

Cluster Munition Monitor 2010



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Landmine and Cluster Munition Monitor Editorial Board

Mines Action Canada • Action On Armed Violence • Handicap International
Human Rights Watch • Norwegian People's Aid

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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 formally a program of the ICBL. For more information visit www.the-monitor.org or email monitor@icbl.org.

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Cluster Munition Coalition

The Cluster Munition Coalition (CMC) is an international civil society campaign working to eradicate cluster munitions, prevent further casualties from these weapons, and put an end for all time to the suffering they cause. The CMC works through its members to change the policy and practice of governments and organizations toward these aims and raise awareness of the problem among the public.

The CMC has three overall objectives:

1. Universal adherence to the Convention on Cluster Munitions and the emerging global norm rejecting the use, production, stockpiling, and transfer of cluster munitions and obligating land clearance, victim assistance, stockpile destruction, and international cooperation and assistance.
2. Effective implementation of and full compliance with the Convention on Cluster Munitions by all States Parties, with compatible steps taken by states not party; and effective monitoring, including by civil society, of all such efforts.
3. The CMC is an active, diverse, well-governed, and developing international campaign that works in partnership with governments, international organizations, survivors, their families and communities, and other actors to communicate the suffering from cluster munitions and advocate for an end to this suffering through changes to policy and practice around the world.



Preface

Cluster Munitions

Cluster munitions have been banned by the majority of the world's nations because of the grave dangers that they pose to civilian populations—due to the very nature of the weapon.

Cluster munitions consist of containers and submunitions. Launched from the ground or dropped from the air, the containers open and disperse submunitions indiscriminately over a wide area. Many fail to explode on impact, but remain dangerous, functioning like *de facto* antipersonnel landmines. Thus, cluster munitions put civilians at risk both during attacks due to their wide area effect and after attacks due to unexploded ordnance.

Cluster munitions have been used in at least three dozen countries and have killed and injured tens of thousands of civilians. Typically scattered in very large numbers, they not only cause civilian victims during and after attacks, but can also have a lasting socio-economic impact for months, years, or decades.

Cluster munitions can deny access to food, water, and other basic needs, and inhibit freedom of movement. They can prevent the repatriation of refugees and internally displaced persons, and hamper the delivery of humanitarian aid. When countries must spend money clearing cluster munitions and assisting victims rather than funding other pressing needs, these weapons not only cause appalling human suffering, they can also present a lethal barrier to development and post-conflict reconstruction.

However, the humanitarian harm caused by cluster munitions to date is far less than that caused by antipersonnel mines, which have been used much more widely and in many more conflicts than cluster munitions. In fact, the effort to ban cluster munitions has, with some notable exceptions, been largely *preventive* in nature.

Before the ban movement began, at least 86 nations stockpiled millions of cluster munitions containing hundreds of millions—probably even *billions*—of submunitions. Given the predictable harm caused whenever cluster munitions are used, this was, simply put, a staggering human-made disaster in waiting.

The solution to the future threat and current problem caused by cluster munitions now exists. The Convention on Cluster Munitions entered into force on 1 August 2010. It is a legally-binding international agreement banning cluster munitions because of their indiscriminate area effects and risk of UXO. The convention also provides a framework for tackling the existing problems that cluster munitions have caused.

The convention obliges states to stop the use, production, and transfer of cluster munitions immediately. States must destroy all stockpiled cluster munitions within eight years of becoming party to the convention, and clear all cluster munition remnants in areas under their jurisdiction or control within 10 years. The Convention on Cluster Munitions includes far-reaching provisions for victim assistance, and includes those killed or injured by cluster munitions, their families and affected communities in the definition of a cluster munition victim. These provisions set a new standard in international law. In addition, States Parties in a position to do so must provide assistance for the clearance of unexploded submunitions and other cluster munition remnants, for risk education programs to help prevent cluster munition casualties, for assistance to victims, and for stockpile destruction.

The Convention on Cluster Munitions provides a framework for taking action, but it must be universalized and effectively implemented. Just as they did in creating the convention, governments, the CMC, the ICRC, UN agencies, and all other partners must continue to work together to ensure the success of the effort to eradicate cluster munitions.

Cluster Munition Coalition

The CMC is an international coalition working to protect civilians from the effects of cluster munitions by promoting universal adherence to and full implementation of the Convention on Cluster Munitions. The CMC has a membership of approximately 350 civil society organizations from close to 100 countries, and includes organizations working on disarmament, peace and security, human rights, victim assistance, clearance, women's rights, and faith issues. The CMC facilitates the efforts of NGOs worldwide to educate governments, the public, and the media about the global cluster munition problem and its solutions.

▲
*De-fuzed
submunitions
prepared for
destruction in
Germany.*

Like the ICBL, the CMC was established by a group of NGOs in response to a global problem, in this case the suffering caused by cluster munitions. From 2003–2006, the CMC called for negotiations to establish new international law to address the cluster munition problem. Throughout 2007 and 2008, the CMC actively participated in the diplomatic Oslo Process, facilitating and leading the global civil society action in favor of a ban on cluster munitions. This effort was crucial to the adoption and signature of the Convention on Cluster Munitions in 2008.

In 2009 and 2010, the CMC engaged in an intensive global ratification campaign to ensure that 30 countries that had signed the convention ratified it without delay in order to bring the convention into force as quickly as possible. Its global signature campaign sought to expand the number of countries committed to the convention and the ban. The 30th ratification was achieved on 16 February 2010, and the convention entered into force on 1 August 2010 commemorated by events held in dozens of countries worldwide. In 2010, the CMC also pressed for early implementation of the convention, and devoted intense effort to preparations for the First Meeting of States Parties in Lao PDR in November.

Landmine and Cluster Munition Monitor

Landmine and Cluster Munition Monitor provides research and monitoring for the CMC and the ICBL and is formally a program of the ICBL. It is the *de facto* monitoring regime for the Mine Ban Treaty and the Convention on Cluster Munitions. It monitors and reports on States Parties' implementation of, and compliance with, the Mine Ban Treaty and the Convention on Cluster Munitions, and more generally, it assesses the international community's response to the humanitarian problems caused by landmines, cluster munitions, and other explosive remnants of war (ERW). The Monitor represents the first time that NGOs have come together in a coordinated, systematic, and sustained way to monitor humanitarian law or disarmament treaties, and to regularly document progress and problems, thereby successfully putting into practice the concept of civil society-based verification.

In June 1998, the ICBL created Landmine Monitor as an ICBL initiative. In 2008, Landmine Monitor also functionally became the research and monitoring arm of the CMC. In 2010, the initiative changed its name from Landmine Monitor to Landmine and Cluster Munition Monitor (known as "the Monitor") to reflect its increased reporting on the cluster munition issue. A five-member Editorial Board coordinates the Monitor system: Mines Action Canada, Action On Armed Violence, Handicap International, Human Rights Watch, and Norwegian People's Aid. Mines Action Canada serves as the lead agency. The Editorial Board assumes overall responsibility for, and decision-making on, the Monitor system.

The Monitor is not a technical verification system or a formal inspection regime. It is an attempt by civil society to hold governments accountable to the obligations they have taken on with respect to antipersonnel mines and cluster munitions. This is done through extensive collection, analysis, and distribution of publicly available information. Although in some cases it does entail investigative missions, the Monitor is not designed to send researchers into harm's way and does not include hot war-zone reporting.

Monitor reporting complements transparency reporting by states required under international treaties. It 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 was also established in recognition of the need for independent reporting and evaluation.

The Monitor aims to promote and advance discussion on mine, cluster munition, and ERW-related issues, and to seek clarifications, in order to help reach the goal of a world free of mines, cluster munitions, and other ERW. 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.

For cluster munitions, the Monitor system features a global reporting network and an annual report. A network of over 80 Monitor researchers from 70 countries and other areas, and a 20-person Editorial Team gathered information to prepare this report. The researchers come from the CMC and ICBL's campaigning coalitions and from other elements of civil society, including journalists, academics, and research institutions. Researchers contributed primarily to Country Profiles, also available on the Monitor's website at www.the-monitor.org/cp.

Unless otherwise specified all translations were done by the Monitor.

As was the case in previous years, the Monitor acknowledges that this ambitious report is limited by the time, resources, and information sources available. The Monitor is a system that is continuously updated, corrected, and improved. 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 an important subject.

About this Report

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

Cluster Munition Monitor builds upon the 2009 report *Banning Cluster Munitions: Government Policy and Practice*, which was researched and written by Human Rights Watch and Landmine Action (now known as Action On Armed Violence), and published by the Monitor. *Cluster Munition Monitor* covers cluster munition ban policy, use, production, trade, and stockpiling for every country in the world, and also includes information on cluster munition contamination,

casualties, clearance, and victim assistance. The report focuses on the period since *Banning Cluster Munitions* was published in May 2009, with information included up to August 2010 when possible.

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

Researchers are cited separately on the Monitor website at www.the-monitor.org/index.php/LM/About-Us/Experts.

The Monitor is grateful to everyone who contributed research to this report. We wish to thank the scores of individuals, campaigns, NGOs, international organizations, field practitioners, and governments who provided us with essential information.

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Responsibility for the coordination of Monitor's reporting network lies with the five Editorial Board organizations: Mines Action Canada (Paul Hannon) manages the Monitor's production and editing, and coordinates research on support for mine action and non-state armed groups; Action On Armed Violence (Richard Moyes) specializes in research on cluster munitions; Handicap International (Bruno Leclercq) coordinates research on casualty data and victim assistance; Human Rights Watch (Stephen Goose) is responsible for ban policy; and Norwegian People's Aid (Stuart Casey-Maslen and Atle Karlsen) coordinates research on mine action. Jacqueline Hansen manages the Monitor.

The Editorial Team undertook research and initial country report edits for *Cluster Munition Monitor* from January to August 2010. The Editorial Team included:

- Ban policy: Stephen Goose (principal editor), Kate Castenson, Katherine Harrison, Mark Hiznay, Yeshua Moser-Puangsuwan, Mary Wareham, Kerri West;
- Mine action: Stuart Casey-Maslen (principal editor), Nick Cumming-Bruce, Emil Hasanov, Mike Kendellen;
- Casualties and victim assistance: Joohi Haleem and Katleen Maes (principal editors), Stéphane De Greef, Megan Burke, Loren Persi Vicentic; and
- Support for mine action: Mike Kendellen.

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Abbreviations and Acronyms

AOAV	Action On Armed Violence
CBU	cluster bomb unit
CCM	2008 Convention on Cluster Munitions
CCW	1980 Convention on Conventional Weapons
CD	Conference on Disarmament
CMC	Cluster Munition Coalition
DPICM	dual purpose improved conventional munition
ERW	explosive remnants of war
GGE	CCW Group of Governmental Experts
HRW	Human Rights Watch
ICBL	International Campaign to Ban Landmines
ICRC	International Committee of the Red Cross
NGO	non-governmental organization
NSAG	non-state armed group
UN	United Nations
UNDP	United Nations Development Programme
UXO	unexploded ordnance
WILPF	Women's International League for Peace and Freedom

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 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.

Cluster munition remnant – The Convention on Cluster Munitions defines “cluster munition remnants” as “failed cluster munitions, abandoned cluster munitions, unexploded submunitions and unexploded bomblets.”

Convention on Cluster Munitions – An international convention adopted in May 2008 and opened for signature in December 2008. The convention prohibits the use, production, stockpiling, and transfer of cluster munitions, requires stockpile destruction, clearance, and victim assistance.

Convention on Conventional Weapons – 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 – A type of cluster munition which can be used against both personnel and material targets, including armor.

Explosive remnants of war – 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 – 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 and state-supported proxy forces.

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 (for example 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 cluster munitions or unexploded bomblet – Submunitions that have failed to explode as intended, becoming unexploded ordnance.

Unexploded ordnance – Unexploded ordnance (UXO) refers to munitions that were designed to explode but for some reason failed to detonate; unexploded submunitions are often 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 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.”

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Table Key
States Parties: Ratified or acceded as of 15 September 2010
Signatories: Signed, but not yet ratified as of 15 September 2010
States Not Party: Not yet acceded as of 15 September 2010

The Americas

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

East & South Asia & the Pacific

Fiji	Japan
Lao PDR	New Zealand
Samoa	Afghanistan
Australia	Cook Islands
Indonesia	Nauru
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	Austria	Belgium
Bosnia & Herzegovina	Croatia	Denmark
France	Germany	Holy See
Ireland	Luxembourg	Macedonia, FYR
Malta	Moldova	Montenegro
Norway	San Marino	Slovenia
Spain	United Kingdom	Bulgaria
Cyprus	Czech Republic	Hungary
Iceland	Italy	Liechtenstein
Lithuania	Monaco	Netherlands
Portugal	Sweden	Switzerland
Andorra	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	Qatar	Saudi Arabia
Syria	United Arab Emirates	Yemen

Sub-Saharan Africa

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



Major Findings

The Convention on Cluster Munitions

- A total of 108 countries have signed the Convention on Cluster Munitions, including 94 when it opened for signature in December 2008, and 14 afterwards.
- Thirty-eight countries that have used, produced, exported, or stockpiled cluster munitions have signed, thereby committing to never engage in those activities again.
- After achieving the required 30 ratifications in February 2010, the convention entered into force on 1 August 2010, becoming binding international law.
- As of 10 September 2010, a total of 40 signatories had ratified the convention. Ratifying countries become States Parties fully bound by all the convention's provisions.
- Ten countries have already enacted national legislation to implement the convention.

▲ Turkish campaigners call on their government to join the convention.

Use

- Cluster munitions have been used during armed conflict in 39 countries and disputed territories since the end of World War II. At least 18 government armed forces have used cluster munitions.
- Since the Convention on Cluster Munitions was opened for signature in December 2008, there has been only one serious allegation of use of the weapon. Amnesty International reported that the United States appeared to have used at least one cruise missile with submunitions to attack an alleged al-Qaeda training camp in Yemen in December 2009.

Stockpiling

- The Monitor estimates that prior to the start of the global effort to ban cluster munitions, 86 countries stockpiled millions of cluster munitions containing more than one billion submunitions.
- Currently, 74 nations have cluster munition stockpiles. Of those, 27 have signed and/or ratified the Convention on Cluster Munitions.
- Seventeen states that have signed and/or ratified have provided information about the size of their stockpile. Collectively, prior to any destruction activities, they possessed at least 1.1 million cluster munitions with at least 146 million submunitions.

Stockpile Destruction

- Four States Parties (Belgium, Moldova, Norway, and Spain) and two signatories (Colombia and Portugal) have already completed destruction of their stockpiles of cluster munitions. Collectively, they destroyed about 176,000 cluster munitions with more than 13.8 million submunitions.
- In addition, signatories Afghanistan and Angola reported in 2010 that their cluster munition stocks had been destroyed in recent years as part of broader weapons disposal programs.
- Austria and Montenegro expect to finish stockpile destruction in 2010. Two of the biggest stockpilers, Germany (50 million submunitions) and the United Kingdom (39 million submunitions) have destroyed significant portions of stocks. At least another eight countries are in the process of destroying stocks.

Retention

- Although the convention permits the retention of some cluster munitions and submunitions for training and development purposes, most stockpilers thus far have chosen not to retain any, including Afghanistan, Angola, Austria, Colombia, Honduras, Moldova, Montenegro, Norway, Portugal, and Slovenia.
- Belgium, France, and Spain have indicated they each intend to keep hundreds of cluster munitions and more than 20,000 submunitions.

Production

- Fifteen former producers of cluster munitions have signed and/or ratified the Convention on Cluster Munitions, thereby forswearing any future production.
- Seventeen countries continue to produce cluster munitions, or reserve the right to produce in the future.

Transfer

- There were no reported transfers of cluster munitions in 2009 or the first half of 2010, other than inert components transferred from South Korea to Pakistan.
- Two states not party to the convention, Singapore and the US, have instituted a moratorium on exports of cluster munitions.

Assistance with Prohibited Acts

- There are some divergent views on the scope of the prohibition on assistance with prohibited acts, especially regarding its application during joint military operations with states not party that may still use cluster munitions. Most states that have expressed a view have indicated that, even during joint operations, any intentional or deliberate assistance is prohibited: Colombia, Ecuador, Ghana, Guatemala, Iceland, Ireland, Lebanon, Madagascar, Malawi, Mexico, Norway, and Slovenia.

Transit

- Most states that have expressed a view have indicated that the transit of cluster munitions by a state not party across the territory of a State Party is prohibited: Austria, Bulgaria, Burkina Faso, Colombia, Ecuador, Ghana, Guatemala, Lebanon, FYR Macedonia, Madagascar, Malawi, Malta, Mexico, Slovenia, South Africa, and Zambia.

Disinvestment

- Financial institutions and investors have taken action to stop investment in cluster munition production in Argentina, Belgium, Canada, Denmark, France, Germany, Japan, Netherlands, New Zealand, Norway, Sweden, Switzerland, the UK, and elsewhere.
- Many states have expressed the view that investment in cluster munition production is prohibited: Belgium, Colombia, France, Guatemala, Ireland, Lebanon, Luxembourg, Madagascar, Malawi, Malta, Mexico, New Zealand, Norway, Rwanda, the UK, and Zambia.

Casualties

- Cluster munition casualties have been recorded in at least 27 states and three other areas affected by cluster munitions. Of the 27 states, six are States Parties to the Convention on Cluster Munitions (Albania, Bosnia and Herzegovina, Croatia, Lao PDR, Montenegro, and Sierra Leone) and nine are signatories.
- There were 16,816 cluster munition casualties confirmed globally as of the end of 2009. However, many casualties have gone unrecorded and it is likely that the actual number of casualties is at least between 58,000 and 85,000.
- There were 100 confirmed cluster munition casualties in nine countries and one area in 2009, including 33 in Lao PDR. It is likely the actual number is considerably higher.

Contamination

- At least 23 states and three other areas are believed to be currently contaminated with cluster munition remnants. Thirteen or more additional states may still have a small level of contamination from past use of the weapon.
- The most heavily affected countries include Lao PDR, Vietnam, Iraq, and Cambodia. Others with a serious problem include Lebanon and Serbia, as well as the disputed areas of Nagorno-Karabakh and Western Sahara.
- Southeast Asia is by far the region with the greatest amount of cluster munition contamination, followed by Europe.
- Of the 40 states that have ratified the Convention on Cluster Munitions, at least five are believed to be contaminated: Bosnia and Herzegovina, Croatia, Lao PDR, Montenegro, and the UK (Falkland Islands/Malvinas). The clearance deadline for Croatia, Lao PDR, and Montenegro is 1 August 2020, for the UK is 1 November 2020, and for Bosnia and Herzegovina is 1 March 2021.
- States Parties Albania and Zambia announced completion of their clearance programs in November 2009 and May 2010, respectively.

Clearance

- In 2009, there was clearance of unexploded submunitions or some form of survey of the problem in just 14 countries and three other areas. In many cases, these activities were very limited.
- Of the nine countries with no reported survey or clearance activities related to unexploded submunitions in 2009, two are States Parties (Croatia and Montenegro) and four are signatories (Chad, Iraq, Mauritania, and the Republic of the Congo).
- At least 38 km² of land was cleared of cluster munition remnants in 2009, with more than 55,156 unexploded submunitions destroyed.

Victim Assistance

- All of the 27 states with cluster munition victims have some type of assistance program already in place. Twenty of the 27 are party to the Mine Ban Treaty and have developed victim assistance programs in that context.
- However, nearly every state with cluster munition victims faces significant challenges providing holistic and accessible care to affected individuals, families, and communities. Particularly notable are the lack of economic inclusion and psychosocial support, and insufficient availability or access to services for those in rural areas.

Support for Mine Action

- Only a relatively small number of states reported funding specifically related to cluster munitions or the Convention on Cluster Munitions. Seven states reported a combined total of US\$13.2 million, spent on universalization, preparations for the First Meeting of States Parties (including via the Cluster Munitions Trust Fund for Lao PDR), clearance, victim assistance, stockpile destruction, and advocacy.
- Many others spent funds, particularly for universalization and destruction of their own stocks, but did not report amounts. Funding for clearance in Lao PDR, Lebanon, and Vietnam was utilized in large part for clearance of unexploded submunitions.
- The Cluster Munitions Trust Fund for Lao PDR was established in March 2010, and had received \$4.15 million in contributions from four nations as of early September 2010, according to UNDP.



