manager, CMAA, Phnom Penh, 11 April 2013.

⁵⁷ Email from Nina Seecharan, Desk Officer for Iraq, Lebanon and Libya, MAG, 5 March 2012.

⁵⁸ Statement of Serbia, Mine Ban Treaty Standing Committee on Mine Clearance, Geneva, 21 June 2011; and interview with Petar Mihajlović, Director, and Slađana Košutić, International Cooperation Advisor, Serbian Mine Action Centre (SMAC), Belgrade, 25 March 2011.

⁵⁹ Serbia, Mine Ban Treaty Article 5 deadline Extension Request, 26 March 2013, p. 21.

⁶⁰ Email from Vanja Sikirica, Programme Manager, NPA, Belgrade, 9 July 2013.

⁶¹ Response to Monitor questionnaire from Robert Thompson, Chief of Operations, UN Mine Action Service, South Sudan, 24 May 2013.

⁶² Based on a review by the CMC of cluster munition sites in the UN Mine Action Office database.

⁶³ Aris Roussinos, "In a Sudanese field, cluster bomb evidence proves just how deadly this war has become," *Independent*, 24 May 2012; and "Cluster Bomb-Sudan," *Journeyman TV*, May 2012.

⁶⁴ "Sudan denies use of cluster bombs," United Press International, 28 May 2012.

⁶⁵ Brown Moses blog, 4 June 2013, www.brown-moses.blogspot.com/2013/06/the-cluster-munitions-of-syrian-civil.html.

⁶⁶ Some weapons experts have disagreed on whether the identified remnants found in Azaz are in fact cluster munition remnants. See Scott Bobb, "VOA Finds Evidence of Syrian Cluster Bomb Use," Voice of America, 4 March 2013, www.voanews.com/content/voa_finds_evidence_of_syrian_cluster_bombs/1614779.html.

⁶⁷ HRW, "Syria: Mounting Casualties from Cluster Munitions," 16 March 2013 and HRW, "Death from the Skies," 10 April 2013.

⁶⁸ Vietnam's Military Engineering Command has recorded finding 15 types of US-made submunitions. "Vietnam mine/ERW (including cluster munitions) contamination, impacts and clearance requirements," Presentation by Sr. Col. Phan Duc Tuan, People's Army of Vietnam (PAVN), in Geneva, 30 June 2011.

⁶⁹ Interview with Sr. Col. Phan Duc Tuan, PAVN, in Geneva, 30 June 2011.

⁷⁰ Interview with Abdul Raqeeb Fare, Deputy Director, YEMAC, Sanaa, 7 March 2013.

⁷¹ Email from John Dingley, Chief Technical Advisor, YEMAC, 9 July 2013.

missile attack on 17 December 2009 on the community of al-Ma'jah in the Abyan area in south Yemen⁷², but YEMAC has not been able to access the area to confirm the presence of submunitions.⁷³ By the end of 2012, YEMAC reported it had found and destroyed a total of 440 cluster munition remnants but did not identify the types or origin of these munitions.⁷⁴

Other areas

- **Kosovo** is affected by remnants of cluster munitions used by the Federal Republic of Yugoslavia armed forces in 1998–1999 and by a NATO campaign in 1999, during which aircraft dropped 1,392 bombs containing 295,700 submunitions.⁷⁵ Following demining operations between June 1999 and December 2001, the UN reported that “the problems associated with landmines, cluster munitions and other items of unexploded ordnance in Kosovo have been virtually eliminated.”⁷⁶ Subsequent investigation, however, revealed considerably more contamination.⁷⁷ By the end of 2012, Kosovo reported 42 confirmed and four suspected cluster munition hazards.⁷⁸ HALO Trust and Kosovo Mine Action Center started resurvey of all Kosovo in 2013 and expected to complete work in the same year.⁷⁹
- **Nagorno-Karabakh** has a significant problem of cluster munition remnants, particularly in the Askeran, Martuni, and Martakert regions, where more than 75% of the remaining cluster munition problem is located. Large quantities of cluster munitions were dropped from the air during the Nagorno-Karabakh conflict over a six-year period. As of December 2012, HALO estimated the remaining area in need of battle area clearance (BAC) was 88.4km² resulting from 241 cluster munition strikes.⁸⁰ This is an increase from an estimated area of 70.9km² as of July 2012, despite clearance of 7.6km² resulting in the destruction of 169 submunitions.⁸¹
- **Western Sahara** has a problem with cluster munition remnants where a total of 23 cluster munition strike sites remained to be cleared across an estimated area of 3.88km².⁸² Previously unknown contaminated areas have continued to be identified as recently as June 2012.⁸³ A survey managed by Landmine Action which was completed at the end of 2008 determined that, among the range of explosive ordnance contaminating Western Sahara, unexploded submunitions posed the greatest threat to people and animals.⁸⁴ Western Sahara was expected to be cleared of known cluster munition remnants outside the buffer zone with the Moroccan berm (sand wall) by the end of 2012. However, the discovery of previously unknown contaminated areas has meant that this deadline has not been able to be met.

Clearance of Cluster Munition Remnants

Reporting by states and operators on clearance of cluster munition remnants is incomplete and inconsistent in content, format, and quality. Based on available reporting and information gathered directly from programs, in 2012 at least 59,171 unexploded submunitions were destroyed during clearance operations of nearly 78km² of land contaminated with cluster munitions in 11 states and two other areas, as detailed in the table below. The bulk of the clearance in 2012 was reported in Lao PDR and may include a significant quantity of BAC not directly concerned with destruction of cluster munition remnants.

In 2011, the Monitor reported that at least 52,845 unexploded submunitions were destroyed during clearance operations of some 55km² of land contaminated by cluster munitions in 11 states and two other areas.⁸⁵ The data available suggests an increase in clearance of cluster munition-contaminated land in 2012, but states' reporting varies widely in quality and does not consistently disaggregate clearance of cluster munitions from battle area clearance of other ERW. Most of the increase recorded can be accounted for by higher overall clearance reported by Lao PDR and the clearance recorded in 2012 by BiH.

⁷² Amnesty International, “Images of missile and cluster munitions point to US role in fatal attack in Yemen,” 7 June 2010, www.amnesty.org/en/news-and-updates/yemen-images-missile-and-cluster-munitions-point-us-role-fatal-attack-2010-06-04.

⁷³ Information from YEMAC forwarded by email from Rosemary Willey-Al'Sanah, UNDP, 27 April 2013.

⁷⁴ Ibid.

⁷⁵ “Kosovo, Humanitarian Mine Clearance,” HALO Trust brochure, undated but 2013.

⁷⁶ “UNMIK Mine Action Programme Annual Report – 2001,” Mine Action Coordination Cell, Pristina, undated but 2002, p. 1.

⁷⁷ HALO, “Failing the Kosovars: The Hidden Impact and Threat from ERW,” 15 December 2006, p. 1.

⁷⁸ Goran Gačnik, “ITF, Enhancing Human Security,” undated but 2013.

⁷⁹ Email from and telephone interview with Andrew Moore, Balkans Desk Officer, HALO, 16 July 2013.

⁸⁰ Response to Monitor questionnaire by Andrew Moore, HALO, 15 April 2013.

⁸¹ Ibid.; and email from Andrew Moore, HALO, 9 March 2011.

⁸² Emails from Ruth Simpson, Action on Armed Violence, 17 July 2013.

⁸³ Ibid.

⁸⁴ Email from Melissa Fuerth, Operations Officer, Landmine Action, 20 February 2009.

⁸⁵ Afghanistan, BiH, Cambodia, Croatia, Iraq, Lao PDR, Lebanon, Libya, Serbia, Thailand, UK, and Vietnam. The two other areas were Nagorno-Karabakh and Western Sahara. See CMC, *Cluster Munition Monitor 2012* (Geneva: ICBL-CMC, September 2012), p. 47, www.the-monitor.org/cmm/2012/pdf/Cluster_Munition_Monitor_2012.pdf.

Clearance of cluster munition remnants in 2012

State/area	Area cleared (km ²)	No. of submunitions destroyed
Afghanistan*	0	Not reported
BiH	2.01	343
Chad	Not reported	Not reported
Chile	Not reported	Not reported
Croatia	0.77	277
DRC	Not reported	55
Germany**	0	0
Iraq***	Not available	1,512
Lao PDR	54.42	46,218
Lebanon	2.98	4,362
Mauritania	0.35	28
Norway****	Not reported	Not reported
Cambodia	5.45	1,230
Libya	No data	No data
Serbia	1.43	661
South Sudan	Not reported	Not reported
Sudan	Not reported	Not reported
Vietnam*****	Not reported	3,556
Yemen	Not reported	440
Kosovo	Not reported	Not reported
<i>Nagorno-Karabakh</i>	7.6	169
<i>Western Sahara</i>	2.97	320
Total	77,98	59,171

Note: States Parties and signatories are indicated in **bold**, other areas in *italics*. * International mine clearance operators destroyed cluster submunitions that are not reflected by government recording methods. ** Clearance will not begin until survey is complete in 2013. *** Data incomplete. **** Norway has announced that clearance will be complete by the second half of 2013. ***** The Army's Engineering Command reports the release of about 450km² but gives no data on numbers of submunitions cleared; NGOs report 3.48km² and 3,556 items cleared.

Clearance obligations

Under the Convention on Cluster Munitions, each State Party is obliged to clear and destroy all cluster munition remnants in areas under its jurisdiction or control as soon as possible but not later than 10 years after the entry into force of the convention for each State Party. If unable to complete clearance in time, a state may request an extension of the deadline for periods of up to five years. Clearance deadlines for contaminated States Parties are shown below.

In seeking to fulfill their clearance and destruction obligations, affected States Parties are required to:

- survey, assess, and record the threat, making every effort to identify all contaminated areas under their jurisdiction or control;
- assess and prioritize needs for marking, protection of civilians, clearance, and destruction;
- take "all feasible steps" to perimeter-mark, monitor, and fence affected areas;
- conduct risk reduction education to ensure awareness among civilians living in or around areas contaminated by cluster munitions;
- take steps to mobilize the necessary resources (at national and international levels); and
- develop a national plan, building upon existing structures, experiences, and methodologies.⁸⁶

Article 4 clearance deadlines for States Parties

State Party	Clearance deadline
Afghanistan	1 March 2022
BiH	1 March 2021
Chad	1 September 2023
Chile	1 June 2021
Croatia	1 August 2020
Germany	1 August 2020
Iraq	1 November 2023
Lao PDR	1 August 2020
Lebanon	1 May 2021
Mauritania	1 August 2022
Montenegro	1 August 2020
Norway	1 August 2020

⁸⁶ Convention on Cluster Munitions, Article 4, paragraph 2.

Norway, as President of the Third Meeting of States Parties to the Convention on Cluster Munitions, presented a draft working paper on “Compliance with Article 4 of the Convention on Cluster Munitions” in April 2013 designed to clarify what constitutes compliance with Article 4 of the convention.⁸⁷ The paper’s stated aim is to unpack the key obligations that states must fulfill in order to be able to make a declaration of compliance. The paper is due to be considered for adoption at the Fourth Meeting of States Parties to the convention in September 2013.

Land release

A set of guiding principles for land release of cluster munition-contaminated areas published by the Cluster Munition Coalition (CMC) in June 2011,⁸⁸ calls for affected states to put sufficient resources into properly identifying cluster munition-affected areas before carrying out clearance. It recommends states conduct a desk assessment (of ground conditions, weapons delivery systems, battlefield data, etc.) followed by non-technical survey to collect field evidence of contamination and, where required, technical survey to define a cluster strike footprint. It notes clearing cluster munitions should not be approached in the same way as clearing landmines and suggests states apply principles laid out in the International Mine Action Standards (IMAS) 09.11 (Battle Area Clearance) for land only contaminated with cluster munition remnants.

To promote more efficient release of land, amendments to IMAS adopted in April 2013 remove General Assessment (formerly 08.10) and set out to simplify and clarify standards on Land Release (now 07.11), Non-Technical Survey (now 08.10) and Technical Survey (now 08.20). They seek to make clear distinctions between suspected hazardous areas and confirmed hazardous areas and provide more guidance on use of evidence to avoid inflating estimates of contamination where evidence does not justify it. They also seek to clarify basic principles of technical survey, the distinctions between area reduction and clearance, and the requirement to apply “all reasonable effort” in use of evidence to plan and interpret the results of technical survey.

