



Two BLU-108 canisters disburSED from US-manufactured CBU-105 cluster munitions, one with two skeet (submunitions) still attached, found in the al-Amar area of al-Safraa in Saada governorate, northern Yemen after an attack on 27 April 2015. Under existing US policy, the CBU-105 is required to have a failure rate of less than 1%.

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MAJOR FINDINGS

STATUS OF THE 2008 CONVENTION ON CLUSTER MUNITIONS

- A total of 119 countries have signed or acceded to the Convention on Cluster Munitions as of 10 August 2016, of which 100 are States Parties legally bound by all of the convention's provisions. The convention entered into force on 1 August 2010 and is the sole international instrument dedicated to ending the suffering caused by cluster munitions.
- Since August 2015, Colombia, Iceland, Palau, Rwanda, and Somalia have ratified the convention. Cuba and Mauritius have acceded.

PROMOTION OF THE BAN

- On 7 December 2015, the first United Nations General Assembly resolution on the Convention on Cluster Munitions ever to be voted on was adopted with 139 votes in favor, including 32 non-signatories to the convention. Only Russia and Zimbabwe opposed.
- Croatia hosted the First Review Conference of the Convention on Cluster Munitions on 7–11 September 2015, where States Parties adopted the “Dubrovnik Declaration” committing “to end the harm caused by cluster munitions” and affirming that, “We condemn any use of cluster munitions by any actor.”

NEW USE

- There have been no confirmed reports or allegations of new use of cluster munitions by any State Party since the Convention on Cluster Munitions was adopted in May 2008.

- Since 1 July 2015, new use of cluster munitions has been documented in two non-signatory states, Syria and Yemen.
 - Syrian government forces used at least 13 types of air-dropped and ground-launched cluster munitions from July 2012 until July 2016. During that period there were at least 360 cluster munition attacks in 10 of Syria's 14 governorates, but the actual number is likely far higher as many attacks are not recorded.
 - Russia has denied using cluster munitions in Syria since beginning its joint military operation on opposition-held areas with Syrian government forces on 30 September 2015, but there is compelling evidence that it is using them.
 - Saudi Arabia, and possibly other members of the coalition that it has led in Yemen since 25 March 2015 against Ansar Allah (the Houthi), has used air-dropped and ground-launched cluster munitions. Between April 2015 and February 2016, at least 19 cluster munition attacks were documented involving the use of seven types of cluster munitions. The United Arab Emirates has denied using cluster munitions, while Saudi Arabia has admitted to just one attack, in April 2015.
 - The civilian harm caused by the use of cluster munitions in Syria and Yemen has attracted widespread media coverage, public outcry, and condemnations.
- In addition, there is also strong, but unconfirmed evidence that cluster munitions were used in Nagorno-Karabakh in April 2016. Azerbaijan and Armenia have both denied using cluster munitions in the brief conflict.
- Signatory Kenya has denied an allegation that it used cluster munitions in Somalia in January 2016.

CASUALTIES

- More than 20,300 cluster munition casualties have been documented globally from the 1960s, when the United States conducted cluster munition attacks in Lao PDR and Southeast Asia, to the end of 2015. Many casualties, however, go unrecorded or lack sufficient documentation. The estimated number of global all-time casualties for 33 countries and three other areas is more than 55,000.
- In total, 417 cluster munition casualties were recorded in 2015, with the highest number in Syria (248) followed by Yemen (104). In both those countries, the vast majority of casualties occurred during cluster munition attacks.
- Casualties during cluster munition attacks were recorded in 2015 in Syria (ongoing), Ukraine (into February), and Yemen (from March onward).
- In 2015, casualties from cluster munition remnants were recorded in at least eight countries and two other areas: Afghanistan, Cambodia, Chad, Lebanon, Lao PDR, Syria, Ukraine, and Yemen, as well as in Nagorno-Karabakh and Western Sahara.
- Civilians accounted for the vast majority of casualties, making up 97% of all casualties whose status was recorded in 2015.

CONTAMINATION

- As of August 2016, a total of 24 states (13 States Parties, one signatory, and 10 non-signatories) and three other areas are contaminated by cluster munition remnants. It is unclear whether five additional states are contaminated (one State Party, one signatory, and three non-signatories).
- New use increased contamination in Sudan and Ukraine in the first half of 2015, in Syria and Yemen in 2015 and 2016, and reportedly in the area of Nagorno-Karabakh in 2016.