Ban Policy

Introduction

The Convention on Cluster Munitions establishes powerful international law to end the human suffering caused by cluster munitions. It bans the use, production, transfer, and stockpiling of cluster munitions and mandates their destruction. The convention also requires states to address the existing problems attributed to cluster munitions, notably by clearing cluster munition remnants and providing victim assistance.

On 30 May 2008, at the end of negotiations in Dublin, 107 states adopted the convention.¹ Later that year, 94 governments signed the convention in Oslo on 3–4 December. A major milestone was achieved on 16 February 2010 when the 30th ratification was deposited at the UN. This triggered the entry into force of the convention on 1 August 2010, when it became binding international law.

At the time of the convention's entry into force, 108 countries had signed and 38 of those had taken the next step and ratified the convention, becoming States Parties legally bound by all of its provisions. As of 10 September 2010, the number of states that had ratified was 40.

The very rapid entry into force of the convention is a strong indicator of the commitment of the international community to ban cluster munitions, and of the degree to which this is seen as a vital humanitarian imperative that must be dealt with urgently. Cluster munitions are being stigmatized globally and a new international standard completely rejecting the weapon is quickly taking hold.

As detailed below, many States Parties and signatories have embraced implementation of the convention with extremely impressive speed and vigor. At least six countries have already finished destruction of their stockpiles, at least 10 have enacted national implementation legislation, and two have declared completion of their clearance programs. Numerous others are far advanced in these and other implementation activities.

Acting again with an appropriate sense of urgency, the First Meeting of States Parties to the convention will be held from 9–12 November 2010 in Lao PDR, the country most contaminated by unexploded submunitions. States Parties will agree to an ambitious Vientiane Action Plan to guide the work of the convention in coming years.

▲
*Destruction
of Colombia's
last stockpiled
cluster
munitions.*

Cluster Munition Ban Policy and Activities

This section looks at which countries have signed the Convention on Cluster Munitions, and which have ratified it. It surveys notable developments in banning cluster munitions on a regional basis, and provides an overview of key conferences and meetings. It highlights new national implementation legislation. Finally, it summarizes the ongoing deliberations on cluster munitions in the framework of the Convention on Conventional Weapons.

Signature

A total of 108 countries signed the Convention on Cluster Munitions. By signing, states take on a legal obligation under the Vienna Convention on the Law of Treaties not to undertake any act that would defeat the object and purpose of the convention—such as use, production, or trade of cluster munitions.

Since the convention took effect on 1 August 2010, states wishing to join can no longer sign, but must instead accede (essentially a process that combines signature and ratification into a single step).²

A total of 94 states signed the convention during the Convention on Cluster Munitions Signing Conference in Oslo on 3–4 December 2008. Fourteen states signed after that, including ten in 2009 and four in 2010.

¹ 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. Nineteen of the governments that adopted had not signed or acceded as of 1 September 2010.

² A state must deposit an instrument of accession with the UN. The convention will enter into force for each individual state on the first day of the sixth month after depositing their instrument of accession.

Signatures in 2009 and 2010

State	Date of Signature
Tunisia	12 January 2009
Democratic Republic of the Congo (DRC)	18 March 2009
Jamaica	12 June 2009
Nigeria	12 June 2009
Saint Vincent and the Grenadines	23 September 2009
Cyprus	23 September 2009
Haiti	28 October 2009
Dominican Republic	10 November 2009
Iraq	12 November 2009
Cameroon	15 December 2009
Seychelles	13 April 2010
Mauritania	19 April 2010
Antigua and Barbuda	16 July 2010
Djibouti	30 July 2010

Of the 108 states that signed, 40 are from Sub-Saharan Africa, 33 are from Europe, 20 are from the Americas, 12 are from Asia-Pacific, and three are from the Middle East/North Africa.

Of the 14 states that signed after the December 2008 Convention on Cluster Munitions Signing Conference, six came from Sub-Saharan Africa, five from the Americas, two from the Middle East/North Africa, and one from Europe. There were no new signatories from Asia-Pacific.

A total of 38 countries that have used, produced, exported, or stockpiled cluster munitions signed the convention and thereby committed to never engage in those activities again.³ This notably includes major stockpilers France, Germany, the Netherlands, and the United Kingdom.

Eighteen of the countries that have been affected by cluster munitions signed, including some highly contaminated states such as Iraq, Lao PDR, and Lebanon.⁴

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Campaigners at a drumming event in Bahrain to celebrate the entry into force of the convention.

A significant number of non-signatories have indicated their intention to join in the future, including many of the 19 nations that participated fully in the negotiations and formally adopted the convention in Dublin, but did not sign.⁵

Ratification

As of 10 September 2010, a total of 40 signatories had ratified the Convention on Cluster Munitions. On 16 February 2010, Burkina Faso and Moldova became the 29th and 30th signatories to ratify and thus triggered entry into force on 1 August 2010.

³ This includes seven users (Colombia, France, Iraq, Netherlands, Nigeria, South Africa, and the UK); five exporters (Chile, France, Germany, Moldova, and the UK); 15 producers (Australia, Belgium, BiH, Chile, France, Germany, Iraq, Italy, Japan, Netherlands, South Africa, Spain, Sweden, Switzerland, and the UK); and 38 stockpilers (see table in Global Stockpiles section).

⁴ Signatory states where cluster munitions have been used include: Afghanistan, Albania, Angola, BiH, Chad, Colombia, Croatia, DRC, Iraq, Lao PDR, Lebanon, Mauritania, Montenegro, Mozambique, Sierra Leone, Uganda, UK/Falkland Islands, and Zambia. Some of these states are no longer affected.

⁵ The 19 nations that adopted the convention but did not sign include: Argentina, Bahrain, Belize, Brunei, Cambodia, Estonia, Finland, Kyrgyzstan, Malaysia, Morocco, Papua New Guinea, Qatar, Serbia, Slovakia, Sudan, Swaziland, Timor-Leste, Vanuatu, and Venezuela.

Four signatories ratified during the signing conference on 3 December 2008: the Holy See, Ireland, Norway, and Sierra Leone. A total of 22 states ratified during 2009 and 14 more in 2010, as of 10 September 2010.

Except for Peru, all members of the “Core Group” of nations that steered the Oslo Process diplomatic initiative have ratified: Norway, Austria, the Holy See, Ireland, Mexico, and New Zealand.

The ratifying states include countries that have been affected by cluster munitions (Albania, Bosnia and Herzegovina (BiH), Croatia, Lao PDR, Montenegro, Sierra Leone, the UK/Falkland Islands, and Zambia); countries that have used the weapon (France and the UK); countries that have produced (Belgium, BiH, France, Germany, Japan, Spain, and the UK); and countries that have stockpiled (Austria, Belgium, BiH, Bulgaria, Croatia, Denmark, France, Germany, Japan, Moldova, Montenegro, Norway, Slovenia, Spain, and the UK).

Other ratifying states include: Antigua and Barbuda, Burkina Faso, Burundi, Comoros, Ecuador, Fiji, Holy See, Ireland, Lesotho, Luxembourg, FYR Macedonia, Malawi, Mali, Malta, Mexico, Nicaragua, Niger, Samoa, San Marino, Seychelles, and Uruguay.

Ratifications from 3 December 2008–7 September 2010

State	Date of Ratification	State	Date of Ratification
Norway	3 December 2008	Burundi	25 September 2009
Ireland	3 December 2008	Malawi	7 October 2009
Holy See	3 December 2008	FYR Macedonia	8 October 2009
Sierra Leone	3 December 2008	Nicaragua	2 November 2009
Lao PDR	18 March 2009	New Zealand	22 December 2009
Austria	2 April 2009	Belgium	22 December 2009
Mexico	6 May 2009	Montenegro	25 January 2010
Niger	2 June 2009	Denmark	12 February 2010
Albania	16 June 2009	Burkina Faso	16 February 2010
Spain	17 June 2009	Moldova	16 February 2010
Germany	8 July 2009	Samoa	28 April 2010
Luxembourg	10 July 2009	UK	4 May 2010
San Marino	10 July 2009	Ecuador	11 May 2010
Japan	14 July 2009	Seychelles	20 May 2010
Zambia	12 August 2009	Lesotho	28 May 2010
Croatia	17 August 2009	Fiji	28 May 2010
Slovenia	19 August 2009	Mali	30 June 2010
Uruguay	24 September 2009	Comoros	28 July 2010
Malta	24 September 2009	Antigua and Barbuda	23 August 2010
France	25 September 2009	BiH	7 September 2010

Of the 40 ratifications, 20 are from Europe, 10 are from Sub-Saharan Africa, five from Asia-Pacific, and five from the Americas. None of the three signatories from the Middle East/North Africa have ratified yet.

In order to participate as a full State Party in the First Meeting of States Parties in Lao PDR in November 2010, a country must have ratified by the end of May 2010, to account for the six month waiting period before entry into force. Thus, there will be 36 States Parties at the First Meeting of State Parties.

As detailed in the various country chapters in this report, many signatories have already initiated the ratification process and expect to conclude it soon.

Regional developments

Africa

African states were crucial to ensuring the successful adoption of the Convention on Cluster Munitions and have continued to demonstrate a high level of interest in the convention. Forty of the 48 Sub-Saharan African states signed the convention, the highest percentage of states out of any region. Six states signed in 2009–2010: DRC (18 March 2009), Nigeria (12 June 2009), Cameroon (15 December 2009), Seychelles (13 April 2010), Mauritania (19 April 2010), and Djibouti (30 July 2010).

Ten states from Sub-Saharan Africa have ratified the convention: Sierra Leone (3 December 2008), Niger (2 June 2009), Zambia (12 August 2009), Burundi (25 September 2009), Malawi (7 October 2009), Burkina Faso (16 February 2010), Seychelles (20 May 2010), Lesotho (28 May 2010), Mali (30 June 2010), and Comoros (28 July 2010).

The eight non-signatories from Sub-Saharan Africa are: Equatorial Guinea, Eritrea, Ethiopia, Gabon, Mauritius, Sudan, Swaziland, and Zimbabwe. Two of these non-signatories—Sudan and Swaziland—adopted the convention in Dublin in May 2008. Sudan has stated on several occasions in 2010 that it is ready to join the convention. Mauritius, Sudan, Swaziland, and Zimbabwe have participated in diplomatic conferences related to the convention since December 2008.

On 25–26 March 2010, South Africa hosted a regional meeting in Pretoria to promote universalization and implementation of the convention (see Key conferences and meeting on cluster munitions section below for more details).

Americas

Twenty of the 35 states in the Americas signed the Convention on Cluster Munitions. Five states from the region signed the convention in 2009–2010, all from the Caribbean: Jamaica (12 June 2009), Saint Vincent and the Grenadines (23 September 2009), Haiti (28 October 2009), Dominican Republic (10 November 2009), and Antigua and Barbuda (16 July 2010).

Five states from the Americas have ratified the convention: Mexico (6 May 2009), Uruguay (24 September 2009), Nicaragua (2 November 2009), Ecuador (11 May 2010), and Antigua and Barbuda (23 August 2010).

The 15 non-signatories from the Americas are: Argentina, Bahamas, Barbados, Belize, Brazil, Cuba, Dominica, Grenada, Guyana, Saint Kitts and Nevis, Saint Lucia, Suriname, Trinidad and Tobago, United States, and Venezuela. Three of these engaged in the Oslo Process and adopted the convention in Dublin in May 2008: Argentina, Belize, and Venezuela.

On 14–15 September 2009, Chile hosted the Regional Conference for Latin America and the Caribbean on Cluster Munitions in Santiago to promote universalization and implementation of the convention. Chile also hosted the International Conference on the Convention on Cluster Munitions on 7–9 June 2010 (see Key conferences and meetings on cluster munitions section below for more details).

Asia-Pacific

Twelve of the 40 states from Asia-Pacific signed the Convention on Cluster Munitions. No states from the region have joined since the convention was opened for signature in December 2008.

Five states from Asia-Pacific have ratified the convention: Lao PDR (18 March 2009), Japan (14 July 2009), New Zealand (22 December 2009), Samoa (28 April 2010), and Fiji (28 May 2010).

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Handicap International's Ban Advocates delegation to a regional conference on the convention in Bali, Indonesia.

The 28 non-signatories from the region include six states that engaged in the Oslo Process and adopted the convention in Dublin in May 2008: Brunei Darussalam, Cambodia, Malaysia, Papua New Guinea, Timor-Leste, and Vanuatu. In addition, 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.

On 16–17 November 2009, Indonesia hosted the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in Bali to promote universalization and implementation of the convention (see Key conferences and meetings on cluster munitions section below for more details).

Europe, the Caucasus, and Central Asia

Thirty-three of the 54 countries in Europe, the Caucasus, and Central Asia signed the Convention on Cluster Munitions. Cyprus was the 100th state to sign the convention on 23 September 2009, the only state from the region to join the convention since the signing conference in December 2008.

Twenty European states have ratified, accounting for about half of all ratifications: Norway (3 December 2008), Ireland (3 December 2008), the Holy See (3 December 2008), Austria (2 April 2009), Albania (16 June 2009), Spain (17 June 2009), Germany (8 July 2009), Luxembourg (10 July 2009), San Marino (10 July 2009), Croatia (17 August 2009), Slovenia (17 August 2009), Malta (24 September 2009), France (25 September 2009), FYR Macedonia (8 October 2009), Belgium (22 December 2009), Montenegro (25 January 2010), Denmark (12 February 2010), Moldova (16 February 2010), the UK (4 May 2010), and BiH (7 September 2010).

The 13 non-signatories from Europe are: Andorra, Belarus, Estonia, Finland, Greece, Latvia, Poland, Romania, Russia, Serbia, Slovakia, Turkey, and Ukraine. None of the eight states from the Caucasus (Armenia, Azerbaijan, Georgia) and Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan) signed the convention.

Four of these non-signatories (Estonia, Kyrgyzstan, Serbia, and Slovakia) joined in the consensus adoption of the convention on 30 May 2008. In addition, 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.

On 25–26 June 2009, Germany hosted the Berlin Conference on the Destruction of Cluster Munitions, which was attended by 87 countries (see Key conferences and meetings on cluster munitions section below for more details).

On 8 July 2010, the European Parliament adopted a resolution by a vote of 558 to 30 with 24 abstentions, which urges European Union member states that have not yet signed or ratified the convention to do so as a “matter of urgency before the end of 2010.”⁶

Middle East-North Africa

Three countries from the Middle East/North Africa signed the Convention on Cluster Munitions. Lebanon played a prominent role in the Oslo Process and signed in Oslo on 3 December 2008. On 12 January 2009, Tunisia became the first state globally to sign after the signing conference. Iraq signed on 12 November 2009.

None of the three had ratified the convention as of 10 September 2010. However, Lebanon’s Parliament approved ratification on 17 August 2010, and it was reported that Tunisia’s Chamber of Deputies adopted a ratification bill on 10 February 2010.

Bahrain, Morocco, and Qatar were among the 107 states that adopted the convention text by consensus at the conclusion of the negotiations in May 2008. Egypt, Kuwait, Libya, Oman, and Saudi Arabia also attended the negotiations, but only as observers.

Bahrain, Jordan, and Qatar have made positive statements about joining the convention in the near future.

Key conferences and meetings on cluster munitions

The first international meeting to be held on cluster munitions since the December 2008 Convention on Cluster Munitions Signing Conference in Oslo took place in Berlin, Germany on 25–26 June 2009. The Berlin Conference on the Destruction of Cluster Munitions focused on the convention’s requirements for the destruction of stockpiled cluster munitions, but also provided the opportunity for many states to speak on their progress toward ratification, and to address other implementation issues. Representatives from 87 states that have joined the convention attended the Berlin conference, as well as non-signatory Azerbaijan.



Participants in a regional meeting on cluster munitions in Bali, Indonesia.

© Mary Wurcham/HRW, November 2009

On 14–15 September 2009, Chile hosted the Regional Conference for Latin America and the Caribbean on Cluster Munitions, which was attended by all states from the region that have signed the convention except Honduras, and by six non-signatories (Argentina, Dominican Republic, Saint Kitts and Nevis, Suriname, Trinidad and Tobago, and Venezuela). The Dominican Republic signed the convention shortly after the conference.

Albania co-hosted an event with the CMC to promote the convention on the margins of the Tirana Workshop on Achieving a Mine-Free South Eastern Europe on 9 October 2009.

Indonesia hosted the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions, held in Bali, on 16–17 November 2009. A total of 21 governments attended, including nine non-signatories: Bangladesh, Cambodia, Malaysia, Mongolia, Myanmar (Burma), Sri Lanka, Timor-Leste, Thailand, and Vietnam..

During the Second Review Conference of the Mine Ban Treaty held in Cartagena, Colombia from 29 November–4 December 2009, several governments provided updates on their signature or ratification of the Convention on Cluster Munitions during the high-level segment. A special side event on the convention was held. CMC staff met with 74 campaigners to discuss their campaign priorities and actions planned for promotion of the convention in 2010.

⁶ The resolution calls for European Union members to sign and ratify the Convention on Cluster Munitions, promote the convention to states not party, implement and provide assistance for the implementation of the convention, participate in the First Meeting of States Parties in Lao PDR, and not to support a protocol within the CCW that would be incompatible with the provisions of the Convention on Cluster Munitions. European Parliament, “European Parliament resolution on the entry into force of the Convention on Cluster Munitions (CCM) and the role of the EU,” 6 July 2010, www.europarl.europa.eu.

South Africa hosted the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in Pretoria on 25–26 March 2010. A total of 33 countries attended, including nine non-signatories: Egypt, Eritrea, Ethiopia, Libya, Mauritius, Seychelles, Sudan, Swaziland, and Zimbabwe. Seychelles signed the convention shortly after participating in the conference.

Chile hosted the International Conference on the Convention on Cluster Munitions in Santiago on 7–9 June 2010, which was attended by representatives from 99 countries, including 13 non-signatory states, as well as by a delegation of more than 120 CMC campaigners. The Santiago conference aimed to encourage universalization of the convention, move forward preparations for the convention's First Meeting of States Parties, and promote implementation. Directly following the Santiago conference, the CMC held a campaigners forum to share skills and experiences.

Special events to encourage universalization of the convention were held at UN headquarters in New York on 18 March 2009 and 21 October 2009. During the March 2009 event, Lao PDR ratified the convention and DRC signed.

In September 2009, the Convention on Cluster Munitions was highlighted during the UN annual treaty event held parallel to the annual opening of the UN General Assembly. Cyprus and Saint Vincent and the Grenadines signed the convention, while Burundi, France, Malta, and Uruguay deposited their instruments of ratification.

On 1 May 2009, the CMC received the Tipperary International Peace Award at a ceremony in Ireland.

On 29 May–4 June 2009, the CMC held a Global Week of Action Against Cluster Bombs, during which campaigners in 58 countries took action to call on governments to sign and ratify the convention. A CMC email campaign targeted five non-signatories, including Nigeria, which subsequently signed the convention on 12 June 2009. On 23 April 2010, the CMC launched a 100-day countdown to entry into force of the Convention on Cluster Munitions. During the countdown, the CMC targeted a different non-signatory country each week with a range of actions aimed at encouraging these governments to join the convention without delay.

National implementation legislation

The full potential of the Convention on Cluster Munitions will be best realized by the passage of national implementation legislation by each State Party. Article 9 of the convention requires States Parties to take “all appropriate legal, administrative and other measures to implement this Convention, including the imposition of penal sanctions....”⁷

© Stephanie Castanie/HI, January 2010



Survivors attend an advocacy training workshop in Vientiane, Lao PDR.

Adopting comprehensive national legislation is the strongest means of fulfilling this obligation. National legislation enshrines the convention's provisions at the domestic level, and can tailor the key provisions to the circumstances of individual States Parties. Some states may choose to rely on national policies instead of laws, but implementation legislation is important because it provides binding, enduring, and unequivocal rules that leave less room for interpretation.

Belgium became the first country to enact national legislation banning cluster munitions in June 2006. Austria then passed ban legislation which took effect in January 2008. Legislation implementing the Convention on Cluster Munitions has since been enacted by eight states: France, Germany, Ireland, Japan, Luxembourg, New Zealand, Norway, and the UK.

A number of other countries, including Australia, Canada, Malawi, and Slovenia have said they are in the process of drafting, considering, or adopting national

legislation. Others have indicated they intend to prepare national legislation, including Burundi, Lao PDR, Samoa, and Seychelles. Mexico is considering the need for legislation.

At least two states, Denmark and Montenegro, have indicated existing laws are sufficient to implement the convention.