In a bid to increase productivity, international operators in the meantime have focused increasingly on evidence-based battle area clearance for tackling cluster munitions and on developing survey methodology better tailored to the particular challenges of this type of contamination. A cluster munition remnants survey approach developed by NPA in Lao PDR, and endorsed or adapted by a number of other operators, begins with desk assessment and non-technical survey in order to define start points for technical survey. Clearance only takes place once a confirmed hazardous area is established and reported to the National Regulatory Authority. Sub-surface clearance is conducted as necessary according to the evidence, and a mixture of surface and sub-surface clearance may be considered sufficient clearance for an entire area to be released. A “fadeout” principle determines the distance to which clearance continues after finding what is perceived as the last target item in a footprint.⁸⁹

Clearance by States Parties

- **Afghanistan** did not report any cluster munitions clearance in 2012.⁹⁰ That result, however, reflects the fact that operators did not tackle any of the 22 hazards recorded in the Mine Action Coordination Center for Afghanistan (MACCA) database as cluster munition-contaminated sites. HALO and RONCO Consulting Corporation, an international demining operator, reported in 2012 that its operators had found an old cache of 200 barrels of cluster munitions buried at Kabul International Airport.⁹¹ MACCA’s implementing partners cleared submunitions on other tasks but these were reported as UXO.⁹²
- In **BiH**, NPA, the only operator accredited for clearance of cluster munitions, commenced technical survey and clearance in 2012, releasing a total of 2.01km², of which the majority (1.27km²) was cancelled by non-technical survey, a further 0.58km² released through technical survey and only applying full clearance to 0.16km².⁹³ Survey in 2011 by NPA had identified 669 SHA polygons covering a total of 12.18km², of which 3.23km² is believed to be high risk.⁹⁴ Clearance in 2012 released nine areas and destroyed 343 submunitions.
- **Chad** has not reported the clearance of any submunitions since 2011.
- **Chile** has not yet reported the clearance of any cluster munition remnants.
- **Croatia** cleared 767,142m² (0.77km²) in 2012, one-third more area than the previous year, releasing 15 hazardous areas and destroying 277 submunitions, all of them type KB-1. In the process, it said it had completely cleared Dubrovnik-Neretva county of cluster munition remnants, as well as an area around the town of Nin and “Krka” national park.⁹⁵

⁸⁷ Norway, “Compliance with Article 4 of the Convention on Cluster Munitions,” April 2013, www.clusterconvention.org/files/2013/01/CCM-Art-4-draft-WP-April-2013-for-webdistribution.pdf.

⁸⁸ “CMC Guiding Principles for Implementing Article 4 of the Convention on Cluster Munitions,” June 2011.

⁸⁹ NPA, “NPA’s Operational Methods of Releasing Land: Cluster Munition Remnants,” undated but 2011.

⁹⁰ Email from MACCA, 11 March 2013.

⁹¹ Interview with Chris North, Country Manager, and Ricky Nilson, RONCO Consulting Corporation, Kabul, 12 May 2012; “HALO Weapons and Ammunition Disposal Task: Kabul International Airport 02–05 December 2012,” received by email from HALO Trust, Kabul, 7 August 2013.

⁹² Interviews with MACCA implementing partners, Kabul, 15–22 May 2013.

⁹³ Email from Darvin Lisica, NPA, 13 April 2013.

⁹⁴ NPA, “Cluster Munitions Remnants in Bosnia and Herzegovina: A General Survey of Contamination and Impact,” 2011, p. 21, www.npa-bosnia.org/images/PDF/Cluster-munition-remnants-in-BiH.pdf.

⁹⁵ Email from Miljenko Vahtarić, Croatian Mine Action Center, 4 July 2013; and statement of Croatia, Convention on Cluster Munitions Intersessional Meetings, Geneva, 17 April 2013.

- **Germany** has not yet reported the clearance of any cluster munition remnants.
- **Iraq's** clearance is not comprehensively reported or recorded. In Kurdish northern Iraq, MAG—the only operator identified as clearing cluster munitions—reported destroying 779 submunitions in 2012.⁹⁶ In central and southern Iraq, DDG focused on cluster munitions tasks clearing 658 submunitions with a further 75 cleared by Iraqi Mine Clearance Organization (IMCO),⁹⁷ but clearance by commercial operators on behalf of the oil industry, believed to be substantial, was not recorded.
- In **Lao PDR**, operators cleared a total of 54.42km² in 2012, 40% more than the previous year, destroying a total of 46,218 unexploded submunitions through BAC (29,662 submunitions), technical survey (2,392 submunitions), and roving clearance tasks (14,164 submunitions). Humanitarian operators only marginally increased the amount of land they cleared but destroyed 36% more submunitions in 2012 than the previous year.⁹⁸
- In **Lebanon**, a total of 2.98km² of contaminated land was cleared in 2012 by international and national NGOs, resulting in the destruction of 4,362 unexploded submunitions,⁹⁹ a small increase compared to clearance of 2.51km² in 2011 that resulted in the destruction of 4,888 submunitions. Lebanon has 13.42km² of hazardous areas remaining as of May 2013, down from approximately 55km² in 2006.¹⁰⁰ Under its strategic plan for 2011–2020, the Lebanon Mine Action Center (LMAC) plans to complete clearance of cluster munition remnants by 2016.¹⁰¹ Targets contained in the plan are dependent on specific clearance capacity and fell short in 2012,¹⁰² mainly as a result of dwindling funds. The Swiss Demining Foundation closed its operations due to a lack of funding in March 2013.¹⁰³ If Lebanon is to reach its target of clearing all cluster munition remnants by 2016¹⁰⁴, its success will depend on maintaining 30 BAC teams in 2012–2016, for which it needs sustained international funding. If not, the 2016 target may be missed.¹⁰⁵
- **Mauritania** commenced clearance operations in April 2013 and completed clearance of 350,000m² (0.35km²) resulting in the destruction of 28 cluster submunitions through a collaboration between NPA and the National Authority for Mine Action in Mauritania.¹⁰⁶
- **Montenegro** did not conduct clearance of cluster munition-contaminated areas in 2012, although the Regional Centre for Divers' Training and Underwater Demining (RCUD) reported that in July 2012 it found and destroyed two unexploded submunitions in the course of underwater clearance of three tons of UXO in the river Zeta in Podgorica.¹⁰⁷ In 2013, NPA expected to release 1.2–1.3km² through technical survey and clearance, and 0.4–0.5km² through non-technical survey.¹⁰⁸
- **Norway** reported in April 2013 that clearance of the Hjerking firing range was ongoing.¹⁰⁹ It said the Ministry of Defense estimates that clearance will be completed no later than 2013.¹¹⁰

Clearance by signatories

- In **DRC**, the UN Mine Action Coordination Centre (UNMACC) reported 55 submunitions were found during clearance operations in Équateur province in 2012.¹¹¹ In the first months of 2013, an additional nine submunitions were found in Maniema province.¹¹² The scale of residual contamination from unexploded submunitions has not yet been quantified. The ongoing national survey to be completed in December 2013 includes questions regarding the existence and location of submunitions.¹¹³

⁹⁶ Email from Zana Kaka, Acting Program Officer, MAG, 13 March 2013.

⁹⁷ Email from Bazz Jolly, Operations/Program Manager, DDG Iraq, 17 July 2013; and email from Christina Bennike, Director of Donor Relations and Media, IMCO, 4 March 2013.

⁹⁸ NRA, "Sector Achievements: The Numbers," received by email from NRA, 17 July 2013.

⁹⁹ LMAC, "2012 Annual Report Lebanon Mine Action Center," Beirut, March 2013, p. 37; and response to Monitor questionnaire by Col. Hassan Fakih, LMAC, 24 May 2013.

¹⁰⁰ Response to Monitor questionnaire by Col. Hassan Fakih, LMAC, 24 May 2013.

¹⁰¹ LMAC, "Lebanon Mine Action Strategy 2011–2020," September 2011.

¹⁰² Ibid.; LMAC, "2012 Annual Report Lebanon Mine Action Center," Beirut, March 2013, p. 42; and interview with Brig. Gen. Imad Odeimi, Director, LMAC, in Geneva, 23 April 2013.

¹⁰³ LMAC, "2012 Annual Report Lebanon Mine Action Center," Beirut, March 2013, p. 42. As of April 2013, the international operators are DanChurchAid, HI, NPA, and MAG. The lone national operator is Peace Generation Organization for Demining.

¹⁰⁴ LMAC, "Lebanon Mine Action Strategy 2011–2020," September 2011.

¹⁰⁵ Interview with Brig. Gen. Imad Odeimi, LMAC, in Geneva, 23 April 2013; and LMAC, "2012 Annual Report Lebanon Mine Action Center," Beirut, March 2013, p. 50.

¹⁰⁶ Torunn Aaslund, "Clearance of First Cluster Munition Strike Area Complete," NPA, 17 April 2013, www.npaid.org/News/2013/Clearance-of-First-Cluster-Munition-Strike-Area-Complete.

¹⁰⁷ Email from Veselin Mijajlović, RCUD, 29 July 2012.

¹⁰⁸ NPA, "Cluster Munition Remnants in Montenegro," July 2013, p. 27.

¹⁰⁹ Norway, Convention on Cluster Munitions Article 7 Report, Form F, 30 April 2012.

¹¹⁰ Statement of Norway, Convention on Cluster Munitions Intersessional Meetings, Geneva, 17 April 2013.

¹¹¹ Response to Monitor questionnaire by Michelle Healy, Program Officer, UNMACC, Kinshasa, 29 April 2013.

¹¹² Ibid.

¹¹³ Interview with Pascal Simon, UNMACC, in Geneva, 17 April 2013.

Clearance by non-signatories

- In **Cambodia**, the Cambodia Mine Action Centre (CMAC), the biggest of the humanitarian demining operators, recorded clearing 38 cluster munition hazards covering 5.45km² and destroying 549 submunitions, in addition to clearing a further 681 cluster munition remnants in the course of BAC tasks conducted in eastern Cambodia in 2012.¹¹⁴
- Serbia released 20 suspected areas of cluster munition contamination covering 2.13km² through survey in 2012 and cleared another eight areas covering 1.43km²— almost 25% more clearance than in 2011—while destroying 661 submunitions. Ninety-nine percent of submunitions destroyed were in Kuršumljica municipality. NPA estimated that by the end of 2013, Serbia's remaining submunition contamination would cover about 6.1km².¹¹⁵
- In **Sudan**, the UN Mine Action Office does not distinguish between clearance of different types of ERW in its reporting and can neither confirm how much land was cleared of cluster munition remnants in 2011 and 2012 nor how many submunitions were destroyed.
- **Vietnam**'s army is responsible for most ERW clearance and reported clearing a total of about 450km² in 2012 but gave no details of cluster munitions cleared nationally.¹¹⁶ In Ha Tinh province alone, military teams reportedly destroyed 600 submunitions between April and August 2012 along with other UXO.¹¹⁷ Four international NGOs operating in four central provinces cleared an additional 3.48km² in 2012, marginally less area than in 2011, and reported the destruction of 3,556 unexploded submunitions through BAC.¹¹⁸

¹¹⁴ Email from Oum Phumro, Deputy Director General, CMAC, 8 April 2013.

¹¹⁵ Email from Sladana Košutić, SMAC, 30 April 2013; and emails from Vanja Sikirica, NPA, Belgrade, 10 April, 3 July, and 9 July 2013.

¹¹⁶ Interview with Sr. Col. Nguyen Thanh Ban, PAVN Engineering Command, Hanoi, 18 June 2013.

¹¹⁷ Information provided by Sr. Col. Phan Duc Tuan, PAVN in email received from Vietnam Veterans of America Foundation, Hanoi, 24 September 2012.

¹¹⁸ Data compiled from results provided by operators to the Cluster Munition Monitor.



Casualties and Victim Assistance

Since 1999, the Monitor has tracked the provision of victim assistance to landmine and explosive remnants of war (ERW) victims, including victims of cluster munitions. In 2010, the Monitor initiated a specific focus on victim assistance in those States Parties to the Convention on Cluster Munitions that have cluster munition victims.¹ The convention is a landmark humanitarian disarmament agreement that is the first international treaty to make the provision of assistance to victims of the weapons a formal requirement for all States Parties.² It has already become a norm that influenced the understanding of victim assistance commitments in the Convention on Conventional Weapons (CCW), particularly Protocol V and its Plan of Action on Victim Assistance and strengthened practices related to the Mine Ban Treaty. The Convention on Cluster Munitions continues to set the highest standard in obligations for provision of assistance and reporting practices on victim assistance.

In practice, victim assistance addresses the overlapping and interconnected needs of persons with disabilities, including survivors³ of cluster munitions, landmines, and other weapons and ERW as well as people in their communities with similar requirements for assistance. In addition, some victim assistance efforts reach family members and other people in the communities of those people who have been killed or suffered trauma, loss or other harm due to cluster munitions.

The rationale behind the Convention on Cluster Munitions is found in its preamble which affirms that States Parties are “[d]etermined to put an end for all time to the suffering and casualties caused by cluster munitions.” While all States Parties in a position to do so have a legal obligation to provide resources and otherwise support the full implementation of the convention’s victim assistance provisions, the convention places overall responsibility for the provision of victim assistance on the States Parties with cluster munition victims on their lands and in areas under their control.

Documentation of casualties from cluster munition strikes, as well as from cluster munition remnants, remains inadequate. There are no comprehensive, reliable statistics and both civilian and military casualties are under-reported. The Monitor has managed to identify a total of 17,959 cluster munition casualties in 31 countries and three other areas over all time through the end of 2012. However, a better indicator of the number of cluster munition casualties is derived from various state estimates that collectively place the total up to, or more than, 54,000 casualties globally.

Afghanistan, Iraq, Lao PDR, and Lebanon are the States Parties most affected with significant numbers of cluster munition victims in need of assistance and support. Together, they account for the majority of known cluster munition casualties. Non-signatories Cambodia and Vietnam complete the list of the six countries “considered to have the largest number of cluster munition victims, with the challenge of the responsibility to address the needs of several thousands of survivors.”⁴ Despite not having yet joined the convention, both Cambodia⁵ and Vietnam⁶ have recognized the need for victim assistance and have provided information to Convention on Cluster Munition States Parties on their efforts in this regard. Both have reported on their implementation efforts in accordance with the convention’s specific requirements of planning, coordination and the integration of victim assistance into rights-based frameworks.