CLEARANCE

- In 2015, at least 70km² of contaminated land was cleared, with a total of at least 120,000 submunitions destroyed during land release (survey and clearance) operations. However, this estimate is based on incomplete data, as survey and clearance results have been poorly recorded and reported in many countries.
- Conflict and insecurity in 2015 and 2016 impeded land release efforts in three States Parties (Afghanistan, Iraq, and Somalia), and six non-signatories (Libya, South Sudan, Sudan, Syria, Ukraine, and Yemen).

VICTIM ASSISTANCE

- States Parties have committed to improving assistance for cluster munition victims by 2020 as part of the Dubrovnik Action Plan, but during the reporting period renewed attention was needed to replace or manage services that were reduced and programs that closed because of declines in international funding.
- Increased international support is essential to ensure adequate availability of assistance, in particular to cluster munition victims' representative organizations that are able to reach the many survivors living in remote and rural areas.

STOCKPILE DESTRUCTION

- A total of 40 States Parties have stockpiled cluster munitions at some point in time. Twenty-nine of these have completely destroyed their stockpiles, collectively destroying nearly 1.4 million cluster munitions containing 172.9 million submunitions. This represents the destruction of 93% of the total stockpiles of cluster munitions and 97% of the total number of submunitions declared by States Parties.
- During 2015, nine States Parties destroyed 79,184 cluster munitions and 8.7 million submunitions. Germany, Italy, Japan, Mozambique, and Sweden completed their stockpile destruction in 2015, while France announced completion in June 2016.

PRODUCTION AND TRANSFER

- Seventeen States Parties and Argentina, a non-signatory, have ceased production of cluster munitions.
- In November 2015, the private company Singapore Technologies Engineering (STE) announced that it has ceased production of cluster munitions. Singapore observes an indefinite export moratorium but has yet to commit to not acquire cluster munitions.
- In May 2016, the Obama administration suspended US transfers of cluster munitions to Saudi Arabia after reports of their use in civilian areas in Yemen.

RETENTION

- Most States Parties have formally declared that they are not retaining any cluster munitions for training or research in detection, clearance, and destruction techniques, as permitted by the convention.
- Eleven States Parties—all from Europe—are retaining live cluster munitions or submunitions for training and research, but Belgium, Czech Republic, Denmark, France, Germany, Spain, and Switzerland have significantly lowered the numbers retained since making their initial declarations. Italy, the Netherlands, and Sweden have not reported consuming any cluster munitions, while Slovakia said it intends to destroy its stockpile of retained cluster munitions.

NATIONAL LEGISLATION AND TRANSPARENCY

- Bulgaria, Mauritius, and Togo have enacted national legislation to implement the convention since September 2015, making a total of 27 States Parties with specific national laws governing their implementation of the convention. Thirty-one States Parties indicate that existing legislation is sufficient to enforce their implementation. Another 23 States Parties are in the process of drafting, considering, or adopting national legislation for the convention.
- A total of 76 States Parties have submitted an initial transparency report as required by the convention, representing 82% of all of States Parties for which the obligation applied as of July 2016. Five States Parties are more than five years late delivering their initial reports.
- As of 21 July 2016, two-dozen States Parties have yet to submit their annual updated reports, which were due by 30 April 2016.

INTERPRETATION OF THE CONVENTION ON CLUSTER MUNITIONS

- At least 37 States Parties and signatories to the convention view any intentional or deliberate assistance with activities banned by the convention as prohibited, even during joint military operations with states not party. States Parties Australia, Canada, Japan, and the UK, however,

support the contrary view that the convention's Article 1 prohibition on assistance with prohibited acts may be overridden by the interoperability provisions contained in Article 21.

- At least 33 states agree that both the transit of cluster munitions by a state not party across the territory of a State Party and foreign stockpiling are prohibited by the convention. States Parties Australia, Canada, Japan, the Netherlands, Portugal, Sweden, and the UK have asserted that transit and foreign stockpiling are not prohibited by the convention.
- States Parties Norway and the United Kingdom have confirmed that the United States has removed its stockpiled cluster munitions from their respective territories, while the United States has stockpiled and may continue to store cluster munitions in States Parties Afghanistan, Germany, Italy, Japan, and Spain, as well as in non-signatories Israel, Qatar, and perhaps Kuwait.
- Ten States Parties have enacted legislation that explicitly prohibits investment in cluster munitions, while at least 28 States Parties and signatories to the convention have elaborated their view that investment in cluster munition production is a form of assistance that is prohibited by the convention.