Convention on Conventional Weapons

Discussions on cluster munitions have been ongoing in the forum of the 1980 Convention on Conventional Weapons (CCW) for more than six years. In 2006, at the Third Review Conference of the CCW, the issue of a mandate for negotiations on cluster munitions was the central subject, but States Parties could not reach agreement on a substantive

⁷ For recommendations of best practice in this field, see: Human Rights Watch 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,” www.icrc.org.

mandate for future work. With the failure of the CCW to act, Norway announced that it would start an independent process outside the CCW to negotiate a treaty banning cluster munitions.

Largely in reaction to the Oslo Process, discussions on cluster munitions continued in the CCW during 2007–2008. While the Oslo Process talks progressed at a rapid pace to secure agreement on a treaty, CCW discussions produced little agreement on the scope or provisions of a possible future instrument. At the end of CCW deliberations in November 2008—after 107 states had adopted the Convention on Cluster Munitions in Dublin in May 2008 with a comprehensive and immediate ban on cluster munitions—CCW States Parties could still not even agree if they were aiming for a legally-binding instrument, much less the content of any agreement. They settled on a mandate to “negotiate a proposal” on cluster munitions in 2009.

After the signature of the Convention on Cluster Munitions in December 2008, the tone of the debate shifted markedly in the CCW, with roughly two-thirds of CCW States Parties having adopted a far higher standard in the Convention on Cluster Munitions than anything under consideration in the CCW. However, a number of mainly non-signatory states showed resolve to continue the deliberations in the CCW.

States such as Brazil, China, India, Israel, Pakistan, Poland, Russia, South Korea, Turkey, Ukraine, and the US were some of the most vocal supporters of continuing work in the CCW. However, these states showed little agreement among themselves on central provisions including the scope of a future agreement, the definition of cluster munitions which would be covered by it, or the timeframe in which any provision would take effect.

States which had signed the Convention on Cluster Munitions increasingly emphasized that at a minimum a future CCW instrument must be compatible with the Convention on Cluster Munitions and have a direct impact in addressing the humanitarian harm caused by the use of cluster munitions.

The draft text under discussion in 2009 had not changed much from 2008. The general prohibitions and restrictions would still allow the indefinite use of cluster munitions which have been proven to cause humanitarian suffering in numerous conflicts. The draft text contained many vaguely defined and optional provisions, and ambiguously worded restrictions. It contained a definition of cluster munitions which would be inconsistent with the Convention on Cluster Munitions, potentially posing a legal quandary for states intending to be bound by both instruments. The draft also contained provisions for an undefined transition period during which all existing cluster munitions could continue to be used.

At the end of discussions in 2009, CCW States Parties again engaged in a lengthy debate over the mandate for its work the following year. After considerable effort, a compromise was reached to include a mention of a “protocol” in the mandate, but only as a footnote to the mandate’s text.

At the conclusion of the CCW session in April 2010, a number of signatories to the Convention on Cluster Munitions, including Austria, Germany, Mexico, Norway, and South Africa increasingly questioned the merits of continuing the apparently futile discussions. Those nations and others such as Canada, France, Ireland, and Switzerland were strongly critical of the text for legitimizing the use of cluster munitions that have been proven to cause unacceptable humanitarian harm and for its lack of compatibility with the Convention on Cluster Munitions. Further consultations in Geneva at the end of June 2010 provided no evidence of agreement on main elements to be included in a future protocol.

Two new draft texts—strongly influenced and supported by the US—were circulated during one week of deliberations from 30 August–3 September 2010. However, the texts came under criticism from numerous supporters of the Convention on Cluster Munitions, who saw them as far too weak, and from states such as India, Israel, Pakistan, South Korea, and Russia who saw them as too far-reaching.

CCW States Parties will meet in November 2010 to continue their efforts to reach an agreement on cluster munitions, and, if still unsuccessful, to decide whether to extend the work into 2011.

Use of Cluster Munitions

Cluster munitions have been used during armed conflict in 39 countries and disputed territories since the end of World War II, including Afghanistan, Albania, Angola, Azerbaijan, BiH, Cambodia, Chad, Colombia, Croatia, DRC, Eritrea, Ethiopia, Georgia, Grenada, Iran, Iraq, Israel, Kuwait, Lao PDR, Lebanon, Libya, Mauritania, Montenegro, Mozambique, Russia (Chechnya), Saudi Arabia, Serbia, Sierra Leone, Sudan, Syria, Tajikistan, Uganda, Vietnam, Yemen, and Zambia, as well as the Falkland Islands/Malvinas, Kosovo, Nagorno-Karabakh, and Western Sahara.⁸

Since the convention was opened for signature in December 2008, there has been only one serious allegation regarding the use of cluster munitions. In June 2010, Amnesty International reported that the US appeared to have used at least one TLAM-D cruise missile with 166 BLU-97 submunitions to attack an “alleged al-Qa’ida training camp” in Yemen on

⁸ Some of these states are no longer thought to be contaminated, including: Albania, Ethiopia, Sierra Leone, Uganda, and Zambia. Others are believed to have at most a small residual contamination including: Colombia, Eritrea, Grenada, Iran, Israel, Kuwait, Libya, Mozambique, Saudi Arabia, and Yemen. Two other states are contaminated from explosions in ammunition storage areas (Republic of the Congo and Guinea-Bissau), and still others may have contamination from firing ranges (Chile and Jordan).

17 December 2009. While Landmine and Cluster Munition Monitor is not able to independently confirm the allegation, Amnesty International offered substantial photographic evidence.⁹ Neither government has confirmed or denied the claim. At least 18 government armed forces have used cluster munitions since the end of World War II.

Summary of states using cluster munitions and locations used

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
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
UK	Falkland Islands, Iraq, Kuwait, former Yugoslavia (Kosovo, Montenegro, Serbia)
US	Afghanistan, BiH, Cambodia, Grenada, Iran, Iraq, Kuwait, Lao PDR, Lebanon, Libya, Saudi Arabia, Sudan, Vietnam, former Yugoslavia (Kosovo, Montenegro, Serbia), possibly Yemen
Yugoslavia (former Socialist Republic of)	Albania, BiH, Croatia

This accounting is incomplete, however, given that in several cases it is unclear which party used cluster munitions, including in Angola, Azerbaijan, DRC, Mozambique, Nagorno-Karabakh, Tajikistan, Uganda, and Zambia.

In addition to the armed forces of states, non-state armed groups (NSAG) have used cluster munitions in Afghanistan (by the Northern Alliance), BiH (by a Serb militia), Croatia (by a Serb militia), Israel (by Hezbollah), and possibly in some of the locations noted above where it is unclear which party used the weapon.

Unconfirmed reports cite the use of cluster munitions in Pakistan, Slovenia, and Turkey, as well as in Pakistani-controlled Kashmir.

Two signatory states have admitted using cluster munitions in the past, but have not disclosed relevant details. In January 2005, the South African Ministry of Foreign Affairs stated that the South African Defence Force has manufactured and used submunitions in the past. In May 2009, during an event to destroy the last of Colombia's stockpile of CB-250K cluster munitions, the Minister of Defense said the weapon had been used in the past to destroy clandestine airstrips and camps held by "illegal armed groups." In March 2010, Colombia confirmed that its armed forces had used cluster munitions in the past, but it declined to specify the quantity or time period when they were used.

Under Article 4 of the Convention on Cluster Munitions, a State Party that used cluster munitions on the territory of another State Party prior to entry into force of the convention "is strongly encouraged" to provide assistance to the other State Party including, "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."

Unilateral restrictions on use

A few states not party to the Convention on Cluster Munitions have imposed restrictions on the possible future use of cluster munitions. The US' June 2008 cluster munition policy dictates that until 2018, the use of cluster munitions that exceed a 1% UXO rate—which includes all but a tiny fraction of the US arsenal—must be approved by a "Combatant

⁹ See, Amnesty International, "Images of Missile and Cluster Munitions Point to US Role in Fatal Attack in Yemen," 7 June 2010, www.amnesty.org.

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.

Timeline of cluster munition use

Date	Location	Known Details
1939–1945	Italy, Libya, Malta, USSR, United Kingdom, possibly other locations	Munitions similar in function to modern cluster munitions were used by Germany and the Soviet Union, and possibly other belligerent parties, during World War II.
1965–1975	Cambodia, Lao PDR, Vietnam	According to an analysis of US bombing data by Handicap International, approximately 80,000 cluster munitions, containing 26 million submunitions, were dropped on Cambodia between 1969 and 1973; over 414,000 cluster bombs, containing at least 260 million submunitions, were dropped on Lao PDR between 1965 and 1973; and over 296,000 cluster munitions, containing nearly 97 million submunitions, were dropped in Vietnam between 1965 and 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 NSAG training camps near Damascus.
1975–1991	Western Sahara, Mauritania	Moroccan forces used artillery-fired and air-dropped cluster munitions against an NSAG in Western Sahara. The same types of cluster munition remnants have been found in Mauritania.
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.
1982	Falkland Islands/ Malvinas	UK forces dropped 107 BL-755 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 cluster bombs in 1984.
1986	Libya	US Navy aircraft attacked Libyan ships using Mk-20 Rockeye cluster bombs in the Gulf of Sidra on March 25. On 14–15 April, 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-15Ch 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 some 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 dual purpose improved conventional munition (DPICM) submunitions were used in the conflict.
1992–1994	Angola	Deminers have found dud Soviet-made PTAB submunitions in various locations.
1992–1994	Nagorno-Karabakh, Azerbaijan	Submunition contamination has been identified in at least 162 locations in Nagorno-Karabakh. 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 civil 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 civil war.
1994–1996	Chechnya	Russian forces used cluster munitions against NSAGs.
1995	Croatia	On 2–3 May 1995, an NSAG used Orkan M-87 multiple rocket launchers to conduct attacks in the city of Zagreb. The Croatian government claims that Serb forces used BL-755 bombs in Sisak, Kutina, and along the Kupa river.
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 ECOMOG peacekeepers used BLG-66 Belouga bombs on the eastern town of Kenema. ECOMOG 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 submunitions, at a factory target in Khartoum, Sudan, and at NSAG training camps in Afghanistan.
1998	Ethiopia, Eritrea	Ethiopia and Eritrea exchanged aerial cluster munition strikes. Ethiopia attacked Asmara airport, and Eritrea attacked Mekele airport. Ethiopia also dropped BL-755 bombs in Gash-Barka province in Eritrea.
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 BL-755 bombs and dud submunitions in the villages of Kasu, Katelwa, and Est Agrico in Kabalo territory.
1999	Federal Republic of Yugoslavia	The US, the UK, and the Netherlands dropped 1,765 cluster bombs containing 295,000 submunitions in now-Kosovo, Montenegro, and Serbia.
2001–2002	Afghanistan	The US dropped 1,228 cluster bombs containing 248,056 submunitions.
Unknown	Uganda	RBK-250/275 bombs and AO-1SCh 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 the three 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	Russian and Georgian forces both used cluster munitions during the August 2008 conflict. Submunitions found by deminers include the air-dropped AO-2.5 RTM and the rocket-delivered 9N210 and M85.
2009	Yemen	Amnesty International reported that the US apparently used at least one TLAM-D cruise missile with 166 BLU-97 submunitions to attack an alleged terrorist training camp in al-Ma'jahlah on 17 December 2009.

Production of Cluster Munitions

A total of 34 states have developed or produced more than 200 types of cluster munitions.¹⁰ Fifteen of these states signed the Convention on Cluster Munitions, forswearing any future production. Of the 19 non-signatories that have produced, it is likely that 17 continue to produce today, or expect to produce in the future. Argentina and Serbia have indicated that they do not intend to produce in the future.

¹⁰ As new information has become available, the list of producers has changed over time. A total of 33 states were identified in 2002 by Human Rights Watch as having developed or produced cluster munitions. Human Rights Watch, "Memorandum to CCW Delegates: A Global Overview of Explosive Submunitions," 20 May 2002, www.hrw.org. Canada and Bulgaria were removed from the list, and Australia, BiH, and Japan were added; Serbia was listed instead of Yugoslavia.

The countries that have developed or produced cluster munitions are listed in the following table:

Countries that have developed or produced cluster munitions¹¹

States Parties and Signatories		Non-Signatories	
Australia	Japan	<i>Argentina</i>	Pakistan
Belgium	Netherlands	Brazil	Poland
BiH	South Africa	China	Romania
Chile	Spain	Egypt	Russia
France	Sweden	Greece	<i>Serbia</i>
Germany	Switzerland	India	Singapore
Iraq	UK	Iran	Slovakia
Italy		Israel	Turkey
		North Korea	US
		South Korea	

Note: Italics indicate non-signatories that say they no longer produce.

In June 2010, a Turkish official informed Landmine and Cluster Munition Monitor that Turkey does not produce cluster munitions. It is unclear if this simply means there is no current production, or if this is the result of a shift in policy whereby Turkey is forswearing future production.

Several countries confirmed production in 2010 in public statements or in communications with Landmine and Cluster Munition Monitor including Poland, Singapore, and South Korea.

At least three of the countries still producing cluster munitions have established standards for reliability of submunitions. In 2001, the US instituted a policy that all submunitions reaching a production decision in fiscal year 2005 and beyond must have a failure rate of less than 1%. In 2005, the Polish Ministry of Defense said that it requires a failure rate of less than 2.5% for the submunitions it purchases. South Korea issued a directive in 2008 requiring that in the future it only acquire cluster munitions with self-destruct mechanisms and a 1% or lower failure rate.

Transfer of Cluster Munitions

Landmine and Cluster Munition Monitor is not aware of any new transfers of cluster munitions in 2009 or the first half of 2010. However, Amnesty International obtained documents indicating an April 2009 shipment of inert components for 155mm K-130 cluster munition artillery projectiles from South Korea's Poongsan Corporation to Pakistan Ordnance Factories' Sanjwal plant. Another set of documents revealed a shipment in February 2010 of inert components for K-310 artillery shells from Poongsan Corporation to Pakistan. According to Amnesty, both shipments were transported by UK-flagged vessels.¹²

While the true scope of the global trade in cluster munitions is difficult to ascertain due to lack of official information, at least 15 countries have transferred more than 50 types of cluster munitions to at least 60 other countries.¹³

The US has probably been the world leader in exports, having transferred hundreds of thousands of cluster munitions containing tens of millions of unreliable and inaccurate submunitions to at least 29



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A roundtable to share information about the Convention on Cluster Munitions in Azerbaijan.

¹¹ In these listings, 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.

¹² Amnesty International, "Deadly Movements: Transportation Controls in the Arms Trade Treaty," July 2010, pp. 10–11.

¹³ At least five signatories exported cluster munitions in the past (Chile, France, Germany, Moldova, and the UK), as well as at least 10 non-signatories (Brazil, China, Egypt, Israel, Russia, Slovakia, South Korea, Turkey, US, and former Yugoslavia). Information about transfers of cluster munitions has increased over the years. In 2002, Human Rights Watch estimated that at least nine countries had transferred 30 different types of cluster munitions to at least 45 other countries. Human Rights Watch, "Memorandum to CCW Delegates: A Global Overview of Explosive Submunitions," 20 May 2002.

countries.¹⁴ Cluster munitions of Russian/Soviet origin are reported to be in the stockpiles of at least 33 states. Many of them inherited cluster munition stockpiles after the dissolution of the USSR.¹⁵

While the full extent of Chinese exports of cluster munitions is not known, unexploded submunitions of Chinese origin have been found in Iraq, Israel, Lebanon, and Sudan. Hezbollah fired over 100 Chinese Type-81 122mm rockets with dual purpose improved conventional munition (DPICM) submunitions into northern Israel in 2006.

Brazil, Germany, Israel, South Korea, Slovakia, and Turkey have exported cluster munitions in the past five years. Among the recipients of cluster munitions exports since 2005 are Georgia, India, Pakistan, Slovakia, Turkey, and the United Arab Emirates (UAE).

At least two states that have not signed the Convention on Cluster Munitions, the US and Singapore, have enacted export moratoriums. In December 2007, the US Congress placed a one-year moratorium on the transfer of cluster munitions unless they have a 99% or higher tested reliability rate. The legislation also required that any state receiving cluster munitions from the US must agree that those cluster munitions will only be used against clearly defined military targets and will not be used in areas where civilians are known to be present. This export ban was extended in 2008 and 2009.

On 26 November 2008, Singapore announced that it would impose an indefinite moratorium on the export of cluster munitions with immediate effect.

In June 2010, a Turkish official told Landmine and Cluster Munition Monitor that Turkey does not transfer or import cluster munitions. It is unclear if this is a new policy adopted by Turkey. According to official reports to the UN, Turkey both imported and exported cluster munitions as recently as 2007.

Global Stockpiles of Cluster Munitions and their Destruction

Landmine and Cluster Munition Monitor estimates that a total of 86 countries possessed stockpiles of cluster munitions at some point in time. This figure has varied over recent years as new information has become available and governments

have clarified whether or not they do or did possess stockpiles of cluster munitions.¹⁶ Of the 86, a total of 38 have signed and/or ratified the Convention on Cluster Munitions.

Landmine and Cluster Munition Monitor estimates that 74 countries currently possess cluster munition stockpiles. In a highly commendable commitment to early compliance with the convention's obligations, four States Parties (Norway, Moldova, Spain, and Belgium) and two signatories (Colombia and Portugal) have reported completion of stockpile destruction in 2009 or 2010.

In addition, in 2010 signatories Afghanistan and Angola reported they no longer had stockpiles as all had been destroyed during years of broader post-conflict disarmament programs. Signatory Uganda declared in 2009 that it had no stocks. In earlier years, signatories Australia and Honduras, and non-signatory Argentina, reported that they once had stockpiles, but destroyed them long before the start of the Oslo Process in 2007.

Of the 74 countries that currently possess cluster munition stockpiles, a total of 27 have signed and/or ratified the Convention on Cluster Munitions.

A total of 17 countries that are either States Parties or signatories to the Convention on Cluster Munitions have disclosed that, prior to any destruction activities, they stockpiled a total of at least 1.1 million cluster munitions containing more than 146 million submunitions. The known number of cluster munitions and submunitions currently or once held by States Parties will undoubtedly grow considerably as the detailed information required by the convention's transparency reports become available from other States Parties.

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Canadian campaigners count down to the convention's entry into force.

¹⁴ The US has exported cluster munitions to: Argentina, Australia, Bahrain, Belgium, Canada, Egypt, Denmark, France, Germany, Greece, Honduras, India, Indonesia, Israel, Italy, Japan, Jordan, South Korea, Morocco, the Netherlands, Norway, Oman, Pakistan, Saudi Arabia, Spain, Thailand, Turkey, the UAE, and the UK.

¹⁵ Russian/Soviet cluster munitions have been reported in the stocks of: Algeria, Angola, Azerbaijan, Belarus, Bulgaria, Croatia, Cuba, Czech Republic, Egypt, Hungary, Georgia, Guinea, Guinea-Bissau, India, Iran, Iraq, Kazakhstan, North Korea, Kuwait, Libya, Moldova, Mongolia, Peru, Poland, Romania, Slovakia, Sudan, Syria, Turkmenistan, Uganda, Ukraine, Uzbekistan, and Yemen.

¹⁶ Since 2009, Landmine and Cluster Munition Monitor has added Afghanistan, Cambodia, and the Republic of the Congo as past or current stockpilers, and removed Mali and Sri Lanka. Human Rights Watch has been documenting the global stockpiling of cluster munitions for many years. In 2002, it identified 56 states that stockpiled cluster munitions.

Countries that have stockpiled cluster munitions

States Parties	Signatories	Non-signatories	
Austria	<i>Afghanistan</i>	Algeria	Mongolia
<i>Belgium</i>	<i>Angola</i>	<i>Argentina</i>	Morocco
BiH	<i>Australia</i>	Azerbaijan	Oman
Croatia	Bulgaria	Bahrain	Pakistan
Denmark	Canada	Belarus	Poland
France	Chile	Brazil	Qatar
Germany	<i>Colombia</i>	Cambodia	Romania
Japan	Rep. of the Congo	China	Russia
<i>Moldova</i>	Czech Republic	Cuba	Saudi Arabia
Montenegro	Guinea	Egypt	Serbia
<i>Norway</i>	Guinea-Bissau	Eritrea	Singapore
Slovenia	<i>Honduras</i>	Estonia	Slovakia
<i>Spain</i>	Hungary	Ethiopia	Sudan
UK	Indonesia	Finland	Syria
	Iraq	Georgia	Thailand
	Italy	Greece	Turkey
	Netherlands	India	Turkmenistan
	Nigeria	Iran	Ukraine
	Peru	Israel	UAE
	<i>Portugal</i>	Jordan	US
	South Africa	Kazakhstan	Uzbekistan
	Sweden	North Korea	Yemen
	Switzerland	South Korea	Zimbabwe
	<i>Uganda</i>	Kuwait	
		Libya	
14 (10 current)	24 (17 current)	48 (47 current)	

Note: Bold italics indicates no longer possesses stocks.