▲
Hussein Ghandour, a survivor employed at the prosthetic workshop of the Lebanese Welfare Association is a peer support volunteer and advocate for survivors’ rights.

¹ Reporting on casualties and victims assistance in this report is for calendar year 2012, unless otherwise indicated.

² See Article 5 of the Convention on Cluster Munitions.

³ Cluster munition victims include survivors (people who were injured by cluster munitions or their explosive remnants and lived), other persons directly impacted by cluster munitions, as well as their affected families and communities. As a result of their injuries, most cluster munition survivors are also persons with disabilities. The term “cluster munition casualties” is used to refer both to people killed and people injured as a result of cluster munition use or cluster munition remnants.

⁴ “Draft Oslo Progress Report,” CCM/MSP/2012/WP.1, undated, pp. 7 and 9, www.clusterconvention.org/files/2012/06/Oslo-Progress-Report-13-7-2012-2_final.pdf.

⁵ Statement of Cambodia, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 12 September 2012, www.clusterconvention.org/files/2012/09/Victim-Assistance-Cambodia.pdf.

⁶ Statement of Vietnam, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 14 September 2012, www.clusterconvention.org/files/2011/09/vic_viet_nam.pdf. Vietnam stated that it is “among the countries most affected by cluster munitions and other explosive remnants of war.” It said “Viet Nam has signed the Convention on the Rights of Persons with Disabilities and adopted a Law on Persons with Disabilities, which provides an important legal framework for the care for and assistance to victims of ERW.” Vietnam identified the Ministry of Labour, War Invalids and Social Affairs as the focal point for victim assistance and is developing a Victim Assistance Action Plan and Standard Guidelines on Victim Assistance.

In order to make a difference in affected communities, there must be a clear understanding of the rights and needs of victims, and victim assistance responses must be coordinated, focused, and measurable. In the three years since the convention entered into force on 1 August 2010, States Parties have reported significantly more efforts to improve assistance to cluster munition victims while striving to overcome challenges. Such challenges have included inadequate infrastructure, social instability, violence, and armed conflict, and, in most states, inadequate funding and resources for the international organizations, national and international NGOs and disabled persons organizations (DPOs) that deliver most direct assistance services to victims.

Cluster Munition Casualties

Global casualties

Casualties from cluster munitions have occurred in at least 31 states and three other areas where cluster munitions have been used.⁷ There may have been casualties, as yet unconfirmed, in several more states.⁸ Of these states, 12 are States Parties to the Convention on Cluster Munitions and four have signed, but not yet ratified the convention.

**States and other areas with cluster munition casualties
(as of 1 July 2013)**

States Parties and signatories (entry into force date)	Other states and areas
Afghanistan (1 March 2012)	Cambodia
Albania (1 August 2010)	Eritrea
Bosnia and Herzegovina (1 March 2011)	Ethiopia
Chad (1 September 2013)	Georgia
Croatia (1 August 2010)	Israel
Guinea-Bissau (1 May 2011)	Kuwait
Iraq (1 November 2013)	Libya
Lao PDR (1 August 2010)	Russia
Lebanon (1 May 2011)	Serbia
Montenegro (1 August 2010)	South Sudan
Mozambique (1 September 2011)	Sudan
Sierra Leone (1 August 2010)	Syria
Angola	Tajikistan
Colombia	Vietnam
Congo, Dem. Rep.	Yemen
Uganda	<i>Kosovo</i>
	<i>Nagorno-Karabakh</i>
	<i>Western Sahara</i>

*Convention on Cluster Munitions States Parties are indicated in **bold**; other areas in italics.*

Cluster munition victims are defined as all persons who have been killed or suffered physical or psychological injury, economic loss, social marginalization, or substantial impairment of the realization of their rights caused by the use of cluster munitions. This definition includes survivors (people who were injured by cluster munitions or their explosive

⁷ This relates to cluster munition casualties recorded over all time. The number of states is an increase of one from the 30 reported in 2012, with Yemen being the new addition. There was a credible report of a cluster munition strike in Yemen in December 2009 that killed 55 people, including 14 women and 21 children. Amnesty International, "Wikileaks cable corroborates evidence of US airstrikes in Yemen," 1 December 2010, www.amnesty.org/en/news-and-updates/wikileaks-cable-corroborates-evidence-of-us-airstrikes-yemen-2010-12-01. In addition, cluster munition contamination was confirmed in northwestern Yemen, apparently following use in 2009/2010. In July 2013, mine clearance operators in Yemen shared photographs with the Monitor showing cluster munition contamination in Sa'adaa governorate in northwestern Yemen near the border with Saudi Arabia. Human Rights Watch has identified the remnants as unexploded BLU-97 bomblets, BLU-61 submunitions, and DPICM submunitions of an unknown origin. The DPICM submunitions look like an M42 submunition. Interview with Abdul Raqeeb Fare, Deputy Director, Yemen Executive Mine Action Center. There is no specific data available yet on casualties resulting from this contamination. Of the 31 states, there is no definite data on numbers of casualties in Chad, Libya and Mozambique. For the other 27 states, confirmed number of casualties and/or estimated numbers of casualties are available online in the 2013 country profiles. In Guinea-Bissau, cluster munition-remnant casualties were reported among 11 casualties of explosive ordnance scattered by a munitions storage explosion. Handicap International (HI), *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007). Annex 2, p. 145. Two of the casualties recorded in Croatia were also caused by submunitions that had been scattered as a result of a munition storage explosion.

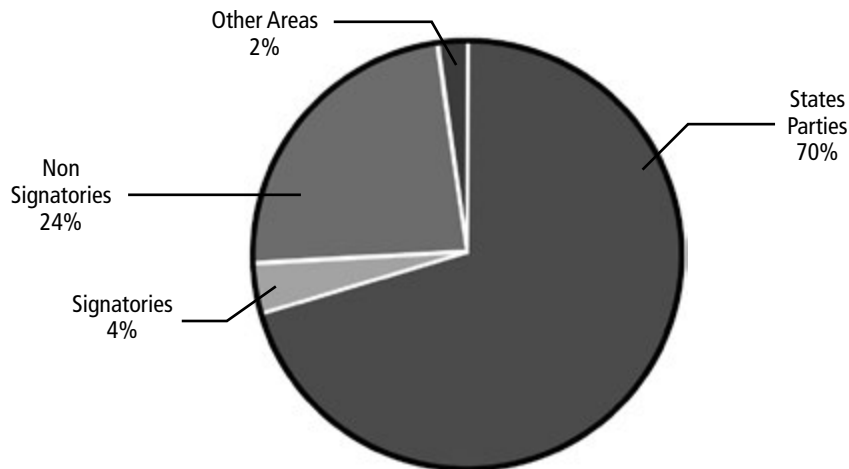
⁸ It is possible that cluster munition casualties have occurred but gone unrecorded in other countries where cluster munitions were used, abandoned, or stored in the past, such as Azerbaijan, Iran, Mauritania, Saudi Arabia, Somalia, and Zambia.

remnants and lived), other persons directly impacted by cluster munitions, as well as their affected families and communities. Although little is known about the number of families and communities affected by cluster munitions, available information indicates that their needs are likely to be extensive. In 2012, as in past years, information available to the Monitor shows that no state has provided an estimate of the total number of its cluster munition victims, including families and other directly affected members of communities living in their jurisdiction.

There are no comprehensive, reliable statistics on cluster munition casualties—the people who were killed or injured by cluster munitions—and for decades there was inadequate reporting and massive under-reporting of both civilian and military casualties.⁹ At least 17,959 cluster munition casualties have been reported globally through the end of 2012. But a better indicator of the number of cluster munition casualties is the estimated total of up to, or more than, 54,000. Some projections range as high as 58,000 to 85,000 casualties or more, but some country totals are based on extrapolations and data may be inflated.¹⁰

Most reported cluster munition casualties have been recorded in States Parties, particularly Afghanistan (774), Iraq (3,011), Lao PDR (7,598), and Lebanon (712).

Cluster munition casualties by Convention on Cluster Munitions status¹¹



The vast majority (15,598) of reported casualties were caused by cluster munition remnants—typically explosive submunitions, which failed to detonate during strikes.¹² Data on casualties due to cluster munition strikes is more difficult to collect systematically and is often not included in casualty reporting.

The other 2,361 casualties were recorded from cluster munition strikes. Casualties at the time of use are grossly under-reported; therefore the actual number of casualties, both known and estimated, is massively under-represented.

In the cases where the status was recorded,¹³ civilians accounted for the majority (94%) of casualties, while humanitarian deminers (clearance personnel) accounted for 3%, and security forces (military, police, and other security personnel) accounted for less than 3%.¹⁴ In cases where the age was known, approximately 40% of recorded civilian casualties were children. Where the sex of the casualties was recorded, approximately 18% of civilian casualties were female.

⁹ In most countries, when identified, casualties from unexploded submunitions have been recorded as casualties from ERW without differentiating from other types of ERW.

¹⁰ HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007).

¹¹ According to data available to the Monitor, of the total 17,959 recorded casualties by the end of 2012, 12,655 were recorded in State Parties; 647 in signatory states; 4,260 in non-signatory states and 397 were recorded in other areas.

¹² As of April 2013, the Intersectoral Commission for Demining and Humanitarian Assistance (Comissão nacional intersectorial de desminagem e assistência humanitária - CNIDAH) reported that the Angolan national victim survey had identified at least 354 cluster munition survivors in the province of Huambo. These figures have been included in the global total. Email from Nsimba Paxe, Victim Assistance Specialist, CNIDAH, Luanda, 3 April 2013. However, in 2012 Angola had reported identifying a far larger number of cluster munition survivors in Huambo province through the same survey (1,497 cluster munition survivors). The reason for the difference in data is not known. Statement of Angola, Mine Ban Treaty Standing Committee on Victim Assistance and Socio-economic Reintegration, Geneva, 31 May 2013. An ongoing casualty survey in Western Sahara by the Association of Saharawi Victims of Mines (ASAVIM) identified 117 cluster munition casualties. Email from Gaici Nah Bachir, Advisor, (ASAVIM), 24 July 2013.

¹³ However, for 6,613 casualties (more than a third of all cluster munition casualties), the civilian status was not indicated or recorded. Globally, states have done little public reporting of military casualties from cluster munitions, even when they were likely to have been significant, such as in the 1991 Gulf War. See CMC, *Cluster Munition Monitor 2011* (Ottawa: Mines Action Canada, October 2011), www.the-monitor.org/index.php/publications/display?url=cmm/2011/CMM_Casualties_Victim_Assistance_2011.html.

¹⁴ See also HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007).

Cluster munition casualties in 2012

In 2012, 190 cluster munition casualties were identified globally (165 casualties from cluster munition strikes and 25 from cluster munition remnants); this represented the highest one-year total since entry into force of the Convention on Cluster Munitions.

At least 165 new casualties from cluster munition strikes in Syria were identified for 2012. This number is not thought to be reliable due to a lack of active data collection able to differentiate the exact weapon used. The number of people killed and injured during strikes is likely much higher. Syria was already counted as a state with cluster munition remnants casualties due to past use of cluster munitions by Israel on its territory. No other casualties of cluster munition strikes were recorded in 2012 and the last reported casualties from cluster munition strikes were in Yemen in 2009 (55) and in Georgia in 2008 (61).

Twenty-five new casualties of cluster munition remnants were confirmed in 2012, occurring in two States Parties, Lao PDR (6) and Lebanon (5), as well as in non-signatories Cambodia (1), Serbia (3), Sudan (2), Syria (1), Vietnam (6), and one other area, Nagorno-Karabakh (1). Cluster munition remnants remained a grave hazard to clearance personnel and deminers in 2012. Three casualties were recorded among clearance staff in two separate incidents at the same location near a popular ski resort in Serbia. One deminer was killed while destroying submunitions in southern Lebanon.

Annual data on cluster munition casualties remains inadequate and/or irregular in almost all contaminated countries, including States Parties. The figures available are not considered by any means complete, and are not necessarily indicative of trends. It is clear that the all-time number of cluster munition victims continues to increase each year, but drawing any other conclusions remains challenging. It is most likely that there were significantly more casualties from cluster munition remnants among the other hundreds of casualties from ERW in the countries that did not or were unable to separate cluster munitions in their data; it is also likely that there were cluster munition remnants casualties that went completely unrecorded.

For example, in 2012 some areas of Afghanistan were not reachable or inadequately covered by data collecting teams due to funding cuts, and in most of Iraq there was still no effective data collection mechanism. Media reporting usually failed to distinguish between the various types of explosive devices causing casualties. In Lao PDR, the country most affected by cluster munitions, data for 80% of the annual casualties recorded continued to lack information on the types of explosive devices. Only one of Vietnam's 58 provinces had some form of systematic data collection for casualties. In Western Sahara, the type of explosive was not recorded for approximately 75% of casualties identified in 2012, but it was known that a young boy was injured by a cluster munition in early 2013.

Victim Assistance

The Convention on Cluster Munitions requires that States Parties with cluster munition victims implement the following victim assistance activities:

- Collect relevant data and assess the needs of cluster munition victims;
- Coordinate victim assistance programs;
- Develop a national plan, budget, and time frame for implementation;
- Report on progress;
- Actively involve cluster munition victims;
- Provide adequate assistance;
- Implement national legislation according to the principles of international law; and
- Provide assistance that is gender- and age-sensitive as well as non-discriminatory.

The Vientiane Action Plan provides a guide for prioritizing implementation of victim assistance in all its key aspects.¹⁵

At meetings of the Convention on Cluster Munitions in 2012 and the first half of 2013, the victim assistance coordinators—Austria (and then later in 2013, Afghanistan) and Bosnia and Herzegovina (BiH)—continued to focus attention on steps necessary to implement the Vientiane Action Plan issued by the First Meeting of States Parties in November 2010. Few states, however, reported directly on progress in terms of the specific Vientiane Action Plan objectives at these meetings. Significantly, neither Afghanistan nor BiH, which had volunteered to serve as leaders of the Victim Assistance Committee, reported during the 2013 intersessional meeting about their annual progress or time-bound accomplishments.

There was no significant progress in international meetings on the question of how to identify and respond to the needs of families and communities affected by cluster munitions. The focus remained on approaches to address the needs of survivors with disabilities.

At the Convention on Cluster Munitions intersessional meetings in April 2013, as in 2012, states discussed how to improve integration of the implementation of victim assistance provisions of the Convention on Cluster Munitions into other existing national coordination mechanisms, most specifically those of the Convention on the Rights of Persons with

¹⁵ The Vientiane Action Plan includes 10 detailed and time-bound victim assistance actions specific to countries with cluster munition victims and three other actions relating to victim assistance in States Parties. The actions are related to medical care, rehabilitation and psychological support, social and economic inclusion, and other relevant services.

Disabilities (CRPD). However, progress in including humanitarian victim assistance concerns into the CRPD process and broader disability frameworks was slow, at best, as evidenced by the lack of integrated coordination and the absence of necessary legislative changes made by most of the affected states. At the Sixth Conference of States Parties to the CRPD in 2013, Norway noted the importance of including cluster munition victims in the work of that convention, and was the only state to mention cluster munition victims or victim assistance.¹⁶

Assessing needs

States Parties must make “every effort to collect reliable relevant data” and assess the needs of cluster munition victims. According to the Vientiane Action Plan, within one year of the convention’s entry into force for each State Party, all necessary data should have been collected and disaggregated by sex and age, and the needs and priorities of cluster munition victims should have been assessed.¹⁷

States Parties have taken steps to improve casualty data collection and/or needs assessments. Since entry into force of the Convention on Cluster Munitions, most have attempted to compile the information necessary to assist cluster munition victims, yet all failed to do so within the one year target proposed by the Vientiane Action Plan except Albania, which already had the information in place. For the most part, efforts were ongoing in the most affected States Parties:

- **Afghanistan:** No national survey or needs assessment was conducted but work to develop an agreement to include casualty reporting in the healthcare information system was underway;
- **Iraq:** As of March 2013, the Iraqi Directorate for Mine Action had completed a needs assessment of “mine and ERW victims” in three of 15 provinces, although the data that was publicly available did not distinguish cluster munition victims from those of other types of victim-activated explosives. In addition, Iraq lacked an ongoing mechanism to collect and analyze information on the needs of mine/ERW survivors including cluster munition victims;
- **Lao PDR:** Information from the Survivor Tracking System, an ongoing system for collecting data on survivors’ needs, was not yet being shared with service providers pending the entry of survey forms into a database in 2013;
- **Lebanon:** A national victim assistance survey was planned and donor support acquired for 2013;
- **Mozambique:** The national survivor network, *Rede para Assistência às Vítimas de Minas* (RAVIM), and Handicap International (HI) initiated a representative needs assessment of survivors in two provinces in 2012, working with national and local authorities.

Coordination

The convention requires that States Parties with cluster munition casualties designate a focal point within the government to take responsibility for ensuring that victim assistance efforts are coordinated and that work is implemented. According to the Vientiane Action Plan, the focal point should be appointed within six months after becoming a State Party and the focal point should have the necessary authority and expertise to carry out its task, as well as adequate resources.¹⁸

Within one year, States Parties should integrate the implementation of victim assistance into existing coordination mechanisms, such as systems created under the CRPD or other relevant instruments, or establish a coordination mechanism if none existed.

All States Parties with known cluster munition victims with the exception of Sierra Leone have designated one or more focal points for Convention on Cluster Munition victim assistance activities.

Afghanistan, Albania, BiH, Chad, Lao PDR, and Lebanon have victim assistance coordination structures in place that met regularly and/or effectively coordinated assistance, often in response to a particular issue or need. The coordinating body in Croatia did not hold any meetings or have any other activities in 2012 due to the post-election political situation. There were improvements in victim assistance coordination in Iraqi Kurdistan with the merger of the two regional mine action centers into one; organization of activities in the rest of Iraq was sporadic and solely focused on the victims’ needs assessment.

In Mozambique, there was no active victim assistance coordination, but the mine action center coordinated with the National Disability Council to ensure the inclusion of survivors in disability planning. In Montenegro, where victim assistance was integrated into disability coordination, the Council for Protection of Persons with Disabilities was established in May of 2012 but was then annulled in April 2013.¹⁹

¹⁶ Statement of Norway, Sixth session of the Conference of States Parties to the Convention on the Rights of Persons with Disabilities, 17–19 July 2013, New York, 17 July 2013, www.papersmart.unmeetings.org/media/3645915/statement_by_norway_rev_agenda_item_5a.pdf.

¹⁷ 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 program planning.

¹⁸ The period after the convention’s entry into force for that State Party, as noted in the above table.

¹⁹ Montenegro’s Council for Protection of People with Disabilities was repealed on 18 April 2013, less than one year after being established, based on government findings that the “further existence of The Council for the care of persons with disabilities is not justified.” Association of Youth with Disabilities Montenegro, “Public Statement on repealing of The Council for the care of persons with disabilities,” 25 April 2013, www.umhcg.me/?p=1211.

All four signatory states with cluster munition victims had a designated victim assistance focal point in 2012, but were active in just three of them: Angola, Colombia, and the Democratic Republic of the Congo (DRC).

The victim assistance coordination system was fully integrated into the coordinating mechanism for disability issues in two of the nine relevant States Parties (Afghanistan and Montenegro) that are also party to the CRPD²⁰. This system was partially integrated in two other States Parties to both conventions (Albania and Mozambique). Albania also expressly reported planning the complete integration of victim assistance coordination into CRPD coordination mechanisms. In Iraq, the establishment of the National Disability Commission, which was to include representatives from the two mine action centers, was pending.

Plans and strategies

The Vientiane Action Plan reiterates the Convention on Cluster Munitions obligation to adapt or develop a comprehensive national plan of action with time frames and budget to carry out victim assistance activities. However, no specific time limit was set for this to be achieved. Again, the convention calls for such plans to be incorporated within existing development and human rights frameworks, as many states have done.

National plans

State Party	Plan	Note
Afghanistan	None	The Afghanistan National Disability Action Plan (2008–2011) expired without having been monitored; it was to be revised in 2013.
Albania	National Victim Assistance Plan (2012–2015)	Aligned with the Mine Ban Treaty Cartagena Action Plan and linked to the national disability strategy.
BiH	Victim Assistance Sub-Strategy (2009–2019)	With no measurable goals and objectives, the plan needs to be reviewed and to include clearly defined responsibilities.
Chad	National Plan of Action on Victim Assistance (2012–2014)	Adopted in 2012, implementation was delayed.
Croatia	Croatian Action Plan to Help Victims Of Mines and Unexploded Ordnance (2010–2014)	No monitoring of the plan's implementation in 2012 due to a lack of coordination meetings.
Guinea-Bissau	National Victim Assistance Strategy	Details of plan, including the dates covered and whether or not it has a budget or monitoring plan, are unknown.
Iraq	None	Has national action points instead of a victim assistance plan.
Lao PDR	None	A victim assistance plan was under development since 2008; a completely new draft was made in 2012.
Lebanon	Victim Assistance Strategy of the Lebanon Mine Action National Strategy (2011–2020)	The Victim Assistance Strategy includes a budget for victim assistance activities, however funding commitments were not yet made; the strategy was also under revision.
Montenegro	Strategy for the Integration of Persons with Disabilities in Montenegro (2008–2016)	Implementation of the strategy was poor.
Mozambique	National Disability Plan (2012–2019)	Includes a section on specific assistance for mine/ERW survivors and a budget and monitoring plan; funding sources not identified.
Sierra Leone	None	Strategic plans for the National Council of Persons with Disabilities and for the Ministry of Social Welfare, Gender and Children Affairs (2013–2017) under development in 2013.

Victim assistance plans and relevant disability plans and strategies were under development or required revision in the following states: Afghanistan, BiH, Iraq, Lebanon, and Lao PDR.

All victim assistance plans lacked dedicated funding, although plans for BiH, Croatia, Lao PDR, Lebanon, and Mozambique included budgets or estimated costs.

Among signatories, Angola was developing the Comprehensive National Victim Assistance Action Plan (2013–2017) throughout 2012. In August 2012, Colombia approved a plan for the implementation of a reparation law for conflict victims. The DRC included victim assistance in a new National Strategic Mine Action Plan (2012–2016). Uganda's

²⁰ Of the 12 States Parties to the Convention on Cluster Munitions with cluster munition victims and obligations under Article 5, nine are party to the CRPD (Afghanistan, Albania, BiH, Croatia, Iraq, Lao PDR, Montenegro, Mozambique, and Sierra Leone) and two have signed but not yet ratified (Chad and Lebanon); Guinea-Bissau has not yet joined.

Comprehensive Plan of Action on Victim Assistance (2010–2014) remained in effect but little progress was seen in its implementation in 2012.

Reporting on progress

Under Article 7 of the convention, States Parties are required to submit reports on the status and progress of implementation of all victim assistance obligations. All States Parties with cluster munition victims that submitted their Article 7 report for 2012 included information on victim assistance in Form H; most provided detailed information, or new factual reporting, including updates of contact information for focal points.

Convention on Cluster Munitions Form H reporting on victim assistance

State Party	Submitted/Date due	Note
Afghanistan	Submitted for 2012	Included detailed information
Albania	Submitted for 2012	Included detailed information
BiH	Not submitted for 2012	(Was due 30 April 2013)
Chad	28 February 2014	Not yet due
Croatia	Submitted for 2012	Included basic information
Guinea-Bissau	Not submitted	(Initial report was due 28 October 2011)
Iraq	30 April 2014	Not yet due
Lao PDR	Submitted for 2012	Included detailed information
Lebanon	Submitted for 2012	Included detailed information
Montenegro	Submitted for 2012	Included new information
Mozambique	Submitted for 2012	Included detailed information
Sierra Leone	Not submitted for 2012	(Was due 30 April 2013)

The CRPD reporting and monitoring process, a potentially useful source of information on programs that can support cluster munition survivors, was proving slower and less effective, with low compliance rates, for the same States Parties to the Convention on Cluster Munitions which have Article 5 reporting obligations. Among States Parties to the Convention on Cluster Munitions with cluster munition victims, two—BiH and Croatia—have submitted reports on their implementation of the CRPD as required by Article 35 of that convention. Neither included a specific reference to cluster munition victims or victim assistance obligations under the Convention on Cluster Munitions, although both included short references to landmine victims.

Both Lao PDR and Montenegro had initial CRPD reports due in 2011, but neither had submitted their initial reports by 1 July 2013.

Role of survivors

Cluster munition victims were key in the development and adoption of the Convention on Cluster Munitions and the convention calls on States Parties to “closely consult with and actively involve cluster munition victims and their representative organisations” to fulfill victim assistance obligations. The Vientiane Action Plan states that States Parties must actively involve cluster munitions victims and their representative organizations in the work of the convention, placing responsibility on all States Parties, and not just those with cluster munition victims, for promoting the participation of cluster munition victims.

All States Parties with victim assistance coordination structures in place in 2012, except Guinea-Bissau and Montenegro, involved survivors or their representative organizations in victim assistance or disability coordination mechanisms. However, overall closer consultation and more active engagement of survivors were needed. Both coordination and survivor participation were limited in Chad and Iraq. As reported above, no coordination activities occurred in Croatia in 2012.

Among signatories, only in DRC did survivors participate actively in regular coordination meetings. In 13 of the 16 States Parties and signatories with known cluster munition victims, survivors were involved in victim assistance activities, including in providing ongoing services such as prosthetics, or delivering peer-to-peer support.²¹

As highlighted by the Vientiane Action Plan, survivors and cluster munition victims should be considered as experts in victim assistance and included on government delegations to international meetings and in all activities related to the convention. As in the past reporting period, BiH was the only State Party known to have included a survivor as a member of its delegation to an international meeting of the convention in 2012 and the first half of 2013. By contrast, many cluster munition victims have participated in international meetings as part of the Cluster Munition Coalition (CMC) delegation.

²¹ No survivor involvement in victim assistance activities was identified in Guinea-Bissau, Montenegro, or Sierra Leone.