The vast majority of states outside of the Convention on Cluster Munitions that stockpile the weapon have not disclosed detailed information on the quantities, types, or other information. Thus it is not possible, given what is known, to make a valid global estimate of quantities in stockpiles.

Only one other country, the US, has disclosed the size of its stockpile. As reported to its legislature in 2004, the US stockpile consisted of nearly 5.5 million cluster munitions containing nearly 730 million submunitions.

Known stockpiles of cluster munitions of States Parties and signatories prior to destruction activities

	Cluster Munitions	Submunitions
States Parties		
Austria	12,699	620,781–798,147
Belgium	115,975	Approximately 10.25 million
Denmark	Approximately 42,320	Approximately 2.63 million
France	Approximately 35,000	Approximately 15 million
Germany	Approximately 550,000	Approximately 50 million
Moldova	1,385	27,330
Montenegro	353	51,891
Norway	53,745	Approximately 3.3 million
Slovenia	1,080	52,920
Spain	5,560	251,876
UK	190,549	Approximately 38.76 million
Signatories		
Afghanistan*	*	*
Angola	Unknown	7,215
Colombia	72	10,832
Czech Republic	67	5,377
Netherlands	Approximately 191,500	Approximately 26 million
Portugal	22	3,234
Total	At least 1.1 million	At least 146 million

* The Ministry of Defense of Afghanistan said that “about 113,196 items containing 29,559 kilograms” of old Soviet stocks of cluster munitions had been destroyed.

Destruction of stockpiles

The destruction of stockpiles of cluster munitions has accelerated since the adoption and signature of the Convention on Cluster Munitions. States Parties Spain (March 2009), Norway (July 2010), Moldova (July 2010), and Belgium (August 2010), and signatories Colombia (November 2009) and Portugal (“early” 2010) have already completed stockpile destruction.

© Asle Huse/NPA, 29 July 2010



Moldova completes its stockpile destruction in July 2010.

Spain destroyed 4,724 cluster munitions with 223,261 submunitions. Norway destroyed 53,745 cluster munitions with about 3.3 million submunitions. Moldova destroyed 1,385 cluster munitions with 27,330 submunitions. Belgium destroyed 115,975 cluster munitions with 10,250,935 submunitions. Colombia destroyed 72 cluster munitions with 10,832 submunitions. Portugal destroyed 22 cluster munitions with 3,234 submunitions.

Additionally, an Angolan official said that all Angolan stocks were destroyed from 2003–2010 as part of a broader weapons disposal effort. HALO Trust reported destroying 7,215 submunitions from Angolan stocks. Similarly, Afghanistan told Landmine and Cluster Muniton Monitor in 2010 that in recent years it had finished destruction of old Soviet stocks of cluster munitions, along with other weapons. Uganda stated in 2009 that it

did not have any stocks, but there is uncertainty about whether it stockpiled in the past and subsequently destroyed stocks. Argentina, Australia, and Honduras report that stockpiles were eliminated many years ago.

Two countries anticipate completing their stockpile destruction programs this year: Austria (November 2010) and Montenegro (“end of” 2010).

Others have projected that their destruction programs, which are already underway, will be completed well in advance of their eight-year deadline, including the UK (anticipated completion in 2013), Germany (anticipated completion in 2015), France (anticipated completion in 2016), and the Netherlands.

As of March 2010, 14 million submunitions of the UK's original total of nearly 39 million stockpiled submunitions had been destroyed and contracts had been placed for the destruction of all remaining submunitions. As of February 2009, Germany had already destroyed approximately 30% of its stockpile.

Canada and Switzerland previously destroyed some stocks considered obsolete, and are in the process of planning further destruction. Furthermore, several other states have begun to take steps to initiate their national destruction programs, including developing inventories, budgets, and schedules. These include Chile, Croatia, Denmark, Hungary, and Slovenia.

States have not yet provided many details about the costs of stockpile destruction. Spain said it paid €4.9 million (US\$6.8 million) to destroy its stocks.¹⁷ Moldova said two donors provided a total of €111,000 (\$154,679) for its stock destruction. Norway estimated it would cost about €40 (\$56) per shell; it destroyed 53,000 shells, which would equate to about €2.1 million (\$3 million). Other estimates for the total cost of their stockpile destruction programs include: Austria, €1 million (\$1.4 million); Belgium, €3 million (\$4.2 million); France, €30 million–35 million (\$41.8 million–\$48.8 million); and Germany, €40 million (\$55.7 million).

Destruction of obsolete and beyond-shelf-life cluster munitions is a routine part of ammunition operations. For example, the US has destroyed on average 7,200 tons (7.2 million kg) of outdated cluster munitions (not including missiles and rockets) per year at an average annual cost of \$7.1 million since 2000.

Retention of cluster munitions for training and development

The Convention on Cluster Munitions allows for the retention of cluster munitions and submunitions for development of and training in detection, clearance and destruction techniques, and development of counter-measures, such as armor to protect troops and equipment from the weapons. The number of retained cluster munitions is limited to “the minimum number absolutely necessary” for these purposes.

During the negotiations, the CMC opposed the provision allowing for retention because states did not demonstrate that any of the purposes for retaining cluster munitions and submunitions were essential enough to justify an exception to the prohibition on stockpiling. For example, to the CMC's knowledge, no clearance organization accredited to the UN is believed to use live submunitions for training.

Given that the convention just entered into force and the first transparency reports by States Parties are not due until early 2011, it is not possible to characterize fully common state practice regarding the retention of cluster munitions.

Some States Parties and signatories that have or had stockpiles have indicated—either through statements or by destroying their entire stock—that they will not retain any cluster munitions or submunitions, including Afghanistan, Angola, Austria, Colombia, Honduras, Moldova, Montenegro, Norway, Portugal, and Slovenia. Japan said it does not have a plan to retain any cluster munitions. Australia has said that it retains only representative samples of inert cluster munitions and submunitions.

Spain intends to retain 836 cluster munitions (containing 28,615 submunitions) for training and countermeasures testing purposes. France's national implementation law permits it to retain up to 500 cluster munitions, together with their submunitions, and an additional 400 submunitions acquired outside the container. Belgium has stated that it intends to retain 300 155mm artillery shells, each with 88 DPICM submunitions, or a total of 26,400 submunitions.

Additionally, Denmark, Germany, and the Netherlands have indicated that they will retain some amount of cluster munitions.

Some other states have expressed their views. According to Malawi, 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.”¹⁸ Ecuador has stated that the number of units retained for training should not be bigger than 1,000 and should decrease over time. Ghana expressed the view that states should retain only the minimum number of cluster munitions required for training purposes, which could be in the hundreds or thousands but not the tens of thousands.

Interpretive Issues

During the Oslo Process diplomatic conferences to develop the Convention on Cluster Munitions and during the Dublin negotiations, it appeared that there was not a uniform view on some matters relating to one of the convention's most basic and important provisions: the prohibition on assistance with prohibited acts. State Parties have an obligation under Article 1 “never under any circumstances to...assist, encourage or induce anyone to engage in any activity prohibited to a State Party under this Convention.”

¹⁷ Average exchange rate for 2009: €1=US\$1.3935. US Federal Reserve, “List of Exchange Rates (Annual),” 4 January 2010.

¹⁸ Statement by Maj. Dan Kuwali, Director of Legal Services, Malawi Defence Force, “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.

Interoperability (Article 21)

During the negotiations, some states expressed concern about the possible impact of the Article 1 prohibition on assistance on joint military operations with countries that have not joined the convention and still stockpile and reserve the right to use cluster munitions.¹⁹ In response to these “interoperability” concerns, states agreed to the insertion of a new Article 21 on “Relations with States not Party to this Convention.” This article 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. An article, which should have a unified and coherent purpose, cannot logically require discouragement of use in one paragraph and then by implication allow encouragement of that use in another.

The CMC has said that, in order to adhere to the object and purpose of the convention, “States must make it clear that States Parties must not intentionally or deliberately assist, induce, or encourage any activity prohibited under this treaty—including use, transfer or stockpiling of cluster munitions—when engaging in joint operations with non-States Parties.”²⁰

As reported in 2009,²¹ some states had already articulated this view, or a similar view, including Ecuador,²² Ghana,²³ Guatemala,²⁴ Iceland,²⁵ Lebanon,²⁶ and Mexico.²⁷ A large number of states have subsequently shared their views.

- The Australian government stated that the prohibition on assistance “is subject to the exception contained in Article 21,” noting this provision “does not prohibit inadvertent participation in the use, or assistance in the use, of cluster munitions.”²⁸
- Belgium stated, “In the case where a State Party engages in cooperation or military operations with States non-parties, a series of guaranties are provided: the cooperation or the military operation must be in conformity with international law; each State Party must notify non-states parties of its obligations under the Convention; it must promote the norms established by the Convention and discourage non-states parties from using cluster munitions. Similarly, paragraph 4 [of Article 21] affirms the primacy of the fundamental obligations of the Convention, which cannot be derogated from, even in the framework of cooperative activities or military operations with States-non-party.”²⁹
- Colombia “absolutely rejects and prohibits...military operations with states not party to the convention in which they carry out exercises or actions prohibited by the Convention.”³⁰

¹⁹ This has been a much discussed topic in the context of the Mine Ban Treaty, which has a near identical provision. Most States Parties to that treaty have agreed that while joint military operations with states not party are permissible, States Parties should not: participate in planning for use of mines; train others to use mines; derive direct military benefit from others’ use of mines; agree to rules of engagement permitting use of mines; request others to use mines; or provide security or transportation for mines.

²⁰ CMC, “CMC Briefing Paper on the Convention on Cluster Munitions,” www.stopclustermunitions.org. For a fuller discussion on interoperability, see Human Rights Watch, “Staying True to the Ban on Cluster Munitions: Understanding the Prohibition on Assistance in the Convention on Cluster Munitions,” June 2009, www.hrw.org.

²¹ See Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 25–26.

²² Ecuador stated that Article 21 should never be used to justify any derogation from the convention’s core prohibitions and the article should not be interpreted as suspending other obligations under the convention. It said the spirit of Article 21 is to promote universalization of the convention. Presentation by Ecuador, “Interpretive Statement,” Regional Conference on Cluster Munitions, Quito, 6 November 2008.

²³ Ghana has said that States Parties must not intentionally assist other states in using cluster munitions and in other acts prohibited by the convention. CMC, “Report on the Kampala Conference on the Convention on Cluster Munitions,” 29–30 September 2008, www.stopclustermunitions.org.

²⁴ “Guatemala would not participate in any military operation with States that use cluster munitions.” Letter No. 136/ONU/09 from the Permanent Mission of Guatemala to the UN in Geneva, 19 March 2009.

²⁵ At the adoption of the convention, Iceland stated that the convention’s provision on interoperability “should not be read as entitling states parties to avoid their specific obligations under the convention for this limited purpose.” Statement of Iceland, Dublin Diplomatic Conference on Cluster Munitions, 30 May 2008.

²⁶ Lebanon wrote that the convention’s prohibition on assistance took precedence over joint operations, and that Article 21 did not “allow any assistance with prohibited acts.” Letter from Permanent Mission of Lebanon to UN in Geneva, 10 February 2009.

²⁷ Mexico has stated that “deliberately providing assistance for the execution of prohibition activities” is not allowed under the convention. Letter from Amb. Juan Manuel Gómez Robledo, Secretariat of Foreign Relations of Mexico, to Human Rights Watch, 4 March 2009.

²⁸ Australia, “Government Response to Joint Standing Committee on Treaties Report No 103 on the Convention on Cluster Munitions,” undated but released on 13 May 2010.

²⁹ This is contained in an explanatory memorandum to the decree approving the convention adopted by the Parliament of Brussels and to the draft law in the Senate. See Parliament of Brussels, “Ontwerp van ordonnantie houdende instemming met: het Verdrag inzake clustermunities, gedaan te Dublin op 30 mei 2008 en ondertekend te Oslo op 3 december 2008” (“Draft decree approving the Convention on Cluster Munitions, adopted in Dublin on 30 May 2008 and signed in Oslo on 3 December 2008”), 13 October 2009, Legislative document A–14/1–G.Z. 2009, www.weblex.irisnet.be.

³⁰ Response to Monitor questionnaire by the Ministry of Foreign Affairs, Colombia, 26 March 2010.

- France's national implementation law allows for participation in military operations with states not party that might engage in activities prohibited by the convention, but states that it is prohibited for any person acting in a joint military operation to use, develop, manufacture, otherwise acquire, stockpile, or transfer cluster munitions, or to use or request the use of cluster munitions, where the choice of ammunition is under their exclusive control.³¹
- Ireland has stated, "It is Ireland's view that any deliberate assistance in the commission of an act prohibited by the Convention in the context of military co-operation with a state not party will be inconsistent with this obligation to make its best efforts to discourage the use of cluster munitions by the latter and that Article 21(3) must be interpreted accordingly." It also noted that the purpose of a relevant provision in its national implementation law "is not to enable assistance with prohibited acts.... Rather, this provision is intended to ensure that no person may be prosecuted for an act or omission that might otherwise constitute assistance but is unintended or inadvertent, or has only a remote or indirect relationship to the commission of a prohibited act by a state not party to the Convention."³²
- Madagascar said "assistance to prohibited acts during joint military operations with non State Parties is not permitted by the Convention."³³
- Malawi stated that "States Parties must not intentionally or deliberately assist, induce or encourage any prohibited activity" under the convention during joint military operations with states not party that may use cluster munitions."³⁴
- Montenegro elaborated that "participation in planning or implementation of operations, exercises or other military activities by the armed forces of Montenegro, performed in joint actions with armed forces of states not parties to the CCM [Convention on Cluster Munitions], undertaking in activities prohibited by the CCM, are by itself not assistance, encouragement or initiative [sic] in accordance with Article 1, par (c) of the Convention."³⁵
- New Zealand's national implementation legislation clarifies that mere participation in joint operations is allowed, but a member of the armed forces may not expressly request the use of cluster munitions.³⁶
- In an explanatory annex to its implementing legislation, Norway stated that "the exemption for military cooperation does not authorize states parties to engage in activities prohibited by the convention."³⁷
- Portugal has stated that it will not use cluster munitions, "regardless of what country might be commanding military forces."³⁸
- Slovenia will "not to participate in any military operation using cluster munitions during joint military operations with non-States Parties to the Convention."³⁹
- The UK's national implementation legislation contains a clause on interoperability.⁴⁰ In response to concerns that the clause could provide a loophole which would undermine the purpose of the convention and the UK's legislation, the government responded that UK troops "would not be allowed to request use of [cluster] munitions where the choice of munitions was within their exclusive control," but that "they could facilitate operations where [cluster munitions] might be used by a partner."⁴¹

³¹ It explicitly prohibits assistance, which was not the case under France's implementation law for the Mine Ban Treaty. National Assembly, France, "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"), XIII Legislature, Extraordinary session of 2009–2010, 6 July 2010, Art. L. 2344-2, www.assemblee-nationale.fr.

³² Department of Foreign Affairs, Ireland, "Note on the Measures Taken by Ireland to Implement Article 21 of the Convention on Cluster Munitions," 11 March 2009.

³³ Letter from Amb. Rajemison Rakotomaharo, Permanent Mission of Madagascar to the UN in Geneva, 2 April 2010.

³⁴ Statement by Maj. Dan Kuwali, Malawi Defence Force, "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.

³⁵ Response to Monitor questionnaire by Maja Boskovic, Third Secretary, Directorate for UN and Other International Organizations, Ministry of Foreign Affairs, Montenegro, 16 April 2010.

³⁶ New Zealand, Cluster Munitions Prohibition Act 2009, Public Act 2009 No. 68, 17 December 2009, sec. 10(3) and 11(6), www.legislation.govt.nz.

³⁷ Excerpt from Proposition No. 4 (2008–2009) to the *Storting* of Norway on consent to ratification of the Convention on Cluster Munitions, p. 23.

³⁸ Email from Luis Filipe Cunha, Directorate for Security and Defense Affairs, Unit of Disarmament and Non Proliferation, Ministry of Foreign Affairs, Portugal, 5 July 2010.

³⁹ Letter from Samuel Zbogar, Minister of Foreign Affairs, Slovenia, 20 April 2010.

⁴⁰ The clause states: "It is a defence for a person charged with an offence specified in any of paragraphs 1 to 6 of Schedule 2 [the prohibitions of the convention] to show that the person's conduct took place in the course of, or for the purposes of, an international military operation or an international military co-operation activity." Members in the UK House of Commons went to great lengths to seek clarification on the scope of this clause.

⁴¹ Statements by John Redwood and Chris Bryant, UK House of Commons Debate, *Hansard* (London: Her Majesty's Stationary Office, HMSO, 23 March 2010), Column 162, www.publications.parliament.uk.

Transit and foreign stockpiling

The CMC has stated that the ban on transfer and the ban on 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 ban on stockpiling and the ban on assistance should be seen as prohibiting the stockpiling of cluster munitions by a state not party on the territory of a State Party.⁴²

© Mary Wareham/HRW, October 2009



Special event on the Convention on Cluster Munitions organized by the CMC at the UN in New York.

As reported in 2009, a number of states had already expressed the view that transit and foreign stockpiling are banned. Those making explicit statements regarding transit included Bulgaria, Burkina Faso, Ecuador, Ghana, Lebanon, Madagascar, Malta, Mexico, South Africa, and Zambia. The Netherlands took the view that transit is allowed so long as the cluster munitions “remain the property of the third party in question.”⁴³

Those making explicit statements regarding the ban on foreign stockpiling included Bulgaria, Madagascar, Malta, and Mexico.⁴⁴

Additional states have expressed their positions in 2009 and 2010.

- Austria has stated that the “transit of cluster munitions across or foreign stockpiling of cluster munitions on the national territory of States Parties is prohibited by the Convention.... Should a State Party to the Convention allow a foreign state to stockpile cluster munitions on its territory, this action would be in violation with the provision entailed in Article 1 paragraph c that prohibits assistance “*to engage in any activity prohibited to a State Party.*”⁴⁵ Austria’s national law banning cluster munitions specifically prohibits transit.
- Colombia has said the government “absolutely rejects and prohibits any manner of transfer or storage of foreign cluster bombs in Colombian territory.”⁴⁶
- France’s national legislation does not explicitly prohibit transit. Inclusion of such a provision was rejected on the basis that “transit” is not explicitly prohibited in the Convention on Cluster Munitions, and that a prohibition would be difficult to implement, especially in relation to air transit.⁴⁷ In July 2010, the Secretary of State for Defense stated that the government considers commercial transit to be included in the prohibition.⁴⁸ He said that while transit by other governments would be difficult to control, France will endeavor to prevent any state transit of cluster munitions on its territory.⁴⁹
- Guatemala said it “considers that the stockpiling of cluster munitions of other countries in the territory of a State Party to the Convention...is prohibited according to Article 1 of the Convention.”⁵⁰ Earlier, it said, “Even though the Convention is not explicit...Guatemala agrees that the transit of cluster munitions in the territory of the States Parties should not be permitted.”⁵¹
- Macedonia told Landmine and Cluster Munition Monitor in February 2010 that, having ratified the Convention on Cluster Munitions, Macedonia now prohibits the transit of cluster munitions across its national territory.⁵²

⁴² These issues have also been the subject of a decade-long discussion in the Mine Ban Treaty. All but a handful of States Parties expressing views have said that transit and foreign stockpiling are prohibited. See previous editions of Landmine Monitor.

⁴³ For sources and more details on the positions of these countries, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 24–25.

⁴⁴ Ibid.

⁴⁵ Letter from Amb. Alexander Marschik, Director for Disarmament, Arms Control and Non-Proliferation, Federal Ministry for European and International Affairs, Austria, 9 March 2009.

⁴⁶ Response to Monitor questionnaire by the Ministry of Foreign Affairs, Colombia, 26 March 2010.

⁴⁷ Statement by Hervé Morin, Minister of Defense, France, during the examination of the implementation bill before the Senate, 6 May 2010. Senate, France, “Séance du 6 mai 2010 (compte rendu intégral des débats)” (“Session of 6 May 2010 (verbatim report of proceedings)”), 6 May 2010, www.senat.fr.