Providing adequate assistance: progress in 2012 and action required

States and other areas with cluster munition victims continue to face significant challenges in providing holistic and accessible care to affected individuals, families, and communities. Under the Vientiane Action Plan, each State Party with cluster munition victims should take immediate action to increase availability and accessibility of services, particularly in remote and rural areas where they are most often absent. In 2012, these States Parties continued to provide victim assistance services despite their general reliance on international funding and the poor global economic outlook. Following are some of the key advances to improve the availability, accessibility, and sustainability of victim assistance in 2012, as well as actions required for further improvement.

Availability

- **Croatia:** The availability of emergency medicine improved with a revised contractual system in place for service providers. Psychological support services increased with a new facility opened and operating;
- **Guinea-Bissau:** The first full year of operations of the main physical rehabilitation center resulted in more prosthetics services being provided;
- **Lao PDR:** NGO-supported healthcare services and wheelchair production increased as well as incremental expansion of a prosthetics outreach program and of peer support;
- **Montenegro:** The national health insurance system explicitly mandated free access to medical care and physical rehabilitation services for survivors.

Summary points for action:

- **Afghanistan:** Availability of physical rehabilitation needed to be expanded to provinces lacking prosthetics services;
- **Albania:** Sustainable funding for the prosthetics center in the cluster munition-affected region was needed and the extensive knowledge on creating small scale affordable prosthetics services needed to be used to assist amputees throughout the country in accordance with the convention principle of non-discrimination;
- **Chad:** There was an acute need for improved facilities and professional capacity in the rehabilitation sector in order to overcome deficiencies in the availability of prosthetic devices;
- **Guinea-Bissau:** Increased national and international resources were needed to address the little progress in improving services over the past decade due to lack of funds and government support;
- **Iraq:** There was a lack of awareness about disability and survivors' rights and needs among medical practitioners and rehabilitation staff to improve referral services.

Accessibility

- **Afghanistan:** Physical accessibility to buildings increased with the activities of NGOs and due to better understanding of the needs through a national survey completed in 2012 by the Afghanistan Independent Human Rights Commission;
- **Iraq:** Incremental progress to make public buildings accessible for persons with disabilities was reported throughout the country;
- **Mozambique:** Modest advances in physical accessibility were made in the capital Maputo.

Summary points for action:

- **BiH:** Planning to address the removal of physical barriers was required because a lack of physical accessibility remained a major problem and was not included among the priorities for addressing the challenges faced by persons with disabilities;
- **Guinea-Bissau:** There was a need for legislation on accessibility and also to begin efforts to ensure access to public spaces;
- **Lao PDR:** Intensive efforts were required to improve access to services in remote and rural areas. Resources for infrastructure were needed to hasten the retrofitting of most buildings to make them physically accessible for persons with disabilities.
- **Lebanon:** Increased allocation of resources within the national budget was needed to provide persons with disabilities access to adequate public transport and other facilities;
- **Mozambique:** Accessible buses and more public transportation in general were needed to overcome overcrowding and a lack of suitable vehicles that prevented survivors from using the benefit of free public transportation for persons with disabilities.

Sustainability

- **Afghanistan:** Some initial steps were taken to make rehabilitation services more sustainable by linking the list of needs to the health ministry priority system and to the national development budget, and by efforts by the ICRC to continually build national staff capacity;
- **Albania:** A five-year collaborative project to develop the national rehabilitation system—concluded in 2012—established a sustainable program of physiotherapy training;
- **Iraq:** The Ministry of Health progressively assumed more financial and management responsibilities in ICRC-supported rehabilitation centers;

- **Lao PDR:** Continued ICRC Special Fund for the Disabled support increased the development of local capacity within the national rehabilitation service.

Summary points for action:

- **Lebanon:** The physical rehabilitation sector needed to address its dependence on past funding sources because reduced international funding froze many victim assistance operations and activities;
- **Mozambique:** Increased resources dedicated to physical rehabilitation services were needed because a lack of raw materials for prosthetics in 2012 stalled production and left survivors without services;
- **Sierra Leone:** For many victims of conflict—including amputees—there was a need to increase the reliability of, and access to, existing physical and psychosocial rehabilitation for persons with disabilities.

The victim assistance thematic research for Convention on Cluster Munitions signatories and non-signatories on the provision of adequate assistance was ongoing and will be available in profiles and summaries in the *Landmine Monitor Report 2013*.

National and international laws

States Parties to the Convention on Cluster Munitions are legally bound to provide adequate assistance to cluster munition victims in accordance with applicable international humanitarian and human rights law. Although the Convention on Cluster Munition has no definition or measure of what “adequate” assistance entails, the applicable international law offers more detail, including requirements such as the “highest attainable standard of healthcare.”

Applicable international law includes the CRPD, the Mine Ban Treaty, and CCW Protocol V. Other instruments with relevant provisions that should be used to support the implementation of the victim assistance obligations of the Convention on Cluster Munitions include the Geneva Conventions, the 1951 Refugee Convention, the Convention on the Rights of the Child, the Convention on the Elimination of all Forms of Discrimination against Women, and the International Covenant on Civil and Political Rights.

In addition to international law, the Convention on Cluster Munitions’ requirement for national implementation legislation to cover its positive obligations means States Parties’ laws should ensure “the full realisation of the rights of all cluster munition victims,” as called for under Article 5. Under the Vientiane Action Plan, within one year of entry into force, States Parties are supposed to review their national laws and policies to ensure that they are consistent with their victim assistance obligations under the convention. States Parties should then revise inconsistent legislation by 2015. Despite this, most States Parties have significant tasks ahead in order to fulfill this objective. Below are summaries of some of the gaps in legislation and areas that merit improvement among States Parties:

- **Afghanistan:** Legislation discriminates against persons with disabilities; special treatment is also given to some war victims;
- **Albania:** Differences in legal status of persons with disabilities exist, as a result most mine/ERW survivors are ineligible for state benefits available to some other groups of persons with disabilities;
- **BiH:** Entitlement to benefits for persons with disabilities is not based on needs but on military status, with the result that some persons with disabilities do not receive the same rights or adequate financial benefits;
- **Chad:** Legislation protecting the rights of persons with disabilities adopted in 2007 remains inoperative;
- **Croatia:** Criteria for entitlements are not equally applied and legislation regulating specific rights of persons with disabilities is fragmented;
- **Iraq:** Central and southern Iraq has no legislation prohibiting discrimination against persons with disabilities and a law to establish a National Disability Commission, introduced in the Iraqi parliament in February of 2012, remained pending in June 2013;
- **Lao PDR:** Adoption of relevant draft disability legislation has been on hold since 2008;
- **Lebanon:** The law on the rights of persons with disabilities has yet to be comprehensively put into practice;
- **Mozambique:** Ratified the CRPD in January 2012 but lacked funding to implement relevant legislation throughout the year;
- **Montenegro:** Adopted a new disability law in 2011 that clarified which discriminatory actions were illegal, but little progress was reported in its implementation in 2012.

Other legal developments in 2012 included court cases upholding the right to remedy and reparations for cluster munition victims. In November, the Montenegrin court system awarded monetary compensation for pain and suffering to the family members of a boy who was killed by a cluster submunition in 1999.²² Also in November, the Inter-American Court of Human Rights found that Colombia—now a signatory to the Convention on Cluster Munitions—had violated

²² As stated by Judge Mirjana Vlahović, provided to the Monitor via email by Velija Murić, Attorney-at-law, Rozaje, Montenegro, 25 February 2013. Translation by Jelena Vičentić, Coordinator, Assistance, Advocacy, Access-Serbia, 11 March 2013. In April 2013, a national court in non-signatory Israel also awarded compensation to a man severely injured by a cluster munition remnant. The court found that the Israeli state had failed to adequately protect the survivor from known dangers of what was once a firing range. His award was said to include compensation for pain and suffering as well as for lost income as a result of his permanent disability. Yanir Yagna, “Court awards damages to Bedouin who lost arm to cluster bomb,” *Haaretz*, 7 April 2013, www.haaretz.com/news/national/court-awards-damages-to-bedouin-who-lost-arm-to-cluster-bomb-1.514105.

the right to life of 44 civilians as a result of cluster munition use during a bombing strike in 1998. The court ordered Colombia to provide comprehensive reparations to the victims.²³

Non-discrimination

According to the Convention on Cluster Munitions, States Parties cannot discriminate against or among cluster munition victims, or between cluster munition victims and those who have suffered from other causes. For most countries where discrimination was reported, it was due to preferential treatment for veterans (see National and international laws section above) or discrimination against particular gender, age, or regional groups, rather than differences in treatment based on the cause of disability or the type of weapon that caused injury. For example, disabled war veterans were often given a privileged status above that of civilian war survivors and other persons with disabilities.

No discrimination in favor of cluster munition victims by States Parties with Article 5 obligations was identified in 2012. Concerns about positive discrimination in the allocation of services to cluster munition victims were nonetheless repeatedly raised by donor states, possibly to signal plans to reduce targeted humanitarian victim assistance funding.

Age- and gender-sensitive assistance

States Parties to the Convention on Cluster Munitions commit to adequately providing age- and gender-sensitive assistance to cluster munition victims.²⁴ Yet for most States Parties and signatories, little information was available about the availability of such assistance. Few activities were reported that were designed to increase services appropriate to the needs of women, men, girls, and boys. Some of the reported activities are described below.

The school enrollment of children in Afghanistan with disabilities, including those caused by cluster munitions, continued to increase through a Ministry of Education program for inclusive education involving training for teachers, as well as children with disabilities and their parents. A national landmine survivors' NGO in Afghanistan ran education centers providing inclusive education, literacy, and vocational training opportunities to children and adults with and without disabilities.

In Albania, even as other victim assistance activities declined due to funding constraints, the education and social inclusion of child survivors remained an ongoing focus of the national victim assistance program and a national NGO.

In Croatia, a specialized facility for psychological support and social reintegration for survivors and their families, including children and other people with trauma, became fully operational; the national victim assistance NGO continued to provide psychological support groups for children as well as adults.

Teachers in Mozambique received training in 2012 to increase the availability of inclusive education, but educational opportunities for children with disabilities were seen to be poor and there were no other age-appropriate services available for child survivors.

²³ Inter-American Court of Human Rights, "Case: Massacre of Santo Domingo vs. Colombia Sentence of 30 November 2012," www.corteidh.or.cr/docs/casos/articulos/seriec_259_ing.pdf.

²⁴ Children require specific and more frequent assistance than adults. Women and girls often need specific services depending on their personal and cultural circumstances. Women face multiple forms of discrimination, as survivors themselves or as those who survive the loss of family members, often the husband and head of household.



Funding Support

Under Article 6 of the Convention on Cluster Munitions, each State Party “has the right to seek and receive assistance” to ensure implementation of the convention’s obligations, including those to destroy stockpiled cluster munitions within eight years, to clear areas contaminated by cluster munition remnants within 10 years, and to provide victim assistance. States Parties “in a position to do so” are obligated to provide technical, material, and financial assistance to implement these measures.

From a survey of donor activities by 32 governments and the European Union (EU), the Monitor has verified that 28 states,¹ the EU, and UNDP reported supporting mine action programs in the 26 states and three other areas affected by cluster munition remnants, including countries recognized as among the most affected by cluster munitions: Cambodia, Lao PDR, Iraq, Lebanon, and Vietnam.²

Donor states designate very few of their funded projects as activities related only to cluster munitions, complicating the effort to report precisely the amount of funding related to the convention.³ Some donors report funding for activities related to cluster munitions even though the expenditure was also used for clearance of mines or unexploded ordnance.⁴ Victim assistance funding is also difficult to trace because the activities encompass multiple government agencies and programs that benefit people who are not cluster munition casualties.

States Parties have stated their approach to cluster munition funding at meetings associated with the Convention on Cluster Munitions. At the intersessional meetings in April 2012, Norway expressed caution against focusing too narrowly on financial support for the implementation of the convention as opposed to “important non-fiscal aspects” of support. Norway said an overemphasis on fiscal matters could give a “false picture” of actual funding levels.⁵ Australia has stated that “it is difficult, in many circumstances, to distinguish between the provision and utilisation of our funding for work in relation to mines, cluster munitions and other explosive remnants of war.”⁶ Also, Sweden has reported that it contributed to UNICEF’s Global Armed Violence Reduction Programme in 2012 as part of its focus on cluster munitions, even though UNICEF’s program encompasses all types of arms and weapons.⁷

▲
Deminer working to clear land in Bangyang village, Savannakhet province, Lao PDR.

¹ Australia, Austria, Belgium, Brazil, Canada, Denmark, Finland, Germany, Ireland, Italy, Iran, Japan, Lithuania, Luxembourg, Monaco, Oman, Netherlands, New Zealand, Norway, Slovenia, South Korea, Spain, Sweden, Switzerland, United Arab Emirates, United Kingdom (UK), United States (US). Taiwan also reported mine action support.