⁴⁸ Statement by Hubert Falco, Secretary of State for Defense, France, “Élimination des armes à sous-munitions: Discussion d’un projet de loi adopté par le Sénat” (“Elimination of weapons munitions: Discussion of a bill passed by the Senate”), XIII Legislature, Extraordinary session of 2009–2010, 6 July 2010, www.assemblee-nationale.fr.

⁴⁹ Statements by Hubert Falco, Committee on National Defense and the Armed Forces, National Assembly, France, “Compte rendu no. 37” (“Record no. 37”), Five pm Session, 22 June 2010, www.assemblee-nationale.fr.

⁵⁰ Letter No. 580/MRAC/2010 from the Permanent Mission of Guatemala to the UN in Geneva, 14 May 2010.

⁵¹ Letter No. 136/ONU/09 from the Permanent Mission of Guatemala to the UN in Geneva, 19 March 2009.

⁵² Telephone interview with Majkl Sibinovski, Head, Arms Control Unit, Ministry of Foreign Affairs, FYR Macedonia, 15 February 2010.

- Malawi stated, “As well as transfer, the transit of CM [cluster munitions] is prohibited” under the convention. It also stated, “There should be no stockpiling of CM of non-State Parties on the territory under the jurisdiction or control of a State Party and State Parties must ensure the destruction or removal of CM of foreign states on the territory.”⁵³
- The Netherlands reiterated its view that the convention prohibits the transfer of cluster munitions, but not the “transit” of cluster munitions across the territory of States Parties, due to the necessity of balancing States Parties’ treaty obligations with alliance obligations during military operations with states not party.⁵⁴ It said that “the new treaty determines specifically that transfer refers to both physical movement as well as transfer of ownership. Transit is only physical movement, not transfer of ownership. Transit of cluster munitions over Dutch territory that remains property of allies are not subject to the provisions of the convention.”⁵⁵ The Netherlands also said it does not consider the storage of cluster munitions by states not party on the territory of States Parties to be prohibited under the convention, provided that the cluster munitions remain under the ownership of the state not party.⁵⁶
- Portugal stated, “It is the Portuguese view that the Convention does not unequivocally exclude the possibility of foreign stockpiling of cluster munitions on, or the transit of this type of armament across, the national territory of a State Party. In the latter case, the transit could be authorized once it does not represent a transfer under the definition established in Article 2 of the Convention; in other words, only in the circumstance when the cluster munitions in transit are to remain under the control of the same non State Party that requested the passage.”⁵⁷
- Slovenia has said, “[I]n our view, the Convention also contains the prohibition of transit and stockpiling of cluster munitions by third countries on the territory of each State Party. Therefore, such activities are illegal and not allowed on the territory of the Republic of Slovenia.”⁵⁸

Disinvestment

There has been a great deal of activity on the part of NGOs and financial institutions aimed at disinvestment from producers of cluster munitions. The CMC has taken the position that the convention’s prohibition on assistance with prohibited acts constitutes a prohibition on investment, direct and indirect, in production of cluster munitions.

The CMC’s Stop Explosive Investments campaign, which promotes disinvestment from cluster munition producers, was launched in London on 29 October 2009. The launch coincided with the release of the report “Worldwide investments in cluster munitions: a shared responsibility” by CMC members IKV Pax Christi and Netwerk Vlaanderen. An update of this report in April 2010 found that 146 financial institutions were investing \$43 billion in producers of cluster munitions.⁵⁹ There are approximately 20 national level disinvestment campaigns, targeting both financial institutions and governments to ban investments in cluster munitions.

Financial institutions and investors have taken action to stop investment in cluster munition production in Argentina, Belgium, Canada, Denmark, France, Germany, Japan, Netherlands, New Zealand, Norway, Sweden, Switzerland, the UK, and elsewhere.

As reported last year, national legislation in Belgium and Ireland prohibited investment in production, and government pension funds in Norway, Ireland, New Zealand, and Sweden had withdrawn and/or banned investments in cluster munition producers. Several countries had made statements confirming that in their view, such investment is banned under the convention, including Lebanon, Mexico, and Rwanda.⁶⁰



Campaigners publicize a report on cluster munition investments outside a bank in London.

© Jeppe Schilder/IKV Pax Christi, 29 October 2009

⁵³ Statement by Maj. Dan Kuwali, Malawi Defence Force, “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.

⁵⁴ Netherlands, Summary of the plenary debate on the “Approval of the Bill on the Convention on Cluster Munitions adopted on 30 May 2008 in Dublin,” 30 June 2010.

⁵⁵ M.J.M. Verhagen, Minister of Foreign Affairs, and E. van Middelkoop, Minister of Defence, Netherlands, “Approval of the Convention on Cluster Munitions adopted on May 30 2008 in Dublin, Note with regard to the report,” 5 March 2010, zoek.officielebekendmakingen.nl.

⁵⁶ Ibid.

⁵⁷ Letter No. 42 from Paula Silva Cepeda, Charge d’Affaires, Portuguese Embassy, Washington, DC, 29 July 2010.

⁵⁸ Letter from Samuel Zbogar, Minister of Foreign Affairs, Slovenia, 20 April 2010.

⁵⁹ IKV Pax Christi and Netwerk Vlaanderen, “Worldwide investments in cluster munitions: a shared responsibility,” updated April 2010, www.stopexplosiveinvestments.org/report.

⁶⁰ For sources and for more details, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 18–19.

More recently, Luxembourg enacted national legislation with a prohibition on investment in June 2009,⁶¹ and New Zealand did so in December 2009.⁶² There have been legislative initiatives in Germany,⁶³ the Netherlands,⁶⁴ and Switzerland.⁶⁵

The following countries have made statements regarding investment in cluster munition production in 2009 and 2010:

- Colombia, in response to a question from Landmine and Cluster Munition Monitor, said, “Colombia prohibits investment in the production of cluster munitions.”⁶⁶
- France has said that its national implementation law’s prohibition on assistance bans both direct and indirect financing of cluster munition production.⁶⁷
- Guatemala stated that “investment in [cluster munition] production is prohibited according to Article 1 of the Convention.”⁶⁸
- Madagascar stated, “Since the beginning of the Oslo process, Madagascar concurs with the view that investment, of any form, in the production of cluster munitions is prohibited by the Convention.”⁶⁹
- Malawi has said that Article 1(c) on the prohibition of assistance “should read to prohibit investments in CM [cluster munition] producers.”⁷⁰
- Malta stated, “With regard to investment in the production of cluster munitions, Malta interprets Article 1(b) of the Convention on Cluster Munitions as prohibiting this activity. Malta believes that the assistance prohibition under Article 1(c) of the Convention precludes financing and investment in corporations linked with the production of cluster munitions.”⁷¹
- Montenegro stated that it “has no plans to invest in cluster munitions.”⁷²
- The UK government has confirmed to Parliament that under the provisions of the national implementation legislation “which have been modelled upon the definitions and requirements of the convention, the direct financing of cluster munitions would be prohibited. The provision of funds directly contributing to the manufacture of these weapons would therefore become illegal.”⁷³
- Zambia has said it believes that the prohibition on assistance prohibits investment in the production of cluster munitions.⁷⁴

⁶¹ Chamber of Deputies, Luxembourg, “Projet de lois portant approbation de la Convention sur les armes à sous-munitions ouverte à la signature à Oslo, le 3 décembre 2008” (“Draft legislation approving the Convention on Cluster Munitions open for signature in Oslo, 3 December 2008”), No. 5981, Normal Session 2008–2009, 12 January 2009. Article 3 of this law contains a ban on investments: “All persons, businesses and corporate entities are prohibited from knowingly financing cluster munitions or explosive submunitions.”

⁶² Government of New Zealand, Cluster Munitions Prohibition Act 2009, Public Act 2009 No. 68, 17 December 2009, www.legislation.govt.nz.

⁶³ A motion of the German Green Party called for a realignment of financial markets, including a ban on investments in cluster munitions. Motion tabled by Members of the German Bundestag Dr. Gerhard Schick and Dr. Hermann Ott, and the Alliance 90/Greens parliamentary group, “Antrag: Finanzmärkte ökologisch, ethisch und sozial neu ausrichten” (“Realigning financial markets according to environmental, ethical and social criteria”), 24 February 2010.

⁶⁴ On 8 December 2009, the Dutch Parliament accepted a motion that prohibits investment in cluster munitions. However, on 31 March 2010, the Dutch Minister of Finance decided not to carry out the motion. See J.C. de Jager, Minister of Finance, and J.P.H. Donner, Minister of Social Affairs and Employment, “Government position on the motion regarding cluster munitions,” 31 March 2010, Reference: FM/2010/3898 M. In May 2010, the Ministry of Foreign Affairs provided an explanation for the refusal to implement the motion, saying that the convention applies only to States Parties and not to individuals or private institutions.

⁶⁵ The Swiss National Council passed a motion to prohibit financial support for the production of all banned weapons on 10 March 2010, and the Swiss Council of States approved the motion on 17 June 2010. Motion by Maury Pasquier, Member of Parliament, Switzerland, “Against the financing of prohibited weapons,” Council of States, No. 09.3618, 11 June 2009, www.parlament.ch.

⁶⁶ Response to Monitor questionnaire by the Ministry of Foreign Affairs, Colombia, 26 March 2010.

⁶⁷ Statement by Hubert Falco, “Élimination des armes à sous-munitions: Discussion d’un projet de loi adopté par le Sénat” (“Elimination of weapons munitions: Discussion of a bill passed by the Senate”), XIII Legislature, Extraordinary session of 2009–2010, 6 July 2010, www.assemblee-nationale.fr. See also, statements by Hubert Falco, Committee on National Defense and the Armed Forces, National Assembly, French Republic, “Compte rendu no. 37” (“Record no. 37”), Five pm Session, 22 June 2010, www.assemblee-nationale.fr.

⁶⁸ Letter No. 580/MRAC/2010 from the Permanent Mission of Guatemala to the UN in Geneva, 14 May 2010.

⁶⁹ Letter from Amb. Rajemison Rakotomaharo, Permanent Mission of Madagascar to the UN in Geneva, 2 April 2010.

⁷⁰ Statement by Maj. Dan Kuwali, Malawi Defence Force, “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.

⁷¹ Email from Mariella Grech, Counsellor, Global Issue Directorate, Ministry of Foreign Affairs, Malta, to Handicap International France, 26 April 2010.

⁷² Response to Monitor questionnaire by Maja Boskovic, Ministry of Foreign Affairs, Montenegro, 16 April 2010.

⁷³ Statement by Chris Bryant, UK House of Commons Debate, *Hansard*, (London: HMSO, 7 December 2009), Column 2WS, www.publications.parliament.uk.

⁷⁴ Statement by Sheila Mweemba, Director, Zambian Anti-Personnel Mine Action Centre, National Committee on Anti-Personnel Landmines Meeting, Lusaka, 11 September 2009. Notes by Zambia Campaign to Ban Landmines.



Mine Action

Global Contamination and Impact

As of 1 September 2010, at least 23 states and three other areas are believed to have cluster munition remnants on their territory.¹

Cluster munition remnants are defined in the Convention on Cluster Munitions as covering four types of hazard: unexploded submunitions, unexploded bomblets, failed cluster munitions, and abandoned cluster munitions.² The greatest threat to the civilian population typically comes from unexploded submunitions, primarily as a result of their sensitive fuzing, but also because of their shape, color, and metal content, which often attracts tampering, playing, or collection by boys and young men.

▲ Clearance in Southern Lebanon.

States and other areas contaminated with cluster munition remnants

Africa	Americas	Asia-Pacific	Europe-CIS	Middle East-North Africa
Angola	Argentina*	Afghanistan	Azerbaijan	Iraq
Chad		Cambodia	Bosnia and Herzegovina (BiH)	Lebanon
Democratic Republic of the Congo (DRC)		Lao PDR	Croatia	Syria
Republic of the Congo		Vietnam	Georgia (South Ossetia)	<i>Western Sahara</i>
Guinea-Bissau			Montenegro	
Mauritania			Russia	
Sudan			Serbia	
			Tajikistan	
			United Kingdom*	
			Kosovo	
			<i>Nagorno-Karabakh</i>	

Note: Other areas are indicated by italics

* Argentina and the UK both claim sovereignty over the Falkland Islands/Malvinas, which still contain areas with unexploded submunitions.

Two of these states, the Republic of the Congo and Guinea-Bissau, are believed to be contaminated from explosions at ammunition storage areas and not from use of cluster munitions during armed conflict.

In addition, at least 13 other states may also be contaminated or contain a small residual threat from unexploded submunitions including Colombia, Eritrea, Grenada, Iran, Israel, Kuwait, Libya, Malta, Mozambique, Saudi Arabia, and Yemen, as well as Chile and Jordan, which may have contamination from firing ranges.

¹ Argentina and the UK both claim jurisdiction over the Falkland Islands/Malvinas, which are affected by unexploded submunitions, but for the purposes of this accounting, only one state is included in the total.

² The term unexploded submunitions refers to 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 a fixed-wing aircraft dispenser but have failed to explode as intended. Failed cluster munitions are where cluster munitions are dropped or fired but a dispenser fails to disperse the submunitions as intended. The term abandoned cluster munitions refers to 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.

Albania and Zambia, both States Parties to the Convention on Cluster Munitions, declared that they had cleared all unexploded submunitions from their territory by November 2009 and May 2010, respectively.

Three other states where cluster munitions were used in the past—Ethiopia, Sierra Leone, and Uganda—are no longer believed to be contaminated, but the possibility is not excluded. Sierra Leone is a State Party and Uganda a signatory to the convention.

The region most affected by cluster munitions, by far, is Southeast Asia, followed by Europe. The extent of contamination across affected states varies significantly. The table below highlights those states and other areas with the greatest contamination from unexploded submunitions, based on the best available information as of mid-2010.

Extent of contamination from unexploded submunitions in most heavily affected states and other areas

State/area	Estimated extent of contamination (km ²)	No. of confirmed and suspected hazardous areas	Convention status
Lao PDR	No credible estimate, but massive	Not known	State Party
Vietnam	No credible estimate, but massive	Not known	Non-signatory
Iraq	No credible estimate, but very large	Not known	Signatory
Cambodia	No credible estimate, but very large	Not known	Non-signatory
<i>Nagorno-Karabakh</i>	94	255*	Not applicable
<i>Western Sahara</i>	28	178	Not applicable
Lebanon	23	Not reported	Signatory
Serbia	22.7	404	Non-signatory
Kosovo	Not quantified	60	Not applicable
Sudan	Not quantified	34	Non-signatory
Mauritania	6	1	Signatory
Croatia	4.3	19	State Party
BiH	2	18	State Party
Montenegro	0.25	Not reported	State Party

Note: Other areas are indicated by italics.

* HALO Trust's database does not distinguish between cluster munition remnants and other contamination, but almost all of the 255 sites contain unexploded submunitions.³

Mine Action Programs Addressing Unexploded Submunitions

Of the affected states and other areas, almost all had active mine action programs in 2009–2010.⁴ During the same period, however, there was actual clearance of unexploded submunitions or some form of survey (not necessarily nationwide) of cluster munition remnants known to take place in just 14 states and three other areas, as set out in the table below. Moreover, in many of these, clearance and survey activities related to unexploded submunitions were very limited.

A community-member identifies an unexploded submunition in Iraq.



© Sean Sutton/MAG, May 2010

³ Email from Andrew Moore, Caucasus and Balkans Desk Officer, HALO, 2 September 2010.

⁴ The exceptions were Montenegro, Russia (Chechnya), and Syria (Golan Heights), where there was minimal or no ongoing clearance of any explosive ordnance.

Clearance Obligations Under the Convention on Cluster Munitions

Each state is obliged to clear and destroy all unexploded submunitions located in areas under its jurisdiction or control as soon as possible, but not later than 10 years after becoming a party to the Convention on Cluster Munitions.⁵ If unable to complete clearance in time, a state may request an extension of the deadline for periods of up to five years.

Of the 40 states that had signed and ratified the convention as of 7 September 2010, BiH, Croatia, Lao PDR, Montenegro, and the UK (Falkland Islands/Malvinas) were believed to be affected by unexploded submunitions. Malta may have a small residual threat from unexploded submunitions left from World War II. The legal deadline for completing clearance for these states is 1 August 2020, except for the UK, which has a deadline of 1 November 2020, and BiH with a deadline of 1 March 2021.

In seeking to fulfill their clearance and destruction obligation, 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 cluster munition contaminated areas;
- take steps to mobilize the necessary resources (at the national and international levels); and
- develop a national plan, building upon existing structures, experiences, and methodologies.

In doing so, affected States Parties are required to “take into account international standards, including the International Mine Action Standards (IMAS).”⁶ Applicable IMAS are, in particular, the following:

- 08.10: General Mine Action Assessment;
- 08.20: Land Release;
- 08.21: Non-technical Survey;
- 08.22: Technical Survey; and
- 09.11: Battle Area Clearance.⁷

Reporting obligations under Article 7 of the Convention on Cluster Munitions are more extensive than those contained in the Mine Ban Treaty. Thus, it is not just necessary to report on the location of areas contaminated and cleared and the number of explosive items cleared, but also the following:

- estimated size of affected areas;
- size of areas cleared; and
- disaggregated clearance statistics for each type of unexploded submunition cleared and destroyed, with clarity as to the type and precise number of dispensers and explosive submunitions or explosive bomblets destroyed.

Mine action programs addressing unexploded submunitions in 2009 to June 2010

State/area	Survey	Clearance
Afghanistan	No	Yes
Albania	Yes	Yes
Angola	No	Yes
Azerbaijan	No	No
BiH	Yes	Yes
Cambodia	No	Yes
Chad	No	No
Croatia	No	Not known
DRC	No	Yes
Republic of the Congo	No	No
Georgia	Yes	Yes
Guinea-Bissau	No	Yes
Iraq	No	Not known
Lao PDR	Yes	Yes
Lebanon	Yes	Yes
Mauritania	No	No
Montenegro	No	No
Russia	Not known	Not known
Serbia	Yes	Yes
Sudan	No	Yes
Syria	No	Spot clearance only
Tajikistan	No	No
UK (Falkland Islands/Malvinas)	Yes	Yes
Vietnam	Yes	Yes
Zambia	Yes	Yes
Kosovo	Yes	Yes
Nagorno-Karabakh	Yes	Yes
Western Sahara	Yes	Yes

⁵ The convention stipulates that where a State Party is subsequently affected by new cluster munition remnants, the deadline is not later than 10 years after the end of the active hostilities during which cluster munitions became cluster munition remnants.

⁶ Convention on Cluster Munitions, Article 4, paragraph 3.

⁷ See www.mineactionstandards.org. A Technical Note for Mine Action based on lessons learned during the clearance of unexploded submunitions in Lebanon was being revised as of mid-2010.

As a good practice, cancellation of suspected hazardous areas (SHAs) by non-technical survey or release of part of confirmed hazardous areas by technical survey should also be carefully recorded and reported by states and demining operators. This includes situations where clearance and destruction of unexploded submunitions has been conducted only on the surface of the ground, making it clear whether and why sub-surface clearance will or will not subsequently be required. Care must be taken not to “double-report” land that is first cleared only on the surface and then sub-surface.

Release of Areas Affected by Unexploded Submunitions

Land release concept

If unexploded submunition contamination is to be addressed efficiently, national authorities will have to develop transparent systems to reduce SHAs to confirmed hazardous areas containing such remnants. As the IMAS on land release states, “On some occasions, land has been subjected to full clearance unnecessarily.”⁸ Any land that is not contaminated with unexploded submunitions or other explosive remnants of war (ERW), but is physically cleared represents inefficiency and a potentially huge waste of resources for a national clearance program.

In part, land release is a recognition that some surveys have led to excessive estimates of the size and number of SHAs. There is now a better understanding that an array of techniques other than full clearance can enable SHAs to be addressed efficiently and with a high degree of safety for both program personnel and the intended beneficiaries. These techniques include better information gathering and verification, and greater use of high-quality non-technical and technical survey.⁹

Care must be taken, however, when applying land release to ensure that certain basic principles are followed. In particular, any land confirmed to be contaminated with unexploded submunitions must be cleared to the standards of the Convention on Cluster Munitions, and the process of cancellation of SHAs by non-technical survey, and land release by technical survey (see Technical survey section below), must be accountable and follow applicable mine action standards.