² Following are the main sources of information from the donor states: Australia, Convention on Conventional Weapons (CCW) Amended Protocol II Article 13 Report, Form B, 28 March 2013; Belgium, CCW Protocol V Article 10 Report, Form F, 8 April 2013; email from Carolin J. Thielking, Directorate for Non-Proliferation and Disarmament, European External Action Service, European Commission, 15 May 2013; response to Monitor questionnaire by Helena Vuokko, Desk Officer, Unit for Humanitarian Assistance, Ministry for Foreign Affairs of Finland, 2 April 2013; Germany, CCW Amended Protocol II Article 13 Report, Form B, 23 March 2013; ITF (formerly International Trust Fund for Demining and Mine Victims Assistance), “ITF Enhancing Human Security Annual Report 2012,” Slovenia, 2013, p. 36; Iran, interview with Col. Rolly Fares, Head, Information Technology Section, Lebanon Mine Action Center, 3 May 2012; Ireland, CCW Amended Protocol II Article 13 Report, Form B, 22 March 2013; Japan, CCW Amended Protocol II Article 13 Report, 3 April 2013; Lebanon Mine Action Center, “2012 Annual Report,” Beirut, March 2013, p. 45; response to Monitor questionnaire by Fabienne Moust, Policy Advisor, Ministry of Foreign Affairs of the Netherlands, 19 March 2013; New Zealand, Convention on Cluster Munitions Article 7 Report, Form I, 30 April 2013; response to Monitor questionnaire by Ingunn Vatne, Senior Advisor, Department for Human Rights, Democracy and Humanitarian Assistance, Royal Norwegian Ministry of Foreign Affairs, 11 April 2013; Spain, CCW Protocol V Article 10 Report, Form F, April 2013; Sweden, Mine Ban Treaty Article 7 Report, Form J, 27 March 2013; response to Monitor questionnaire by Claudia Moser, Section for Multilateral Peace Policy, Federal Department of Foreign Affairs, Switzerland, 22 March 2013; UK, Convention on Cluster Munitions Article 7 Report, Form I, 30 April 2013; and email from Charles A. Stonecipher, Program Manager – East Asia and the Pacific, Office of Weapons Removal and Abatement, Bureau of Political-Military Affairs, U S Department of State, 20 July 2012.

³ The majority of reporting by donor states does not disaggregate cluster munitions, and not all funds that were designated for specific country activities were spent solely on cluster munitions-related projects.

⁴ For example, clearance of cluster munition remnants is often undertaken within the same operations as landmine clearance, battle area clearance, and explosive ordnance disposal.

⁵ Statement of Norway, Convention on Cluster Munitions Intersessional Meetings, Geneva, 23 April 2012, www.clusterconvention.org/files/2012/04/Coop-and-assist-Statement-Norway.pdf.

⁶ Statement of Australia, Convention on Cluster Munitions Intersessional Meetings, Geneva, 23 April 2012, www.clusterconvention.org/files/2012/04/Australia_CoopAss.pdf.

⁷ Statement of Sweden, Convention on Cluster Munitions Intersessional Meetings, Geneva, 16 April 2013, www.clusterconvention.org/files/2013/04/Sweden.pdf; and UNICEF, “Armed Violence Reduction,” 22 March 2011, www.unicef.org/protection/57929_58011.html.

Given these factors, approximately 15% (US\$70.2 million) of all international cooperation for mine action in 2012 can be identified as used for clearance, advocacy, and victim assistance activities pertaining to cluster munitions.⁸

Contributions and Recipients

The Monitor identified 18 states, the EU, and UNDP as contributors of \$66.6 million to activities in 2012 pertaining to cluster munition clearance in 12 countries and two other areas. All 12 countries and the two other areas also have landmine contamination and received funding for clearing landmines. Some states, like Cambodia, the Democratic Republic of the Congo (DRC), and South Sudan, received significant funding in support of their mine action programs, of which only a partial amount was specifically targeted to cluster munition clearance.

In addition to the \$66.6 million for clearance, another \$3.6 million was allocated for advocacy and victim assistance.

Thirteen States Parties and five non-signatories supported projects directly linked to activities related to cluster munitions.

Donors by convention status

Status	Donors
States Parties	Australia, Belgium, Germany, Ireland, Italy, Japan, Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, United Kingdom (UK)
Non-signatories	Finland, Iran, Saudi Arabia, South Korea, United States (US)

The recipients include seven States Parties and signatories to the Convention on Cluster Munitions: Bosnia and Herzegovina (BiH), Croatia, DRC, Iraq, Lao PDR, Lebanon, and Mauritania; as well as five non-signatories: Cambodia, Serbia, South Sudan, Vietnam, and Yemen; and two other areas: Nagorno-Karabakh and Western Sahara.

All recorded contributions were made through international and national NGOs, UN agencies, the Voluntary Trust Fund for Assistance in Mine Action (UN VTF), and the ITF Enhancing Human Security (formerly International Trust Fund for Demining and Mine Victims Assistance). No bilateral or direct contributions were reported.

Lao PDR and Lebanon

Lao PDR and Lebanon are the two states most affected by cluster munitions. Combined, they received \$54 million for activities pertaining to cluster munitions in 2012, bolstered by Japan's \$11 million contribution to the government of Lao PDR for equipment. The \$54 million represents 81% of funding allocated for clearance and support for some core costs at the national mine action offices.

Recipient	Donors
Lao PDR	Australia, EU, Germany, Ireland, Japan, New Zealand, Norway, Switzerland, UK, US
Lebanon	Australia, Belgium, EU, Germany, Iran, Italy, Japan, South Korea, Netherlands, Norway, Saudi Arabia, Spain, Switzerland, UNDP, US

Lebanon had 15 different donors, including funding from Saudi Arabia through the UN VTF and from Austria and South Korea through the ITF.⁹

Other recipients

Norway and Switzerland contributed to advocacy efforts related to the Convention on Cluster Munitions that included sponsorship support to the Third Meeting of States Parties, Cluster Munition Coalition, Handicap International, and Norwegian People's Aid.¹⁰

Australia, Austria, Finland, Germany, and the US contributed \$1.56 million to victim assistance programs in Lao PDR and Lebanon that could readily be considered primarily cluster munition-oriented. Those donors and others (including Canada, the Netherlands, and Norway) contributed funds to victim assistance in BiH, Iraq, South Sudan, and Vietnam.¹¹ However, there were many other victim assistance projects funded in cluster munition-affected Afghanistan, BiH, Cambodia, Kosovo, Serbia, South Sudan, and Vietnam in 2012 that were not identified as such by donors.

⁸ Costs associated with stockpile destruction are discussed in the Cluster Munition Ban Policy section of this report.

⁹ Email from Eugen Secareanu, Resource Mobilisation Unit, UN Mine Action Service, 3 May 2013; and ITF, "ITF Enhancing Human Security Annual Report 2012," Slovenia, 2013, p. 36.

¹⁰ Response to Monitor questionnaire by Ingunn Vatne, Royal Norwegian Ministry of Foreign Affairs, 11 April 2013; and response to Monitor questionnaire by Claudia Moser, Federal Department of Foreign Affairs, Switzerland, 22 March 2013.

¹¹ Australia, CCW Amended Protocol II Article 13 Report, Form B, 28 March 2013; Canada, Mine Ban Treaty Article 7 Report, Form J, 30 April 2013; response to Monitor questionnaire by Helena Vuokko, Ministry for Foreign Affairs of Finland, 2 April 2013; Germany, CCW Amended Protocol II Article 13 Report, Form B, 23 March 2013; response to Monitor questionnaire by Fabienne Moust, Ministry of Foreign Affairs of the Netherlands, 19 March 2013; response to Monitor questionnaire by Ingunn Vatne, Royal Norwegian Ministry of Foreign Affairs, 11 April 2013; and US Department of State, "To Walk the Earth in Safety 2012," Washington, DC, July 2013.



Convention on Cluster Munitions

DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A CONVENTION ON CLUSTER MUNITIONS

DUBLIN 19-30 MAY 2008

CCM/77

▲
Members
of Project
RENEW's Quick
Response Team
No. 1 responding
to an unexploded
ordnance
sighting reported
by farmers in
Vinh An Village,
Cam Hieu
Commune of
Cam Lo District,
Vietnam.

Convention on Cluster Munitions

The States Parties to this Convention,

Deeply concerned that civilian populations and individual civilians continue to bear the brunt of armed conflict,

Determined to put an end for all time to the suffering and casualties caused by cluster munitions at the time of their use, when they fail to function as intended or when they are abandoned,

Concerned that cluster munition remnants kill or maim civilians, including women and children, obstruct economic and social development, including through the loss of livelihood, impede post-conflict rehabilitation and reconstruction, delay or prevent the return of refugees and internally displaced persons, can negatively impact on national and international peace-building and humanitarian assistance efforts, and have other severe consequences that can persist for many years after use,

Deeply concerned also at the dangers presented by the large national stockpiles of cluster munitions retained for operational use and *determined* to ensure their rapid destruction,

Believing it necessary to contribute effectively in an efficient, coordinated manner to resolving the challenge of removing cluster munition remnants located throughout the world, and to ensure their destruction,

Determined also to ensure the full realisation of the rights of all cluster munition victims and *recognising* their inherent dignity,

Resolved to do their utmost in providing assistance to cluster munition victims, including medical care, rehabilitation and psychological support, as well as providing for their social and economic inclusion,

Recognising the need to provide age- and gender-sensitive assistance to cluster munition victims and to address the special needs of vulnerable groups,

Bearing in mind the Convention on the Rights of Persons with Disabilities which, *inter alia*, requires that States Parties to that Convention undertake to ensure and promote the full realisation of all human rights and fundamental freedoms of all persons with disabilities without discrimination of any kind on the basis of disability,

Mindful of the need to coordinate adequately efforts undertaken in various fora to address the rights and needs of victims of various types of weapons, and *resolved* to avoid discrimination among victims of various types of weapons,

Reaffirming that in cases not covered by this Convention or by other international agreements, civilians and combatants remain under the protection and authority of the principles of international law, derived from established custom, from the principles of humanity and from the dictates of public conscience,

Resolved also that armed groups distinct from the armed forces of a State shall not, under any circumstances, be permitted to engage in any activity prohibited to a State Party to this Convention,

Welcoming the very broad international support for the international norm prohibiting anti-personnel mines, enshrined in the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction,

Welcoming also the adoption of the Protocol on Explosive Remnants of War, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, and its entry into force on 12 November 2006, and *wishing* to enhance the protection of civilians from the effects of cluster munition remnants in post-conflict environments,

Bearing in mind also United Nations Security Council Resolution 1325 on women, peace and security and United Nations Security Council Resolution 1612 on children in armed conflict,

Welcoming further the steps taken nationally, regionally and globally in recent years aimed at prohibiting, restricting or suspending the use, stockpiling, production and transfer of cluster munitions,

Stressing the role of public conscience in furthering the principles of humanity as evidenced by the global call for an end to civilian suffering caused by cluster munitions and *recognising* the efforts to that end undertaken by the United Nations, the International Committee of the Red Cross, the Cluster Munition Coalition and numerous other non-governmental organisations around the world,

Reaffirming the Declaration of the Oslo Conference on Cluster Munitions, by which, *inter alia*, States recognised the grave consequences caused by the use of cluster munitions and committed themselves to conclude by 2008 a legally binding instrument that would prohibit the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians, and would establish a framework for cooperation and assistance that ensures adequate provision of care and rehabilitation for victims, clearance of contaminated areas, risk reduction education and destruction of stockpiles,

Emphasising the desirability of attracting the adherence of all States to this Convention, and determined to work strenuously towards the promotion of its universalisation and its full implementation,

Basing themselves on the principles and rules of international humanitarian law, in particular the principle that the right of parties to an armed conflict to choose methods or means of warfare is not unlimited, and the rules that the parties to a conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly direct their operations against military objectives only, that in the conduct of military operations constant care shall be taken to spare the civilian population, civilians and civilian objects and that the civilian population and individual civilians enjoy general protection against dangers arising from military operations,

HAVE AGREED as follows:

Article 1

General obligations and scope of application

1. 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.
2. Paragraph 1 of this Article applies, *mutatis mutandis*, to explosive bomblets that are specifically designed to be dispersed or released from dispensers affixed to aircraft.
3. This Convention does not apply to mines.

Article 2

Definitions

For the purposes of this Convention:

1. “**Cluster munition victims**” means all persons who have been killed or suffered physical or psychological injury, economic loss, social marginalisation or substantial impairment of the realisation of their rights caused by the use of cluster munitions. They include those persons directly impacted by cluster munitions as well as their affected families and communities;
2. “**Cluster munition**” means a conventional munition that is designed to disperse or release explosive submunitions each weighing less than 20 kilograms, and includes those explosive submunitions. It does not mean 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 feature.
3. “**Explosive submunition**” means a conventional munition that in order to perform its task is dispersed or released by a cluster munition and is designed to function by detonating an explosive charge prior to, on or after impact;
4. “**Failed cluster munition**” means a cluster munition that has been fired, dropped, launched, projected or otherwise delivered and which should have dispersed or released its explosive submunitions but failed to do so;
5. “**Unexploded submunition**” means an explosive submunition that has been dispersed or released by, or otherwise separated from, a cluster munition and has failed to explode as intended;
6. “**Abandoned cluster munitions**” means cluster munitions or explosive submunitions that have not been used and that have been left behind or dumped, and that are no longer under the control of the party that left them behind or dumped them. They may or may not have been prepared for use;
7. “**Cluster munition remnants**” means failed cluster munitions, abandoned cluster munitions, unexploded submunitions and unexploded bomblets;
8. “**Transfer**” involves, in addition to the physical movement of cluster munitions into or from national territory, the transfer of title to and control over cluster munitions, but does not involve the transfer of territory containing cluster munition remnants;
9. “**Self-destruction mechanism**” means an incorporated automatically-functioning mechanism which is in addition to the primary initiating mechanism of the munition and which secures the destruction of the munition into which it is incorporated;
10. “**Self-deactivating**” means automatically rendering a munition inoperable by means of the irreversible exhaustion of a component, for example a battery, that is essential to the operation of the munition;
11. “**Cluster munition contaminated area**” means an area known or suspected to contain cluster munition remnants;
12. “**Mine**” means a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle;
13. “**Explosive bomblet**” means a conventional munition, weighing less than 20 kilograms, which is not self-propelled and which, in order to perform its task, is dispersed or released by a dispenser, and is designed to function by detonating an explosive charge prior to, on or after impact;
14. “**Dispenser**” means a container that is designed to disperse or release explosive bomblets and which is affixed to an aircraft at the time of dispersal or release;

15. **“Unexploded bomblet”** means an explosive bomblet that has been dispersed, released or otherwise separated from a dispenser and has failed to explode as intended.