Non-technical survey

Non-technical survey is defined by the relevant IMAS as survey which involves “collecting and analysing new and/or existing information about a hazardous area. Its purpose is to confirm whether there is evidence of a hazard or not, to identify the type and extent of hazards within any hazardous area and to define, as far as is possible, the perimeter of the actual hazardous areas without physical intervention. A non-technical survey does not normally involve the use of clearance or verification assets. Exceptions occur when assets are used for the sole purpose of providing access for non-technical survey teams. The results from a non-technical survey can replace any previous data relating to the survey of an area.”¹⁰

In 2009–2010, non-technical survey of SHAs suspected to contain unexploded submunitions was conducted in Lebanon, Serbia, Zambia, and Nagorno-Karabakh.

In Lebanon, the remaining area containing unexploded submunitions to be cleared at the end of 2009 was approximately 23km²,¹¹ a significant increase from the estimated 16km² remaining at the end of 2008 and despite clearance of 4.6km² in 2009. The increase is the result of re-surveying the contaminated areas, and the transmission of Israeli data on cluster munition strikes, which was finally provided in May 2009.¹² This data indicated 282 potential strike locations that had not previously been identified, of which 166 are north of, and the other 116 south of, the Litani river.¹³

In Serbia, two Norwegian People’s Aid (NPA) survey teams, each with two surveyors, started a general survey of areas affected by unexploded submunitions in November 2007. The first part of the project, completed in November 2008, covered all areas that had been targeted with cluster munition strikes and found 15 municipalities affected by SHAs totaling 30.7km².¹⁴ The second part of the survey, started in January 2009, focused on preparing clearance tasks but also identified a 16th municipality affected by unexploded submunitions. Of 6.7km² surveyed in 2009, 3km² was cancelled and released.¹⁵

⁸ UN Mine Action Service (UNMAS), “IMAS 08.20: Land release,” First Edition, New York, 10 June 2009, p. v, www.mineactionstandards.org.

⁹ In September 2009, the Geneva International Centre for Humanitarian Demining (GICHD) noted that land release principles are also applicable to battle areas, including areas affected by cluster munition remnants, but procedures tailored to battle areas would be elaborated in a separate IMAS. Telephone interview with Havard Bach, Head, Operational Methods Section, GICHD, 11 September 2009.

¹⁰ UNMAS, “IMAS 08.21: Non-Technical Survey,” First Edition, New York, June 2009, pp. 1–2, www.mineactionstandards.org.

¹¹ Interview with Maj. Charmen Rahal, Acting Chief, Regional Mine Action Center, Nabatiye, 3 June 2010.

¹² Interview with Brig.-Gen. Mohammed Fehmi, Director, Lebanon Mine Action Center, Beirut, 1 June 2010.

¹³ UN Security Council, “Eleventh report of the Secretary-General on the implementation of Security Council resolution 1701 (2006),” S/2009/566, New York, 2 November 2009, p. 11, www.reliefweb.int.

¹⁴ NPA, “Report on impact of unexploded cluster submunitions in Serbia,” Belgrade, January 2009, pp. 9, 69.

¹⁵ Interview with Petar Mihajlović, Director, and Sladjana Košutić, International Cooperation Advisor, Serbian Mine Action Centre, Belgrade, 26 April 2010.

At the request of the government of Zambia, between August 2008 and June 2009 NPA surveyed seven of its nine provinces—Eastern, Southern, Lusaka, Western, North-Western, Central, and Luapula.¹⁶ The survey confirmed two hazardous areas containing unexploded submunitions.¹⁷ Both areas were subsequently cleared.

In Nagorno-Karabakh, HALO initially conducted emergency surface clearance of unexploded submunitions. By 2008, HALO concluded there was also a significant sub-surface threat and they subsequently began a re-survey of cluster munition strikes. The result of the survey was an increase of area from 85km² to 94km² in need of clearance between 2008 and 2009. Sub-surface clearance has consistently resulted in clearing more area than originally estimated to be contaminated, and new surveys of previously unknown cluster munition strikes have added to the total SHA.¹⁸

Technical survey

IMAS defines technical survey as “a detailed intervention with clearance or verification assets into a CHA [confirmed hazardous area], or part of a CHA. It should confirm the presence of mines/ERW leading to the definition of one or more DHA [defined hazardous area] and may indicate the absence of mines/ERW which could allow land to be released when combined with other evidence.”¹⁹

In 2009–2010, technical survey of areas suspected or confirmed to contain unexploded submunitions was conducted in Georgia and Lao PDR.

In 2009 in Lao PDR, UXO Lao released 3.87km² through technical survey, and the Swiss Foundation for Mine Action released 0.08km² for a total of 3.95km², compared with 2.74km² the previous year.²⁰ UXO Lao noted technical survey is “gaining widespread acceptance” and hoped to increase the number of teams conducting technical survey, but also observed that this depended on further training and capacity development.²¹

In Georgia, NPA conducted an underwater survey of Poti harbor on 3–24 January 2010. The survey, which covered 10,700m² of seabed, found a number of unfired projectiles located along the piers, which are believed to have fallen from sunken vessels, but did not find any unexploded submunitions.²²

Clearance and destruction

Reporting by states and operators on clearance of unexploded submunitions is incomplete and of varying quality. Based on this reporting, as well as information gathered in concerned programs, Landmine and Cluster Munition Monitor has calculated that clearance in 2009 covered at least 38km² of affected land, with the destruction of 55,156 submunitions in 14 states and three other areas.

There are currently no specific international standards for the clearance of unexploded submunitions. Thus, the decision whether in certain instances to clear only the surface of an affected area (either through visual search or with the assistance of a detector), or whether to seek to clear land to a specific depth, remains the subject of debate at national level. According to the IMAS, “Different depths of clearance may be specified for different areas depending on an assessment of hazard and future land use.”²³



Destroying munitions in Iraq.

© Sean Sutton/MAG, May 2010

¹⁶ Government of Zambia/UNDP, “Terms of Reference, Landmine and ERW Survey in Zambia,” Lusaka, 16 August 2007, p. 2; Zambia Article 7 Report, Form J, 3 April 2009; and statement of Zambia, Second Review Conference, Cartagena, 4 December 2009.

¹⁷ NPA, “Landmine and other ERW Survey in Zambia, Final Report,” 30 September 2009, p. 5.

¹⁸ Email from Andrew Moore, HALO, 28 April 2010.

¹⁹ UNMAS, “IMAS 08.20: Land release,” First Edition, New York, June 2009, p. 2, www.mineactionstandards.org.

²⁰ National Regulatory Authority, “UXO Sector Annual Report 2009,” Vientiane, undated but 2010, p. 5.

²¹ Interview with John Dingley, Senior Technical Advisor, UXO Lao, Vientiane, 6 May 2010; and UXO Lao, “Annual Report 2009,” Vientiane, undated but 2010, p. 4.

²² NPA, “Poti Harbour Survey Technical Report, 3rd to 24th of January 2009,” p. 5.

²³ UNMAS, “IMAS 09.11: Battle Area Clearance,” First Edition, New York, 1 September 2007, p. 3, www.mineactionstandards.org.

Clearance of cluster munition remnants in 2009

State/area	Cluster munition contaminated area cleared (km ²)	No. of submunitions destroyed	Types of cluster munition remnant destroyed
Afghanistan	0.67	2,607*	Abandoned cluster munitions and unexploded submunitions
Albania	0.28	327	Unexploded submunitions
BiH	N/R	267	Unexploded submunitions
Cambodia	N/R	N/R**	Unexploded submunitions
DRC	N/R	15	Unexploded submunitions
Georgia	31.8	2,132	Unexploded submunitions
Guinea-Bissau	N/R	73	Abandoned cluster munitions and unexploded submunitions
Lao PDR	N/R***	40,499	Unexploded submunitions
Lebanon	3.90	3,964	Unexploded submunitions
Serbia	0.53	4	Unexploded submunitions
Sudan	N/R	N/R	Unexploded submunitions
UK (Falkland Islands/Malvinas)	N/R	1	Unexploded submunitions
Vietnam	3.04*	3,831*	Unexploded submunitions
Zambia	0.10	18	Unexploded submunitions
Kosovo	0.25	82	Unexploded submunitions
<i>Nagorno-Karabakh</i>	N/R***	N/R***	Unexploded submunitions
<i>Western Sahara</i>	0.95	1,336	Unexploded submunitions
Total	41.52	55,156	

Note: Other areas are indicated by italics.

N/R=not reported

** Reporting is known to be incomplete.*

*** Mines Advisory Group has reported that in northeastern Stueng Traeng province, where they have one battle area clearance (BAC) team operating, submunitions typically account for 80% of the ERW they clear.*

**** Clearance is not disaggregated from other BAC/disposal of ERW.*

In only a few situations were specially dedicated teams focusing on the clearance of unexploded submunitions in 2009. In Albania, DanChurchAid (DCA) deployed two BAC teams during the year, each team consisting of one team leader, one deputy team leader, two medics, and eight deminers.²⁴ In Georgia, NPA operated two teams with 10 BAC personnel equipped with detectors; a third team was added in 2010.²⁵ In Lebanon, several of the major demining operators have BAC teams specifically focused on the clearance of unexploded submunitions, including the Lebanese armed forces, DCA, Mines Advisory Group, and NPA. Funding constraints led to three other clearance operators leaving the country in 2009. In Serbia, three demining organizations with a total of 66 clearance personnel worked on clearance of unexploded submunitions in 2009.

In Kosovo, HALO had one BAC team of 20 clearance personnel who cleared 0.25km² of cluster munition contaminated areas in Berisha and Vrelo.²⁶ In Western Sahara, Landmine Action used three BAC teams of six clearance personnel each, including a total of three women.²⁷

²⁴ Email from Anthony Connell, Programme Manager, DCA, 25 March 2010.

²⁵ Interview with Jonathon Guthrie, former Programme Manager, NPA, in Tyre, Lebanon, 12 August 2010.

²⁶ Email from Andrew Moore, HALO, 7 May 2010; and EOD Coordination Team Mine Action Centre, "Annual Report 1 January – 31 December 2009," Kosovo Protection Force Force Advisory Office, Pristina, 5 January 2010, p. 5.

²⁷ Email from Penelope Caswell, Field Programme and GIS Manager, Landmine Action, 15 February 2010.



Casualties and Victim Assistance

Introduction

At least 27 states and three other areas that have been affected by cluster munitions have reported cluster munition casualties.¹ There may have been casualties in other affected states as well.² In addition, there have been both military and civilian cluster munition casualties from countries that are not themselves affected.³

▲ Survivors in Vietnam make hats to be sold wholesale for distribution.

Affected states with cluster munition casualties

Africa	Asia-Pacific	Europe-CIS	Middle East-North Africa
Angola	Afghanistan	Albania	Iraq
Chad	Cambodia	Bosnia and Herzegovina (BiH)	Israel
Democratic Republic of the Congo (DRC)	Lao PDR	Croatia	Kuwait
Eritrea	Vietnam	Georgia	Lebanon
Ethiopia		Montenegro	Syria
Guinea-Bissau		Russia	<i>Western Sahara</i>
Mozambique		Serbia	
Sierra Leone		Tajikistan	
Sudan		<i>Kosovo</i>	
Uganda		<i>Nagorno-Karabakh</i>	

Note: Other areas are indicated by italics.

Of the 27 states with cluster munition victims, as of 10 September 2010 six were States Parties to the Convention on Cluster Munitions (Albania, BiH, Croatia, Lao PDR, Montenegro, and Sierra Leone) and nine were signatories (Afghanistan, Angola, Chad, DRC, Guinea-Bissau, Iraq, Lebanon, Mozambique, and Uganda).

According to the Convention on Cluster Munitions, 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. Cluster munition victims include those persons directly impacted by cluster munitions as well as their affected families and communities.

¹ Some of these states are no longer believed to be affected by unexploded submunitions, including Albania, Ethiopia, Sierra Leone, and Uganda, and others are believed to have at most a small residual problem, including Eritrea, Israel, Kuwait, and Mozambique. Cluster munition casualties have been reported in Angola, Chad, Guinea-Bissau, and Mozambique, but no definite numbers were available.

² There was a credible, but as yet unconfirmed, report of a cluster munition strike in Yemen in December 2009 that caused 55 casualties. It is possible that there are also cluster munition casualties that have gone unrecorded in other countries in which cluster munitions were used in the past. Such states and areas would include: Azerbaijan, Colombia, Grenada, Iran, Libya, Mauritania, Saudi Arabia, and Zambia, as well as the Falkland Islands/Malvinas.

³ Although not systematically differentiated, included in casualty figures for affected states are foreign casualties, some of which are from states that are not affected by cluster munitions. For example, in 1991 in Iraq, at least 80 US casualties were attributed to unexploded submunitions, as were several British peacekeeper casualties in Kosovo in 1999. Unexploded submunition casualties during clearance in Lebanon included Belgian, Bosnian, and British citizens, and a significant number of other foreign workers were reportedly not included in casualty databases. Civilian casualties during cluster munition strikes in Croatia in 1995 included citizens of Poland and Romania as well as BiH and Russia. A Dutch cameraman was killed during a cluster munition strike in Georgia in 2008. For more information, see *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: Handicap International, May 2007), pp. 65, 107, 121; *Fatal Footprint: The Global Human Impact of Cluster Munitions* (Brussels: Handicap International, November 2006), p. 25; and *A dying practice: use of cluster munitions by Georgia and Russia in August 2008*, (New York: Human Rights Watch, April 2009), p. 2.

The Convention on Cluster Munitions requires States Parties with victims to implement victim assistance activities, including:

- collecting data on people directly affected by cluster munitions, their families, and communities and assess their needs;
- designating a responsible focal point in government;
- developing a national plan, budget, and timeframe for implementation;
- providing adequate assistance, including medical care, rehabilitation and psychological support, as well as providing for social and economic inclusion;
- enforcing non-discrimination and including survivors; and,
- reporting on all aspects of implementation.

Victim assistance is not a new concept for cluster munition affected states. Twenty of the 27 states with cluster munition victims are party to the Mine Ban Treaty, and are responsible for providing assistance to landmine survivors. Most of these states have already received support in developing victim assistance programs through the mechanisms of the Mine Ban Treaty.⁴

Of the seven states not party to the Mine Ban Treaty, all have either ongoing mine action programs which include victim assistance, support linked to other government programs, or long-standing non-governmental assistance projects.⁵

Compliance with victim assistance measures included in the Convention on Cluster Munitions is compulsory. States Parties are required to report on the status and progress of implementation of all victim assistance obligations, unlike the voluntary reporting in the Mine Ban Treaty and Convention on Conventional Weapons (CCW).⁶

States Parties Albania, Croatia, Lao PDR, Montenegro, and Sierra Leone will be required to submit their initial transparency report by 27 January 2011. For Lao PDR, which is not party to the Mine Ban Treaty or relevant CCW protocols, this will be a first opportunity to present the status of its victim assistance activities, including data collection.

© Mary Wareham/HRW, November 2009



An Afghan survivor participates in a regional meeting on the convention in Bali, Indonesia.

Cluster Munition Casualties

There are no comprehensive, reliable statistics on cluster munition casualties. It is certain that to date, there has been massive underreporting of casualties—military and civilian—both at the time of attack and those incurred from unexploded submunitions afterwards. When casualties have been reported, there often has been no distinction between the number of people killed and the number injured, making it difficult to assess the extent of the victim assistance challenge.

According to the information available to Landmine and Cluster Munition Monitor for 2009, none of the affected states were able to report or even estimate the total number of cluster munition survivors still living on their territory, with the exception of Albania.

There have been at least 16,816 cluster munition casualties confirmed globally in total, through the end of 2009. Of this total, the vast majority (14,719) were caused by unexploded submunitions that failed to detonate during attacks. The other 2,097 casualties occurred during cluster munition attacks.⁷

The estimated totals of cluster munition casualties are far greater than the confirmed totals, and while possibly inflated for some countries, the estimated totals are likely a better indicator of the true numbers. The estimated global total of cluster munition casualties is between 58,000 and 85,000.⁸

⁴ The 20 States Parties to the Mine Ban Treaty are: Afghanistan, Albania, Angola, BiH, Cambodia, Chad, DRC, Croatia, Eritrea, Ethiopia, Guinea-Bissau, Iraq, Kuwait, Montenegro, Mozambique, Serbia, Sierra Leone, Sudan, Tajikistan, and Uganda. All except Kuwait, Montenegro, and Sierra Leone self-identified as part of the “VA26 group” with significant numbers of mine survivors, and with “the greatest responsibility to act, but also the greatest needs and expectations for assistance.”

⁵ These include Georgia, Israel, Lao PDR, Lebanon, Russia, Syria, and Vietnam.

⁶ In comparison to this compulsory reporting mechanism, for 2009 only five of the 20 Mine Ban Treaty States Parties with cluster munition casualties submitted voluntary transparency reporting on victim assistance with some level of detail. Another four submitted very basic information, and eight that submitted general reports included no victim assistance information. Three did not submit a required transparency report at all.

⁷ See Landmine and Cluster Munition Monitor Country Profiles, www.the-monitor.org.

⁸ Vietnam, Iraq, and Afghanistan all estimate their national casualties in the many thousands and several other countries have estimates much higher than the confirmed number of casualties. See Landmine and Cluster Munition Monitor Country Profiles, www.the-monitor.org; and *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: Handicap International, May 2007).

Casualty totals in countries and other areas, by region

Region	Unexploded submunition casualties	Casualties during use of cluster munitions	Total
Asia-Pacific	10,506	26	10,532
Middle East-North Africa	3,507	417	3,924
Europe-CIS	391	1,175	1,566
Africa	315	479	794
Total	14,719	2,097	16,816

Countries with largest totals of confirmed casualties

State	Unexploded submunition casualties	Casualties during use of cluster munitions	Total
Lao PDR*	7,538	N/A	7,538
Iraq*	2,606	388	2,994
Vietnam	2,100	N/A	2,100
Afghanistan*	743	26	769
Lebanon*	690	16	706
Total	13,677	430	14,107

*=signed or ratified the Convention on Cluster Munitions

N/A=not available

The last confirmed casualties during cluster munition strikes occurred in Georgia in 2008 with 13 civilians killed and 48 injured.⁹ However, there was a credible but as yet unconfirmed report of a US cluster munition strike in Yemen in December 2009 that killed 55 people, including 41 civilians, of which 14 were women and 21 were children.¹⁰

Previous research has shown that almost all known cluster munition casualties were civilians, the majority male, and a significant proportion were children at the time of the incident.¹¹

While the lack of data on cluster munition casualties is remarkable, even less is known about the number and needs of affected families and communities. The needs are clearly extensive but the means of measuring them remains largely undefined.

Unexploded submunition casualties in 2009

Casualties caused by unexploded submunitions were reported in at least nine countries and one area in 2009. The limited information available indicated at least 100 casualties, including 64 people injured, 22 killed, and 14 unknown. It is likely that more casualties occurred.

States with reported unexploded submunition casualties in 2009

State/Area	Casualties	Convention on Cluster Munitions Status
Afghanistan	3	Signatory
BiH	3	State Party
Cambodia	10	State not party
DRC	10	Signatory
Iraq	1	Signatory
Lao PDR	33	State Party
Lebanon	17	Signatory
Sudan	14	State not party
Vietnam	7	State not party
Kosovo	2	Not applicable
Total	100	

⁹ *A dying practice: use of cluster munitions by Georgia and Russia in August 2008* (New York: Human Rights Watch, April 2009), pp. 40, 57. Russian cluster munition strikes on populated areas killed 12 civilians and injured 46 and Georgian cluster munitions killed at least one civilian and injured at least two more when they landed on or near the towns of Tirdznisi and Shindisi.

¹⁰ Amnesty International, "Images of missile and cluster munitions point to US role in fatal attack in Yemen," 7 June 2010, www.amnesty.org.

¹¹ See *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: Handicap International, May 2007).

Victim Assistance

Assessing the needs

Two key victim assistance provisions of the Convention on Cluster Munitions are to make “every effort to collect reliable relevant data with respect to cluster munition victims” and to “[a]ssess the needs of cluster munition victims.” At the time of entry into force of the convention on 1 August 2010, Lao PDR and Lebanon had made serious efforts to collect information on cluster munition casualties and continued to do so. A small number of other States Parties and signatories had taken limited steps.¹²

- Lao PDR: The Lao National UXO Accidents and Victim Survey Phase 1, a nationwide casualty survey recording retrospective data completed in 2008, was a significant advance in data collection on cluster munition casualties. The survey found that some 15% (7,500) of over 50,000 casualties recorded since 1964 were caused by unexploded submunitions. Phase 2 of the survey began in 2010 to collect information for the period from 2008 forward.¹³
- Lebanon: In 2009, the Lebanon Mine Action Center collected detailed information on the needs of survivors injured between July 2006 and the end of 2009, as part of an ongoing casualty data verification process. The needs of survivors injured prior to July 2006 were being assessed in the second phase of the verification, underway in 2010.
- Albania: Casualties from unexploded submunitions are included in an existing database and all known survivors are included in the victim assistance program’s ongoing monitoring.
- Bosnia and Herzegovina: BiH undertook a national casualty data revision and needs assessment in 2008–2009. However, cluster munitions/unexploded submunitions were not included as a device type in the questionnaire and the data was found to be unreliable for program implementation with significant underreporting of casualties.
- Croatia: A casualty database contains limited information on unexploded submunition casualties, but since 2003, casualties from areas other than those affected by landmines have not been recorded in the system. In 2009, Croatia committed to unifying existing data on mine/ERW casualties and other war victims for use in needs assessment and service implementation, albeit limited to known mine hazard areas.
- Mozambique: Mozambique carried out a pilot survey of survivor needs in Maputo province with results to be used to plan victim assistance activities and mobilize national and international support, but cluster munition casualties were not differentiated from casualties of other device types.

Government focal point for victim assistance

States Parties with cluster munition casualties must designate a focal point within the government with responsibility for coordinating implementation of victim assistance provisions of the convention. Of the states with known cluster munition victims, several had an existing national focal point for victim assistance. Some are ministries¹⁴ and others mine action centers.¹⁵ A number of countries, such as Croatia and Mozambique, also had separate disability focal points which could be designated as Convention on Cluster Munitions victim assistance focal points, with a view to sustainability, creating synergies, and avoiding overlap.

National plan and budget

Among the six States Parties with victim assistance responsibilities, BiH had an ongoing multiyear plan relevant to victim assistance, Croatia and Lao PDR were reported to be developing victim assistance plans in 2010, and Albania was reportedly working from its 2005–2009 plan in anticipation of a new five-year plan.

Signatories Afghanistan and Uganda had ongoing multiyear plans as of 1 August 2010, while Chad, DRC, and Iraq were reported to be developing plans.

Non-signatories Cambodia and Sudan had ongoing multiyear plans, and Tajikistan continued to use its National Victim Assistance Plan of Action 2005–2009, which had been revised and updated in November 2008.

Existing national disability, development and human rights frameworks

In 2009, there were several examples of national frameworks that victim assistance plans and budgets could be incorporated into, as urged for by the Convention on Cluster Munitions.

¹² See Landmine and Cluster Munition Monitor Country Profiles, www.the-monitor.org. Croatia also collected significant information on casualties in Zagreb in 1995. See Ministry of Health, Crisis Staff Healthcare Department for Information Research, “Report on Civilian Victims in the Attack on Zagreb (02 and 03 May),” undated.

¹³ National Regulatory Authority (NRA), “The Unexploded Ordnance (UXO) Problem and Operational Progress in the Lao PDR Official Figures,” 2 June 2010; and NRA, “National Survey of UXO Victims and Accidents Phase 1,” Vientiane, February 2010, p. 39.

¹⁴ Including signatories Afghanistan, DRC, Mozambique, and Uganda, and non-signatories Cambodia, Eritrea, Ethiopia, Georgia, and Serbia.

¹⁵ Including States Parties Albania, Croatia, and Lao PDR, signatories BiH, Chad, Iraq, Lebanon, and Mozambique; and non-signatories Tajikistan and Sudan, which had both a mine action center and ministry focal point.

- The Albanian national Mine Action Plan aimed to make victim assistance sustainable by including it in the implementation of the National Strategy on People with Disabilities. It also included victim assistance in regional development initiatives.
- Croatia had a National Strategy of Equalization of Possibilities for Persons with Disabilities 2007–2015, but victim assistance was not yet included. In 2009, the Croatian office of the Ombudsperson for Persons with Disabilities became fully functional, offering a possibility for ensuring victim assistance rights through the disability and human rights framework.

Several non-signatories also had frameworks into which victim assistance could be integrated. For example in late 2009, disability issues were included in a draft update of the Cambodian National Strategic Development Plan for 2009–2013. Eritrea included victim assistance in its extensive national Community-Based Rehabilitation Program and accompanying monitoring system with ministerial cooperation in the UN development framework. In Georgia a three-year plan for social integration of persons with disabilities was adopted in December 2009. In Vietnam, a National Coordination Committee on Disabilities was responsible for the implementation of the National Action Plan for Supporting People with Disabilities (2006–2010).

Survivor inclusion

In fulfilling all victim assistance obligations, the convention calls upon States Parties to “closely consult with and actively involve cluster munition victims and their representative organisations.” Among the states with cluster munition survivors, 14 had already consulted mine/ERW survivors and/or their representatives in planning and coordination to some extent. Survivors were also involved in the implementation of services, generally through NGOs and most often in peer support and social inclusion initiatives.¹⁶

Adequacy of assistance

The Convention on Cluster Munitions requires that states “adequately provide” victim assistance. To fulfill this legal obligation, each State Party should determine what would be “adequate” in its national circumstances for each key aspect of victim assistance, including medical care, rehabilitation and psychological support, social and economic inclusion, and other relevant services.



© Eichen Sambu, 1 August 2010

A march through the streets of Bissau celebrates the convention's entry into force in Guinea-Bissau.

Implementation of victim assistance in 2009: key indicators and challenges

In 2009, nearly all states and areas with cluster munition victims faced significant challenges providing holistic and accessible care to affected individuals, families, and communities. While the particular challenges varied, common challenges included a lack of economic inclusion and psychosocial support as well as insufficient availability or access to services for survivors based in rural areas. In nearly all cases, services targeted survivors themselves and not their families or affected communities, though in 2009, one economic inclusion program in Albania was broadened to include family members of survivors. Among states that had signed or ratified the convention, at least seven struggled to provide services across all key areas of victim assistance.¹⁷ Below are some of the challenges and achievements in provision of services in states and other areas with cluster munition victims, as of the end of 2009.¹⁸

The Convention on Cluster Munitions stipulates that affected states should make efforts 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.” The extent to which states with cluster munition victims are making these efforts is not known.

¹⁶ This includes States Parties Albania, BiH, and Lao PDR, signatories Afghanistan, Lebanon, Mozambique, and Uganda, and non-signatories Cambodia, Sudan, Syria, Tajikistan, and Vietnam.

¹⁷ These include Afghanistan, Chad, DRC, Iraq, Lao PDR, Mozambique, and Uganda. All are countries in conflict or emerging from conflict and with low levels of economic development.

¹⁸ Information for Kuwait, Montenegro, and Sierra Leone is based on pre-2009 reporting.

Victim assistance challenges and achievements

States Parties

State	Victim assistance implementation
Albania	Physical rehabilitation adequate in affected areas; support provided by government and a local NGO; families of survivors are part of economic inclusion
BiH	Discrimination in access to services between civilian and military survivors; lack of psychosocial and economic inclusion
Croatia	Need for a more integrated approach; psychosocial support insufficient
Lao PDR	Available services are not able to meet demand in all aspects of assistance
Montenegro	Insufficient primary health care; limited economic inclusion
Sierra Leone	Limited access to victim assistance services of any kind

Signatories

State	Victim assistance implementation
Afghanistan	Insufficient emergency medical capacity, but efforts being made; additional physical rehabilitation centers needed; biggest gap is economic inclusion
Angola	Lack of transport and poor infrastructure make access difficult; improved healthcare, but a decline in physical rehabilitation since 2005; insufficient psychosocial support and economic inclusion
Chad	Few services of any kind available and limited access to these because of security situation; dependence on international providers
DRC	Very few survivors receive any services
Guinea-Bissau	Almost no victim assistance services of any kind, including no free or at-cost prosthetic services
Iraq	Limited access to victim assistance services of any kind, particularly in southern and central Iraq; most rehabilitation centers in the north provide holistic care
Lebanon	Survivors mostly have their basic needs met across all service areas, including psychosocial support, mostly through national NGOs
Mozambique	Most survivors in rural areas have little access to services of any kind; some access to medical care and physical rehabilitation in provincial capitals; little to no psychosocial or economic inclusion
Uganda	Limited availability of all services, but particularly for survivors in western Uganda; increases in availability of psychosocial support and economic inclusion with some increased government funding in this area and growth of survivor organizations

Non-signatories

State	Victim assistance implementation
Cambodia	Many survivors do not have basic needs met in any area; physical rehabilitation not sustainable; psychosocial and economic inclusion postponed
Eritrea	Services are available and efforts are being made to provide assistance across all components of victim assistance, but are not sufficient to meet demand
Ethiopia	Lack of available services in all areas; psychosocial support and economic inclusion are the biggest gaps
Georgia	Lack of psychosocial support and social reintegration; economic inclusion is limited
Israel	Medical, physical rehabilitation, and socio-economic inclusion costs are all covered
Kuwait	Service are good and mostly provided free of charge for nationals, but non-nationals (often poor guest workers) have limited access
Russia	In Chechnya, rehabilitation services are generally adequate and improving; economic inclusion is limited and specific victim assistance through NGOs is decreasing

Serbia	Medical and physical rehabilitation services exist, but with problems of quality and accessibility; little to no psychosocial support or economic inclusion
Sudan	Availability of all services is limited and access is impeded by the security situation; psychosocial support is the biggest gap, but there has been some increased focus to improve adequacy; there are some economic inclusion programs, but not enough to meet all needs; fewer services exist in Southern Sudan
Syria	Focus on improving medical care and physical rehabilitation; no psychological support; economic inclusion activities are very limited
Tajikistan	Availability of medical and physical rehabilitation is improving, but the need for more holistic assistance is recognized; more economic inclusion services are needed
Vietnam	Reasonable access to healthcare, rehabilitation and vocational training, but less access to psychosocial support; access to services is limited in rural areas

Other areas

Area	Victim assistance implementation
Kosovo	Lack of adequate health care and rehabilitation; fewer services available in psychosocial or economic inclusion
Nagorno-Karabakh	Services are generally available, but limited by financial constraints; psychosocial support and economic inclusion are limited
Western Sahara	All services lack adequate availability; there is some limited health care and rehabilitation through refugee camps; total absence of psychological support or economic inclusion

National and International Laws

Most states with responsibility for cluster munition survivors have taken steps to develop, implement, and enforce national laws and policies relevant to persons with disabilities. However, overall implementation and enforcement has been inadequate, and far below ensuring “the full realisation of the rights of all cluster munition victims,” as called for in the convention.

States Parties to the Convention on Cluster Munitions commit to adequately providing assistance to people directly affected by cluster munitions, their families, and communities in accordance with applicable international humanitarian and human rights law. Applicable international law could include the Mine Ban Treaty, the CCW, the UN Convention on the Rights of Persons with Disabilities, the UN Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, and more.

Adherence to the principle of non-discrimination

The convention says that States Parties shall not discriminate against or among cluster munition victims, or between cluster munition victims and those who have become disabled from other causes. Only a few of the countries that have cluster munitions victims have reported on their adherence to this principle of non-discrimination. Lao PDR reported that there was no discrimination based on gender, ethnicity, type of disability, or civilian/military status. In contrast, there was clear discrimination in BiH, as disabled war veterans were given a privileged status above that of civilian war survivors and other persons with disabilities. Women and the elderly in Afghanistan were subject to discrimination that prevented them from fully accessing available services. In most countries where discrimination was reported, it was due to preferential treatment for veterans, or against particular gender, age or regional groups, rather than differences in treatment between persons with disabilities based on cause of disability or the type of weapon that caused injury.



Support for Mine Action

In order to meet their obligations under the Convention on Cluster Munitions, States Parties can request assistance from the international community to support stockpile destruction, clearance, risk education, and victim assistance activities. States Parties in a position to do so are obligated to provide such assistance.

In 2009, cluster munition-specific donor contributions were focused on activities promoting the universalization of the Convention on Cluster Munitions and on clearing cluster munition remnants in Lao PDR, Lebanon, and Vietnam, three of the most affected countries. Two donors contributed to stockpile destruction in Moldova, and numerous states spent funds destroying their own stocks of cluster munitions.

In March 2010, the government of Lao PDR, with UNDP support, established the Cluster Munitions Trust Fund for Lao PDR to support the First Meeting of States Parties and the implementation of the Convention on Cluster Munitions in Lao PDR.¹

Contributions to other affected countries were made through general mine action funding, not through cluster munition-specific contributions. In most countries and areas, unexploded submunition clearance occurred as part of mine clearance, explosive ordnance disposal (EOD), and battle area clearance (BAC).²

Several donors have stated that clearance of unexploded submunitions is included in their support for mine clearance in states with mine, explosive remnants of war (ERW), and cluster munition contamination.

Switzerland and Germany noted they follow a holistic approach in their mine action strategies and do not differentiate between action on mines, ERW and cluster munitions; unexploded submunitions found during clearance operations are destroyed.³ Germany said the same holistic approach applies to victim assistance.⁴

At the Special Session on Assistance and Cooperation at the Mine Ban Treaty intersessional Standing Committee meetings in June 2010, Canada called on states to ensure that funding is “consistent, synergistic and mutually reinforcing,” to minimize overlap and maximize the impact of contributions in support of the implementation of both the Mine Ban Treaty and the Convention on Cluster Munitions.⁵

Norway planned to support the Convention on Cluster Munitions under its humanitarian disarmament budget, the same channel it uses to support the Mine Ban Treaty.⁶

Japan stated it intended to support the clearance of cluster munitions and victim assistance through partnerships and post-conflict peacebuilding.⁷

▲ South African campaigners ride a ‘ban bus’ around Johannesburg to celebrate the entry into force of the Convention on Cluster Munitions.

¹ UN, “Working for Lao PDR,” Issue 1/2010, Vientiane, July 2010, www.unlao.org, p. 2. In addition to helping Lao PDR host the First Meeting of States Parties, the fund can also be used for clearance, risk education, and victim assistance activities, thereby helping the Lao government meet its obligations under the convention. The formal name is the UNDP Trust Fund for Support to the Full Implementation of the Convention on Cluster Munitions in the Lao PDR within the Framework of the Vientiane Declaration on Aid Effectiveness. UNDP, “First States Parties Meeting launched together with the Cluster Munitions Trust Fund,” Press release, 7 July 2010, www.undplao.org.

² Responses to Monitor questionnaire from 21 governments and the European Commission on contributions in 2009 in support of the Mine Ban Treaty and clearing unexploded submunitions.

³ Response to Monitor questionnaire by Ira Amin, Intern, Multilateral Peace Policy Section, Directorate of Political Affairs, Political Affairs Division IV, Human Security, Federal Department of Foreign Affairs, 20 April 2010; and email from Klaus Koppetsch, Desk Officer, Mine Action Task Force for Humanitarian Aid, Federal Foreign Office, 8 April 2010.

⁴ Email from Klaus Koppetsch, Federal Foreign Office, 8 April 2010.

⁵ Statement of Canada, Special Session on Cooperation and Assistance, intersessional Standing Committee meetings, Geneva, 25 June 2010.

⁶ Statement of Norway, “Towards the Entry into Force, and the First Meeting of States Parties,” Session VI, Regional Conference on the Promotion of Universalization of the Convention on Cluster Munitions, Bali, 17 November 2009.

⁷ See statement of Japan in: Indonesia Department of Foreign Affairs and Geneva International Centre for Humanitarian Demining, “Regional Conference on the Promotion of Universalization of the Convention on Cluster Munitions, Bali, Indonesia, 16–17 November 2009,” pp. 31–33, 16–17 November 2009, www.bali-ccm-conference.org.

Contributions

In 2009, no national contributions from affected states specifically for projects to reduce the threat of unexploded submunitions were reported.

Many states funded efforts aimed at the promotion of universalization of the Convention on Cluster Munitions, but most did not report specific amounts.

Likewise, numerous states spent funds to begin, continue, or complete destruction of their stockpiles of cluster munitions, but few reported specific amounts. Those that reported completion of destruction in 2009 and 2010 included Belgium, Colombia, Moldova, Norway, Portugal, and Spain. Those with destruction actively underway included Austria, Germany, Montenegro, Netherlands, and the United Kingdom.

There were several instances where cluster munition stockpiles were destroyed as part of broader conventional weapons destruction and post-conflict stabilization programs supported by donors and implemented by NGO and commercial companies. These include Afghanistan, Angola, Republic of the Congo, Iraq, and Montenegro.⁸



Awareness-raising event in France, with a shoe pile symbolizing the lives lost to cluster munitions.

Australia announced in June 2010 a contribution of US\$578,671 to the Cluster Munitions Trust Fund for Lao PDR. UNDP later reported a larger contribution to the Fund from Australia (see below). Australia also stated that its A\$100 million (\$79,270,000) commitment to mine action from 2010–2014, announced at the Second Review Conference of the Mine Ban Treaty in December 2009, includes funds to address the problem of cluster munitions.⁹

Canada contributed C\$200,000 (\$175,254) for advocacy in support of the universalization of the Convention on Cluster Munitions.¹⁰ Canada has contributed \$90,000 to the Cluster Munitions Trust Fund for Lao PDR, according to UNDP.¹¹

France announced in June 2010 a contribution of €50,000 (\$61,115) to the Cluster Munitions Trust Fund for Lao PDR.¹²

Germany contributed €2,059,937 (\$2,870,522) in 2009 to co-finance the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in Bali, Indonesia and the Berlin Conference on the Destruction of Cluster Munitions, as well as clearance in Lao PDR, and clearance and victim assistance in Vietnam.¹³

Ireland announced in June 2010 a contribution of \$500,000 to the Cluster Munitions Trust Fund for Lao PDR.¹⁴ UNDP later reported a larger contribution to the Fund from Ireland (see below). Ireland assumed its funding for mine clearance would also be used to clear unexploded submunitions in Lao PDR.¹⁵

Norway contributed NOK56,144,544 (\$8,924,737) in 2009 in support of the universalization of the Convention on Cluster Munitions, clearance in Lao PDR and Lebanon, clearance and victim assistance in Vietnam, and support to UNDP and the CMC for activities related to the convention.¹⁶ Norway provided €50,000 (\$61,115) for the destruction of Moldova's stockpile of cluster munitions, which was completed in July 2010.¹⁷

⁸ For example, the United States Department of State provided \$1,083,000 in 2009 to HALO Trust to help Angola destroy surplus weapons and ammunition, including cluster munitions, found in caches in 18 provinces. Email from Rory Forbes, Programme Manager, HALO, 19 June 2010; and US Department of State, "To Walk the Earth in Safety 2010," Washington, DC, July 2010.

⁹ Katie Harrison and Kerri West, "CMC Update from Santiago Conference," 7 June 2010, www.stopclustermunitions.org. Average exchange rate for 2009: A\$1=US\$0.7927. US Federal Reserve, "List of Exchange Rates (Annual)," 4 January 2010.

¹⁰ Canada Article 7 Report (for the period 19 April 2009 to 20 April 2010), Form J. Average exchange rate for 2009: C\$1=US\$0.87627. US Federal Reserve, "List of Exchange Rates (Annual)," 4 January 2010.

¹¹ Presentation by UNDP, Preparatory Meeting for the First Meeting of States Parties, Geneva, 6 September 2010.

¹² Katie Harrison and Kerri West, "CMC Update from Santiago Conference," 7 June 2010, www.stopclustermunitions.org. Average exchange rate for June 2010: €1=US\$1.2223. US Federal Reserve, "List of Exchange Rates (Monthly)," 1 July 2010.

¹³ Email from Klaus Koppetsch, Federal Foreign Office, 8 April 2010. Average exchange rate for 2009: €1=US\$1.3935. US Federal Reserve, "List of Exchange Rates (Annual)," 4 January 2010.

¹⁴ Katie Harrison and Kerri West, "CMC Update from Santiago Conference," 7 June 2010, www.stopclustermunitions.org.

¹⁵ Response to Monitor questionnaire by Ruaidhri Dowling, Deputy Director, Disarmament and Non-Proliferation Section, Department of Foreign Affairs, 23 February 2010.

¹⁶ Response to Monitor questionnaire by Vilde Rosén, Ministry of Foreign Affairs, 13 April 2010. Average exchange rate for 2009: NOK1=US\$0.15896. US Federal Reserve, "List of Exchange Rates (Annual)," 4 January 2010.

¹⁷ Email from Col. Andrei Sarban, Moldova Ministry of Defense, to the CMC, 23 June 2010. Average exchange rate for 2009: €1=US\$1.3935. US Federal Reserve, "List of Exchange Rates (Annual)," 4 January 2010.