Article 3

Storage and stockpile destruction

1. Each State Party shall, in accordance with national regulations, separate all cluster munitions under its jurisdiction and control from munitions retained for operational use and mark them for the purpose of destruction.
2. Each State Party undertakes to destroy or ensure the destruction of all cluster munitions referred to in paragraph 1 of this Article as soon as possible but not later than eight years after the entry into force of this Convention for that State Party. Each State Party undertakes to ensure that destruction methods comply with applicable international standards for protecting public health and the environment.
3. If a State Party believes that it will be unable to destroy or ensure the destruction of all cluster munitions referred to in paragraph 1 of this Article within eight years of entry into force of this Convention for that State Party it may submit a request to a Meeting of States Parties or a Review Conference for an extension of the deadline for completing the destruction of such cluster munitions by a period of up to four years. A State Party may, in exceptional circumstances, request additional extensions of up to four years. The requested extensions shall not exceed the number of years strictly necessary for that State Party to complete its obligations under paragraph 2 of this Article.
4. Each request for an extension shall set out:
 - a. The duration of the proposed extension;
 - b. A detailed explanation of the proposed extension, including the financial and technical means available to or required by the State Party for the destruction of all cluster munitions referred to in paragraph 1 of this Article and, where applicable, the exceptional circumstances justifying it;
 - c. A plan for how and when stockpile destruction will be completed;
 - d. The quantity and type of cluster munitions and explosive submunitions held at the entry into force of this Convention for that State Party and any additional cluster munitions or explosive submunitions discovered after such entry into force;
 - e. The quantity and type of cluster munitions and explosive submunitions destroyed during the period referred to in paragraph 2 of this Article; and
 - f. The quantity and type of cluster munitions and explosive submunitions remaining to be destroyed during the proposed extension and the annual destruction rate expected to be achieved.
5. The Meeting of States Parties or the Review Conference shall, taking into consideration the factors referred to in paragraph 4 of this Article, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension. The States Parties may decide to grant a shorter extension than that requested and may propose benchmarks for the extension, as appropriate. A request for an extension shall be submitted a minimum of nine months prior to the Meeting of States Parties or the Review Conference at which it is to be considered.
6. Notwithstanding the provisions of Article 1 of this Convention, the retention or acquisition of a limited number of cluster munitions and explosive submunitions for the development of and training in cluster munition and explosive submunition detection, clearance or destruction techniques, or for the development of cluster munition counter-measures, is permitted. The amount of explosive submunitions retained or acquired shall not exceed the minimum number absolutely necessary for these purposes.
7. Notwithstanding the provisions of Article 1 of this Convention, the transfer of cluster munitions to another State Party for the purpose of destruction, as well as for the purposes described in paragraph 6 of this Article, is permitted.
8. States Parties retaining, acquiring or transferring cluster munitions or explosive submunitions for the purposes described in paragraphs 6 and 7 of this Article shall submit a detailed report on the planned and actual use of these cluster munitions and explosive submunitions and their type, quantity and lot numbers. If cluster munitions or explosive submunitions are transferred to another State Party for these purposes, the report shall include reference to the receiving party. Such a report shall be prepared for each year during which a State Party retained, acquired or transferred cluster munitions or explosive submunitions and shall be submitted to the Secretary-General of the United Nations no later than 30 April of the following year.

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 cluster munition contaminated 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 ten 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 ten 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 States Parties.
2. In fulfilling its obligations under paragraph 1 of this Article, each State Party shall take the following measures as soon as possible, taking into consideration the provisions of Article 6 of this Convention regarding international cooperation and assistance:
 - a. Survey, assess and record the threat posed by cluster munition remnants, making every effort to identify all cluster munition contaminated areas under its jurisdiction or control;
 - b. Assess and prioritise needs in terms of marking, protection of civilians, clearance and destruction, and take steps to mobilise resources and develop a national plan to carry out these activities, building, where appropriate, upon existing structures, experiences and methodologies;
 - c. Take all feasible steps to ensure that all cluster munition contaminated areas under its jurisdiction or control are perimeter-marked, monitored and protected by fencing or other means to ensure the effective exclusion of civilians. Warning signs based on methods of marking readily recognisable by the affected community should be utilised in the marking of suspected hazardous areas. Signs and other hazardous area boundary markers should, as far as possible, be visible, legible, durable and resistant to environmental effects and should clearly identify which side of the marked boundary is considered to be within the cluster munition contaminated areas and which side is considered to be safe;
 - d. Clear and destroy all cluster munition remnants located in areas under its jurisdiction or control; and
 - e. Conduct risk reduction education to ensure awareness among civilians living in or around cluster munition contaminated areas of the risks posed by such remnants.
3. In conducting the activities referred to in paragraph 2 of this Article, each State Party shall take into account international standards, including the International Mine Action Standards (IMAS).
4. This paragraph shall apply in cases in which cluster munitions have been used or abandoned by one State Party prior to entry into force of this Convention for that State Party and have become cluster munition remnants that are located in areas under the jurisdiction or control of another State Party at the time of entry into force of this Convention for the latter.
 - a. In such cases, upon entry into force of this Convention for both States Parties, the former State Party is strongly encouraged to provide, inter alia, technical, financial, material or human resources assistance to the latter State Party, either bilaterally or through a mutually agreed third party, including through the United Nations system or other relevant organisations, to facilitate the marking, clearance and destruction of such cluster munition remnants.
 - b. Such assistance shall include, where available, information on types and quantities of the cluster munitions used, precise locations of cluster munition strikes and areas in which cluster munition remnants are known to be located.
5. If a State Party believes that it will be unable to clear and destroy or ensure the clearance and destruction of all cluster munition remnants referred to in paragraph 1 of this Article within ten years of the entry into force of this Convention for that State Party, it may submit a request to a Meeting of States Parties or a Review Conference for an extension of the deadline for completing the clearance and destruction of such cluster munition remnants by a period of up to five years. The requested extension shall not exceed the number of years strictly necessary for that State Party to complete its obligations under paragraph 1 of this Article.

6. A request for an extension shall be submitted to a Meeting of States Parties or a Review Conference prior to the expiry of the time period referred to in paragraph 1 of this Article for that State Party. Each request shall be submitted a minimum of nine months prior to the Meeting of States Parties or Review Conference at which it is to be considered. Each request shall set out:
 - a. The duration of the proposed extension;
 - b. A detailed explanation of the reasons for the proposed extension, including the financial and technical means available to and required by the State Party for the clearance and destruction of all cluster munition remnants during the proposed extension;
 - c. The preparation of future work and the status of work already conducted under national clearance and demining programmes during the initial ten year period referred to in paragraph 1 of this Article and any subsequent extensions;
 - d. The total area containing cluster munition remnants at the time of entry into force of this Convention for that State Party and any additional areas containing cluster munition remnants discovered after such entry into force;
 - e. The total area containing cluster munition remnants cleared since entry into force of this Convention;
 - f. The total area containing cluster munition remnants remaining to be cleared during the proposed extension;
 - g. The circumstances that have impeded the ability of the State Party to destroy all cluster munition remnants located in areas under its jurisdiction or control during the initial ten year period referred to in paragraph 1 of this Article, and those that may impede this ability during the proposed extension;
 - h. The humanitarian, social, economic and environmental implications of the proposed extension; and
 - i. Any other information relevant to the request for the proposed extension.
7. The Meeting of States Parties or the Review Conference shall, taking into consideration the factors referred to in paragraph 6 of this Article, including, inter alia, the quantities of cluster munition remnants reported, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension. The States Parties may decide to grant a shorter extension than that requested and may propose benchmarks for the extension, as appropriate.
8. Such an extension may be renewed by a period of up to five years upon the submission of a new request, in accordance with paragraphs 5, 6 and 7 of this Article. In requesting a further extension a State Party shall submit relevant additional information on what has been undertaken during the previous extension granted pursuant to this Article.

Article 5

Victim assistance

1. Each State Party with respect to cluster munition victims in areas under its jurisdiction or control shall, in accordance with applicable international humanitarian and human rights law, adequately provide age and gender-sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for their social and economic inclusion. Each State Party shall make every effort to collect reliable relevant data with respect to cluster munition victims.
2. In fulfilling its obligations under paragraph 1 of this Article each State Party shall:
 - a. Assess the needs of cluster munition victims;
 - b. Develop, implement and enforce any necessary national laws and policies;
 - c. Develop a national plan and budget, including timeframes to carry out these activities, with a view to incorporating them within the existing national disability, development and human rights frameworks and mechanisms, while respecting the specific role and contribution of relevant actors;
 - d. Take steps to mobilise national and international resources;
 - e. Not discriminate against or among cluster munition victims, or between cluster munition victims and those who have suffered injuries or disabilities from other causes; differences in treatment should be based only on medical, rehabilitative, psychological or socio-economic needs;
 - f. Closely consult with and actively involve cluster munition victims and their representative organisations;
 - g. Designate a focal point within the government for coordination of matters relating to the implementation of this Article; and
 - h. Strive to incorporate relevant guidelines and good practices including in the areas of medical care, rehabilitation and psychological support, as well as social and economic inclusion.

Article 6*International cooperation and assistance*

1. In fulfilling its obligations under this Convention each State Party has the right to seek and receive assistance.
2. Each State Party in a position to do so shall provide technical, material and financial assistance to States Parties affected by cluster munitions, aimed at the implementation of the obligations of this Convention. Such assistance may be provided, inter alia, through the United Nations system, international, regional or national organisations or institutions, non-governmental organisations or institutions, or on a bilateral basis.
3. Each State Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment and scientific and technological information concerning the implementation of this Convention. The States Parties shall not impose undue restrictions on the provision and receipt of clearance and other such equipment and related technological information for humanitarian purposes.
4. In addition to any obligations it may have pursuant to paragraph 4 of Article 4 of this Convention, each State Party in a position to do so shall provide assistance for clearance and destruction of cluster munition remnants and information concerning various means and technologies related to clearance of cluster munitions, as well as lists of experts, expert agencies or national points of contact on clearance and destruction of cluster munition remnants and related activities.
5. Each State Party in a position to do so shall provide assistance for the destruction of stockpiled cluster munitions, and shall also provide assistance to identify, assess and prioritise needs and practical measures in terms of marking, risk reduction education, protection of civilians and clearance and destruction as provided in Article 4 of this Convention.
6. Where, after entry into force of this Convention, cluster munitions have become cluster munition remnants located in areas under the jurisdiction or control of a State Party, each State Party in a position to do so shall urgently provide emergency assistance to the affected State Party.
7. Each State Party in a position to do so shall provide assistance for the implementation of the obligations referred to in Article 5 of this Convention to adequately provide age- and gender-sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for social and economic inclusion of cluster munition victims. Such assistance may be provided, inter alia, through the United Nations system, international, regional or national organisations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent Societies and their International Federation, non-governmental organisations or on a bilateral basis.
8. Each State Party in a position to do so shall provide assistance to contribute to the economic and social recovery needed as a result of cluster munition use in affected States Parties.
9. Each State Party in a position to do so may contribute to relevant trust funds in order to facilitate the provision of assistance under this Article.
10. Each State Party that seeks and receives assistance shall take all appropriate measures in order to facilitate the timely and effective implementation of this Convention, including facilitation of the entry and exit of personnel, materiel and equipment, in a manner consistent with national laws and regulations, taking into consideration international best practices.
11. Each State Party may, with the purpose of developing a national action plan, request the United Nations system, regional organisations, other States Parties or other competent intergovernmental or non-governmental institutions to assist its authorities to determine, inter alia:
 - a. The nature and extent of cluster munition remnants located in areas under its jurisdiction or control;
 - b. The financial, technological and human resources required for the implementation of the plan;
 - c. The time estimated as necessary to clear and destroy all cluster munition remnants located in areas under its jurisdiction or control;
 - d. Risk reduction education programmes and awareness activities to reduce the incidence of injuries or deaths caused by cluster munition remnants;
 - e. Assistance to cluster munition victims; and
 - f. The coordination relationship between the government of the State Party concerned and the relevant governmental, intergovernmental or non-governmental entities that will work in the implementation of the plan.

12. States Parties giving and receiving assistance under the provisions of this Article shall cooperate with a view to ensuring the full and prompt implementation of agreed assistance programmes.

Article 7

Transparency measures

1. Each State Party shall report to the Secretary-General of the United Nations as soon as practicable, and in any event not later than 180 days after the entry into force of this Convention for that State Party, on:
 - a. The national implementation measures referred to in Article 9 of this Convention;
 - b. The total of all cluster munitions, including explosive submunitions, referred to in paragraph 1 of Article 3 of this Convention, to include a breakdown of their type, quantity and, if possible, lot numbers of each type;
 - c. The technical characteristics of each type of cluster munition produced by that State Party prior to entry into force of this Convention for it, to the extent known, and those currently owned or possessed by it, giving, where reasonably possible, such categories of information as may facilitate identification and clearance of cluster munitions; at a minimum, this information shall include the dimensions, fusing, explosive content, metallic content, colour photographs and other information that may facilitate the clearance of cluster munition remnants;
 - d. The status and progress of programmes for the conversion or decommissioning of production facilities for cluster munitions;
 - e. The status and progress of programmes for the destruction, in accordance with Article 3 of this Convention, of cluster munitions, including explosive submunitions, with details of the methods that will be used in destruction, the location of all destruction sites and the applicable safety and environmental standards to be observed;
 - f. The types and quantities of cluster munitions, including explosive submunitions, destroyed in accordance with Article 3 of this Convention, including details of the methods of destruction used, the location of the destruction sites and the applicable safety and environmental standards observed;
 - g. Stockpiles of cluster munitions, including explosive submunitions, discovered after reported completion of the programme referred to in sub-paragraph (e) of this paragraph, and plans for their destruction in accordance with Article 3 of this Convention;
 - h. To the extent possible, the size and location of all cluster munition contaminated areas under its jurisdiction or control, to include as much detail as possible regarding the type and quantity of each type of cluster munition remnant in each such area and when they were used;
 - i. The status and progress of programmes for the clearance and destruction of all types and quantities of cluster munition remnants cleared and destroyed in accordance with Article 4 of this Convention, to include the size and location of the cluster munition contaminated area cleared and a breakdown of the quantity of each type of cluster munition remnant cleared and destroyed;
 - j. The measures taken to provide risk reduction education and, in particular, an immediate and effective warning to civilians living in cluster munition contaminated areas under its jurisdiction or control;
 - k. The status and progress of implementation of its obligations under Article 5 of this Convention to adequately provide age- and gender- sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for social and economic inclusion of cluster munition victims and to collect reliable relevant data with respect to cluster munition victims;
 - l. The name and contact details of the institutions mandated to provide information and to carry out the measures described in this paragraph;
 - m. The amount of national resources, including financial, material or in kind, allocated to the implementation of Articles 3, 4 and 5 of this Convention; and
 - n. The amounts, types and destinations of international cooperation and assistance provided under Article 6 of this Convention.
2. The information provided in accordance with paragraph 1 of this Article shall be updated by the States Parties annually, covering the previous calendar year, and reported to the Secretary-General of the United Nations not later than 30 April of each year.
3. The Secretary-General of the United Nations shall transmit all such reports received to the States Parties.

Article 8*Facilitation and clarification of compliance*

1. The States Parties agree to consult and cooperate with each other regarding the implementation of the provisions of this Convention and to work together in a spirit of cooperation to facilitate compliance by States Parties with their obligations under this Convention.
2. If one or more States Parties wish to clarify and seek to resolve questions relating to a matter of compliance with the provisions of this Convention by another State Party, it may submit, through the Secretary-General of the United Nations, a Request for Clarification of that matter to that State Party. Such a request shall be accompanied by all appropriate information. Each State Party shall refrain from unfounded Requests for Clarification, care being taken to avoid abuse. A State Party that receives a Request for Clarification shall provide, through the Secretary-General of the United Nations, within 28 days to the requesting State Party all information that would assist in clarifying the matter.
3. If the requesting State Party does not receive a response through the Secretary-General of the United Nations within that time period, or deems the response to the Request for Clarification to be unsatisfactory, it may submit the matter through the Secretary-General of the United Nations to the next Meeting of States Parties. The Secretary-General of the United Nations shall transmit the submission, accompanied by all appropriate information pertaining to the Request for Clarification, to all States Parties. All such information shall be presented to the requested State Party which shall have the right to respond.
4. Pending the convening of any Meeting of States Parties, any of the States Parties concerned may request the Secretary-General of the United Nations to exercise his or her good offices to facilitate the clarification requested.
5. Where a matter has been submitted to it pursuant to paragraph 3 of this Article, the Meeting of States Parties shall first determine whether to consider that matter further, taking into account all information submitted by the States Parties concerned. If it does so determine, the Meeting of States Parties may suggest to the States Parties concerned ways and means further to clarify or resolve the matter under consideration, including the initiation of appropriate procedures in conformity with international law. In circumstances where the issue at hand is determined to be due to circumstances beyond the control of the requested State Party, the Meeting of States Parties may recommend appropriate measures, including the use of cooperative measures referred to in Article 6 of this Convention.
6. In addition to the procedures provided for in paragraphs 2 to 5 of this Article, the Meeting of States Parties may decide to adopt such other general procedures or specific mechanisms for clarification of compliance, including facts, and resolution of instances of non-compliance with the provisions of this Convention as it deems appropriate.

Article 9*National implementation measures*

Each State Party shall take all appropriate legal, administrative and other measures to implement this Convention, including the imposition of penal sanctions to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.

Article 10*Settlement of disputes*

1. When a dispute arises between two or more States Parties relating to the interpretation or application of this Convention, the States Parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of their choice, including recourse to the Meeting of States Parties and referral to the International Court of Justice in conformity with the Statute of the Court.
2. The Meeting of States Parties may contribute to the settlement of the dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties concerned to start the settlement procedure of their choice and recommending a time-limit for any agreed procedure.

Article 11

Meetings of States Parties

1. The States Parties shall meet regularly in order to consider and, where necessary, take decisions in respect of any matter with regard to the application or implementation of this Convention, including:
 - a. The operation and status of this Convention;
 - b. Matters arising from the reports submitted under the provisions of this Convention;
 - c. International cooperation and assistance in accordance with Article 6 of this Convention;
 - d. The development of technologies to clear cluster munition remnants;
 - e. Submissions of States Parties under Articles 8 and 10 of this Convention; and
 - f. Submissions of States Parties as provided for in Articles 3 and 4 of this Convention.
2. The first Meeting of States Parties shall be convened by the Secretary-General of the United Nations within one year of entry into force of this Convention. The subsequent meetings shall be convened by the Secretary-General of the United Nations annually until the first Review Conference.
3. States not party to this Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organisations may be invited to attend these meetings as observers in accordance with the agreed rules of procedure.

Article 12

Review Conferences

1. A Review Conference shall be convened by the Secretary-General of the United Nations five years after the entry into force of this Convention. Further Review Conferences shall be convened by the Secretary-General of the United Nations if so requested by one or more States Parties, provided that the interval between Review Conferences shall in no case be less than five years. All States Parties to this Convention shall be invited to each Review Conference.
2. The purpose of the Review Conference shall be:
 - a. To review the operation and status of this Convention;
 - b. To consider the need for and the interval between further Meetings of States Parties referred to in paragraph 2 of Article 11 of this Convention; and
 - c. To take decisions on submissions of States Parties as provided for in Articles 3 and 4 of this Convention.
3. States not party to this Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organisations may be invited to attend each Review Conference as observers in accordance with the agreed rules of procedure.

Article 13

Amendments

1. At any time after its entry into force any State Party may propose amendments to this Convention. Any proposal for an amendment shall be communicated to the Secretary-General of the United Nations, who shall circulate it to all States Parties and shall seek their views on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Secretary-General of the United Nations no later than 90 days after its circulation that they support further consideration of the proposal, the Secretary-General of the United Nations shall convene an Amendment Conference to which all States Parties shall be invited.
2. States not party to this Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organisations may be invited to attend each Amendment Conference as observers in accordance with the agreed rules of procedure.
3. The Amendment Conference shall be held immediately following a Meeting of States Parties or a Review Conference unless a majority of the States Parties request that it be held earlier.

4. Any amendment to this Convention shall be adopted by a majority of two-thirds of the States Parties present and voting at the Amendment Conference. The Depositary shall communicate any amendment so adopted to all States.
5. An amendment to this Convention shall enter into force for States Parties that have accepted the amendment on the date of deposit of acceptances by a majority of the States which were Parties at the date of adoption of the amendment. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

Article 14

Costs and administrative tasks

1. The costs of the Meetings of States Parties, the Review Conferences and the Amendment Conferences shall be borne by the States Parties and States not party to this Convention participating therein, in accordance with the United Nations scale of assessment adjusted appropriately.
2. The costs incurred by the Secretary-General of the United Nations under Articles 7 and 8 of this Convention shall be borne by the States Parties in accordance with the United Nations scale of assessment adjusted appropriately.
3. The performance by the Secretary-General of the United Nations of administrative tasks assigned to him or her under this Convention is subject to an appropriate United Nations mandate.

Article 15

Signature

This Convention, done at Dublin on 30 May 2008, shall be open for signature at Oslo by all States on 3 December 2008 and thereafter at United Nations Headquarters in New York until its entry into force.

Article 16

Ratification, acceptance, approval or accession

1. This Convention is subject to ratification, acceptance or approval by the Signatories.
2. It shall be open for accession by any State that has not signed the Convention.
3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

Article 17

Entry into force

1. This Convention shall enter into force on the first day of the sixth month after the month in which the thirtieth instrument of ratification, acceptance, approval or accession has been deposited.
2. For any State that deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the thirtieth instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the first day of the sixth month after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

Article 18

Provisional application

Any State may, at the time of its ratification, acceptance, approval or accession, declare that it will apply provisionally Article 1 of this Convention pending its entry into force for that State.

Article 19

Reservations

The Articles of this Convention shall not be subject to reservations.

Article 20

Duration and withdrawal

1. This Convention shall be of unlimited duration.
2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention. It shall give notice of such withdrawal to all other States Parties, to the Depositary and to the United Nations Security Council. Such instrument of withdrawal shall include a full explanation of the reasons motivating withdrawal.
3. Such withdrawal shall only take effect six months after the receipt of the instrument of withdrawal by the Depositary. If, however, on the expiry of that six-month period, the withdrawing State Party is engaged in an armed conflict, the withdrawal shall not take effect before the end of the armed conflict.

Article 21

Relations with States not Party to this Convention

1. Each State Party shall encourage States not party to this Convention to ratify, accept, approve or accede to this Convention, with the goal of attracting the adherence of all States to this Convention.
2. Each State Party shall notify the governments of all States not party to this Convention, referred to in paragraph 3 of this Article, of its obligations under this Convention, shall promote the norms it establishes and shall make its best efforts to discourage States not party to this Convention from using cluster munitions.
3. Notwithstanding the provisions of Article 1 of this Convention and in accordance with international law, States Parties, their military personnel or nationals, may engage in military cooperation and operations with States not party to this Convention that might engage in activities prohibited to a State Party.
4. Nothing in paragraph 3 of this Article shall authorise a State Party:
 - a. To develop, produce or otherwise acquire cluster munitions;
 - b. To itself stockpile or transfer cluster munitions;
 - c. To itself use cluster munitions; or
 - d. To expressly request the use of cluster munitions in cases where the choice of munitions used is within its exclusive control.

Article 22

Depositary

The Secretary-General of the United Nations is hereby designated as the Depositary of this Convention.

Article 23

Authentic texts

The Arabic, Chinese, English, French, Russian and Spanish texts of this Convention shall be equally authentic.

Cluster Munition Monitor 2013



Cluster Munition Monitor 2013 provides a global overview of efforts to eliminate cluster munitions with a focus on developments in 2012 and the first half of 2013. It covers global developments in ban policy, survey and clearance of cluster munition remnants, casualties and victim assistance, and funding support. The online report includes profiles for every country in the world with updates on the use, production, stockpiling, and transfer of cluster munitions, and focuses on the universalization and implementation of the 2008 Convention on Cluster Munitions.

This report was prepared by Landmine and Cluster Munition Monitor, the unprecedented civil society initiative providing research and monitoring for the Cluster Munition Coalition and the International Campaign to Ban Landmines.



Cover photo © Colin King/Norwegian People's Aid, April 2013

AO-2.5RT submunitions are extracted from BKF cartridges or 'blocks' as part of a project by the Ministry of Defense of the Former Yugoslav Republic of Macedonia and Norwegian People's Aid to destroy the country's stockpile of cluster munitions under Article 3 of the Convention on Cluster Munitions.

Back cover photos © Nicole Tung, December 2012

An unexploded DPICM submunition delivered by a 122mm cluster munition rocket that was used in an attack near the village of Banin in Jabal Al Zaweya (Syria) in December 2012.

The 122mm cluster munition rockets used in Syria bear the markings of the Egyptian state-owned Arab Organization for Industrialization and an Egyptian company called Sakr Factory for Development Industries.

www.the-monitor.org

Landmine and Cluster Munition Monitor is coordinated by the Monitoring and Research Committee, a standing committee of the Governance Board of the ICBL-CMC.

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Norwegian People's Aid



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