Spain contributed €61,000 (\$74,560) to help Moldova complete its stockpile destruction program in July 2010.¹⁸ Spain spent €4.9 million (\$6,828,150) to destroy its own stockpile of cluster munitions, which it started in 2008 and finished in March 2009.¹⁹

Switzerland assumed its funding for mine clearance would also be used to clear unexploded submunitions in Lao PDR.²⁰

UNDP reported that as of early September, four countries had contributed about \$4.15 million to the Cluster Munitions Trust Fund for Lao PDR: Australia (\$2.2 million), Ireland (\$1.8 million), Canada (\$90,000), and France (\$60,000).²¹

¹⁸ Ibid. Average exchange rate for June 2010: €1=US\$1.2223. US Federal Reserve, "List of Exchange Rates (Monthly)," 1 July 2010.

¹⁹ Ibid; and "Chacón dice que no quedarán bombas de racimo en España a partir de junio" ("Chacón says there will be no more cluster munitions in Spain starting June"), *El Día*, 3 December 2008, www.eldia.es. Average exchange rate for 2009: €1=US\$1.3935. US Federal Reserve, "List of Exchange Rates (Annual)," 4 January 2010.

²⁰ Response to Monitor questionnaire by Ira Amin, Federal Department of Foreign Affairs, 20 April 2010.

²¹ Presentation by UNDP, Preparatory Meeting for the First Meeting of States Parties, Geneva, 6 September 2010. UNDP also indicated Switzerland had pledged about \$3 million to the Fund.



States Parties

Albania

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010
Key developments	Ratified on 16 June 2009

▲
Persons with disabilities
dance to
celebrate the
Convention
on Cluster
Munitions
entering into
force for Lao
PDR.

Policy

The Republic of Albania signed the Convention on Cluster Munitions in Oslo on 3 December 2008.

The Parliament approved the “Law on the Ratification of the International Convention on the Ban on Cluster Munitions,” Law No. 10 090, on 5 March 2009. The law was then approved by Presidential Decree no. 6100, dated 19 March 2009.¹ Albania formally deposited its instrument of ratification with the UN in New York on 16 June 2009. It was the ninth country to ratify, and thus among the first 30 ratifications that triggered entry into force on 1 August 2010.

Albania has not begun the process of preparing national implementation legislation, and may consider existing laws sufficient.² Upon signing the convention, Albania’s Minister of Foreign Affairs emphasized the importance of “transparency and to the earliest possible reporting by each member state to the UN Secretary General on the national measures for the implementation...”³

Albania continued to show strong commitment to the convention in 2009 and 2010 through July. Most notably, in December 2009, Albania announced that it had completed the clearance of all cluster munitions in contaminated areas on its territory, fulfilling its Article 4 obligation even before the entry into force of the convention.⁴

In June 2009, Albania attended the Berlin Conference on the Destruction of Cluster Munitions. On 9 October 2009, on the margins of the Tirana Workshop for a Mine-Free Southeastern Europe, the government of Albania co-hosted with the CMC a side event to promote the Convention on Cluster Munitions in the region.⁵ Albania then attended the Regional Workshop on Cluster Munitions held in Rakitje, Croatia from 9–11 February 2010.⁶

Albania also participated in the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, where it reported on its completion of clearance and on its efforts to assist victims. Albania stated that it is supporting the universalization of the convention and providing assistance to Japan in its work as Friend of the Chair on universalization in preparation for the First Meeting of States Parties in November 2010.⁷

¹ Email from Anila Albali Hajnaj, Albanian Center for Development and Integration, 31 March 2010; and email from Arben Braha, Director, Albanian Mine Action Executive (AMAE), 6 April 2010.

² Email from Anila Albali Hajnaj, Albanian Center for Development and Integration, 11 August 2010.

³ Statement by Lulzim Basha, Minister of Foreign Affairs, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

⁴ Statement by Arian Starova, Deputy Minister of Defense, Second Review Conference of the Mine Ban Treaty, Cartagena, 3 December 2009.

⁵ The event was chaired by the AMAE and featured presentations from the CMC, DanChurchAid, and Albanian survivor Gazmend Geca. CMC, “Cluster Munition Coalition Newsletter,” Issue 15, October 2009, p. 3; email from Thomas Nash, Coordinator, CMC, 19 October 2009; and email from Anila Albali Hajnaj, Albanian Center for Development and Integration, 31 March 2010.

⁶ Email from Anila Albali Hajnaj, Albanian Center for Development and Integration, 31 March 2010.

⁷ Statement of Albania, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010. Notes by AOAV/HRW. A Lao Support Group has been formed, with Friends of the Chair, tasked with advancing preparations for the First Meeting of States Parties.

Albania was an active participant in the Oslo Process in 2007 and 2008 that led to the creation of the convention. Albania made many strong contributions to the process from the perspective of a state affected by cluster munitions and advocated for the inclusion of comprehensive provisions on victim assistance.⁸

Albania has not yet made known its views on certain important issues related to interpretation and implementation of the convention, including the prohibition on transit, the prohibition on assistance during joint military operations with states not party that may use cluster munitions, the prohibition on foreign stockpiling of cluster munitions, the prohibition on investment in production of cluster munitions, and the need for retention of cluster munitions and submunitions for training and development purposes.

Albania is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war.⁹ Albania has not actively engaged in CCW deliberations on cluster munitions in 2009 or 2010 through July.

Albania has stated that it never has used, produced, transferred, or stockpiled cluster munitions.¹⁰ Cluster munitions were used in Albania during the Balkans conflict in 1999 by forces of the former Socialist Republic of Yugoslavia, which affected an entire border area in northeast Albania.¹¹

Cluster Munition Remnants

In December 2009, Albania stated it had completed clearance of all known cluster munition remnants on its territory.¹² The northeast of the country was contaminated with unexploded submunitions from at least six NATO cluster munition strikes that missed their targets during the conflict over Kosovo.¹³ A general survey in 1999 identified 44 areas covering 2.1km² affected by unexploded submunitions, including BLU-97B, BL-755, MK118 Rockeye, KB-1, and KB-2 submunitions. Since 1999, there were 32 incidents involving the explosion of submunitions, resulting in nine deaths and 44 people injured. The last incident occurred in 2005.¹⁴

Clearance of cluster munition remnants

DanChurchAid (DCA) and its local partner AMCO received 10 tasks in 2009 from the Albanian Mine Action Executive (AMAE) to clear cluster munition strike areas, resulting in release through clearance and other means of a total of 280,784m² of land and the destruction of 327 unexploded submunitions.¹⁵

DCA/AMCO deployed two battle area clearance (BAC) teams during 2009. Each BAC team consisted of one team leader, one deputy team leader, two medics, and eight deminers.¹⁶

Antigua and Barbuda

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 February 2011
Participation in Convention on Cluster Munitions meetings	None
Key developments	Signed on 16 July 2010 and ratified on 23 August 2010

⁸ For details on Albania's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 28–29.

⁹ Albania regularly participates in meetings of the CCW Group of Governmental Experts on a draft proposal for a new protocol on cluster munitions, but Albania has made no significant statements on its position on the draft proposal or on the CCW negotiations in general.

¹⁰ Statement by Lulzim Basha, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

¹¹ Ibid; and Rosy Cave, Anthea Lawson, and Andrew Sheriff, *Cluster Munitions in Albania and Lao PDR: The Humanitarian and Socio-Economic Impact* (Geneva: UN Institute for Disarmament Research, 2006), p. 7, www.mineaction.org.

¹² Statement by Arian Starova, Second Review Conference of the Mine Ban Treaty, Cartagena, 3 December 2009.

¹³ AMAE, "Mine Action History," www.amae.org.al.

¹⁴ Email from Arben Braha, AMAE, 20 April 2010; and presentation by Aida Alla, Public Information Officer, AMAE, on Albania's completion of clearance of cluster munition contaminated areas, "After Oslo 2008" Workshop on Cluster Munitions, Rakitje, Croatia, 10 February 2010.

¹⁵ Email from Anthony Connell, Programme Manager, DCA, 25 March 2010.

¹⁶ Ibid.

Policy

Antigua and Barbuda signed the Convention on Cluster Munitions on 16 July 2010, and ratified it on 23 August 2010. The convention will enter into force for Antigua and Barbuda on 1 February 2011. It had indicated its intent to sign it several times in 2009 and 2010.¹⁷

Antigua and Barbuda did not participate in the Regional Conference for Latin America and the Caribbean on Cluster Munitions in Santiago, Chile in September 2009 or the International Conference on the Convention on Cluster Munitions, also held in Santiago, in June 2010. Antigua and Barbuda did not participate at all in the Oslo Process that created the convention, including the negotiations in May 2008.

Antigua and Barbuda is party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

Antigua and Barbuda is not believed to have used, produced, transferred, or stockpiled cluster munitions.

Austria

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as regional meetings in Bali in November 2009 and Pretoria in March 2010
Key developments	Ratified on 2 April 2009; stockpile destruction underway

Policy

The Republic of Austria signed the Convention on Cluster Munitions on 3 December 2008.

In March 2009, Austria informed Landmine and Cluster Muniton Monitor that, “Austria attaches utmost importance to the early entry into force of the Convention on Cluster Munitions. On 17 February, the Austrian Government approved the Convention and has transmitted the text to Parliament for Expeditious ratification. We expect the Convention to be ratified by the President in the spring of 2009, possibly even before Easter.”¹⁸

Austria deposited its instrument of ratification with the UN on 2 April 2009, a week before Easter.¹⁹ It was the sixth country to ratify the convention, and thus was among the first 30 ratifications that triggered entry into force on 1 August 2010.

In July 2010, Austria’s Foreign Minister called the Convention on Cluster Munitions “a prime example of cooperation between governments, parliaments, and civil society.”²⁰

National implementation measures

In December 2007, Austria became the second country after Belgium to pass national legislation on cluster munitions, the Federal Act on the Prohibition of Cluster Munitions. The National Council and the Federal Council enacted the law on 6 and 20 December 2007, respectively, and it entered into force on 8 January 2008.²¹ On 12 March 2009, the Austrian National Council approved a motion amending the law to bring its definition of cluster munitions in line with the definition contained in the convention. A second motion authorized ratification of the convention. On 26 March, the Federal Council assented to both motions.²²

¹⁷ Response to Monitor questionnaire by Antigua and Barbuda, 24 June 2010; and meeting with Gillian Joseph, First Secretary, Permanent Mission of Antigua and Barbuda to the UN in New York, 23 October 2009. Notes by the CMC.

¹⁸ Letter from Amb. Alexander Marschik, Director for Disarmament, Arms Control and Non-Proliferation, Federal Ministry for European and International Affairs, 9 March 2009.

¹⁹ Ministry of Foreign Affairs, “Spindelegger: ‘Quick ratification of the Convention on Cluster Munitions proves Austria’s pioneer role in humanitarian disarmament,’” Press release, 3 April 2009, www.bmeia.gv.at.

²⁰ Letter GZ.BMeiA-AT.2.07.41/0053-II.8b/2010 from Dr. Michael Spindelegger, Minister of Foreign Affairs, to Judith Majlath, CMC-Austria, 23 July 2010.

²¹ Statement of Austria, Session on General Obligations and Scope, Vienna Conference on Cluster Munitions, 6 December 2007. Notes by the CMC/WILPF. Statement of Austria, Opening Ceremony, Wellington Conference on Cluster Munitions, 18 February 2008. Notes by the CMC/WILPF.

²² Federal Law Gazette I No. 41/2009 (No.: GP XXIII RV 75 AB 101 p. 17. BR: AB 8094 p. 768). See also, CMC-Austria, “Report on Plenary Session of the Austrian National Council for Amending the Federal Law on the Prohibition of Cluster Munitions and for Ratification of the CCM,” 17 March 2009.

Austria's Federal Act on the Prohibition of Cluster Munitions prohibits "the development, production, acquisition, sale, procurement, import, export, transit, use and possession of cluster munitions" in Austria.²³ It requires that existing stocks of cluster munitions must be reported to the Federal Ministry of Defense within one month after its entry into force and destroyed within a maximum of three years.²⁴ Austria's national law specifically prohibits transit of cluster munitions.²⁵ It does not explicitly prohibit investment in the production of cluster munitions.

Promotion of the convention

As a member of the small Core Group of nations that steered the Oslo Process to its successful conclusion, Austria played a crucial leadership role in securing the Convention on Cluster Munitions, including by hosting a key meeting of the Oslo Process in Vienna in December 2007. During the formal negotiations of the convention in Dublin in May 2008, Austria played a vital role in securing acceptance of the convention's ground-breaking provisions on victim assistance.²⁶

Austria has continued to play a leadership role in promoting the convention, its universalization and its implementation. It is a participant in the Lao Support Group, a voluntary group of states informally convened by Lao PDR to assist with advancing preparations for the First Meeting of States Parties that it will host and preside over in November 2010. In particular, Austria is serving as Friend of the President to develop the topic of victim assistance for consideration at the First Meeting of States Parties.

Austria attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, where it announced its intent to complete stockpile destruction in 2010 and to not retain any cluster munitions for training or research purposes.²⁷ It participated in the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions held in Bali, Indonesia in November 2009, where it gave a presentation on the convention and said that the Oslo Process has demonstrated that "we don't need to wait for consensus to act—or for big military powers to tell us what to do—when mid-size countries take concerted action, we create a reality."²⁸

In March 2010, Austria attended the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions held in Pretoria, South Africa. In June 2010, it participated in the International Conference on the Convention on Cluster Munitions held in Santiago, Chile where it chaired a session on victim assistance.

Austria vigorously promoted universalization of the Convention on Cluster Munitions in 2009 and 2010. It has undertaken démarches around the world encouraging states to join the convention and has shared its national law as a possible model for other states to follow.²⁹

When Austria assumed the presidency of the UN Conference on Disarmament in September 2009, the Federal Minister for European and International Affairs, Dr. Michael Spindelegger, made a statement that included a call for states to ratify the Convention on Cluster Munitions.³⁰

At the Second Review Conference of the Mine Ban Treaty in December 2009, Austria emphasized the opportunities and need to build synergies between the Mine Ban Treaty, the Convention on Cluster Munitions, and the UN Convention on the Rights of Persons with Disabilities.³¹ Austria hosted the Vienna Expert Conference on Victim Assistance on 8–9 April 2010 on synergies between the three instruments.

In 2009 and 2010, the CMC-Austria encouraged European states that had not yet signed or ratified the convention to join without delay.³² It worked to secure a European Parliament resolution on 8 July 2010 adopted by a vote of 558 to 30 with 24 abstentions, which urges European Union member states that have not yet signed or ratified the convention to do

²³ "Bundesgesetz über das Verbot von Streumunition" ("Federal Act on the Prohibition of Cluster Munitions"), GP XXIII RV 232 AB 350 S. 42. BR: AB 7873 S. 751, *Bundesgesetzblatt für die Republik Österreich, Bundeskanzleramt Rechtsinformationssystem (Federal Law Gazette for the Republic of Austria, Federal Chancellery Legal Information)*, 7 January 2008, www.ris.bka.gv.at.

²⁴ Ibid; and "Änderung des Bundesgesetzes über das Verbot von Streumunition" ("Amendment of the Federal Act on the Prohibition of Cluster Munitions"), GP XXIV RV 75 AB 101 S. 17. BR: AB 8094 S. 768, *Bundesgesetzblatt für die Republik Österreich, Bundeskanzleramt Rechtsinformationssystem (Federal Law Gazette for the Republic of Austria, Federal Chancellery Legal Information)*, 8 April 2009, www.ris.bka.gv.at.

²⁵ Federal Law on the Prohibition on Cluster Munition[s], sec. 2. An unofficial English translation of Austria's law specifically uses the word transit.

²⁶ For detail on Austria's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 35–38.

²⁷ Statement of Austria, Berlin Conference on Destruction of Cluster Munitions, 25 June 2009. Notes by AOAV.

²⁸ Statement by Amb. Alexander Marschik, Federal Ministry for European and International Affairs, Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions, Bali, 16 November 2009.

²⁹ Statement of Austria, CMC Side Event on the Universalization of the Convention, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009.

³⁰ Statement by Dr. Michael Spindelegger, Minister of Foreign Affairs, Conference on Disarmament, Geneva, 2 September 2009.

³¹ Statement by Amb. Christian Strohal, Permanent Mission of Austria to UN in Geneva, Second Review Conference, Cartagena, 4 December 2009.

³² For more information, see the CMC-Austria website, www.stopstreubomben.at.

so as a “matter of urgency before the end of 2010.”³³

Convention on Conventional Weapons

Austria is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. At the November 2008 Meeting of States Parties to Protocol V, Austria secured the adoption of a politically-binding Plan of Action on Victim Assistance under Protocol V that was modeled on the victim assistance provisions of the Convention on Cluster Munitions.³⁴ At the November 2009 annual meeting, Austria was appointed victim assistance coordinator.

Austria has participated in the CCW deliberations on cluster munitions in 2009 and 2010. It has insisted that any text that might emerge from the CCW must have a humanitarian impact on the ground and must be compatible with the Convention on Cluster Munitions. At the April 2010 CCW session, Austria stated that “a weak regulation could even be counterproductive to our common goal.”³⁵

Interpretive issues

In a March 2009 letter to Human Rights Watch, the Director for Disarmament, Arms Control and Non-Proliferation in the Federal Ministry for European and International Affairs detailed Austria’s stance on several matters related to interpretation of the convention.³⁶

Austria holds that the “transit of cluster munitions across or foreign stockpiling of cluster munitions on the national territory of States Parties is prohibited by the Convention. In this regard Article 1 paragraph b is of particular interest as it states a clear prohibition of transferring as well as stockpiling cluster munitions. Should a State Party to the Convention allow a foreign state to stockpile cluster munitions on its territory, this action would be in violation with the provision entailed in Article 1 paragraph c that prohibits assistance ‘to engage in any activity prohibited to a State Party.’”³⁷

On Article 21 (Relations with States not Party) or “interoperability,” Austria states that the article “leaves room for some interpretation, especially as to paragraph 4. The whole question of interoperability is one that...Austria has always accorded concern.”³⁸ During the Oslo Process, in February 2008, Austria stated that it has a national penal law that acts as a filter to protect service people from unjust prosecutions in instances where others may use cluster munitions. Austria said it was possible that in the future it might not be able to participate, or consciously choose not to participate in joint military operations where cluster munitions might be used.³⁹

Use, production, transfer, and stockpiling

In the March 2009 letter to Human Rights Watch, Austria confirmed that it has “never used, produced, or transferred cluster munitions.” It reported that “the Austrian Armed Forces currently possess 12,672 units of 155mm hollow charge grenades [artillery projectiles]. It is the Ministry of Defence’s intention to have all stocks destroyed by the end of 2009 with no cluster munitions to be retained for training purposes.”⁴⁰ In July 2010, Austria cited a figure of 12,669 cluster munitions.⁴¹

Austria’s national law requires destruction of its stockpile within three years, which would be January 2011. Upon ratifying the convention, Austria said that it expected its stocks to be destroyed by the end of 2009, but this was later revised to 2010.⁴² In June 2009, Austria stated that a tendering process had been launched with destruction to be completed in 2010.⁴³

³³ The resolution was tabled by the The Greens–European Free Alliance (Greens-EFA), European People’s Party (EPP), Group of the Progressive Alliance of Socialists and Democrats (S&D), Group of the Alliance of Liberals and Democrats for Europe (ALDE), and the European United Left–Nordic Green Left (EUL/NGL) groups. It calls for European Union members to sign and ratify the Convention on Cluster Munitions, promote the convention to states not party, implement and provide assistance for the implementation of the convention, participate in the First Meeting of States Parties of the Convention on Cluster Munitions in Lao PDR, and not to support a protocol within the CCW that would be incompatible with the provisions of the convention. European Parliament, “European Parliament resolution on the entry into force of the Convention on Cluster Munitions (CCM) and the role of the EU,” 6 July 2010, www.europarl.europa.eu. See also, “Europaparlament: EU-Staaten sollen Streumunition-Konvention umsetzen” (“European Parliament: EU countries are to implement cluster munitions convention”), *Associated Press*, 8 July 2010.

³⁴ “Plan of Action on Victim Assistance under Protocol V,” Annex IV, Final Document, Second Conference of the High Contracting Parties to Protocol V on Explosive Remnants of War, CCW/P.V/CONF/2008/12, 23 January 2009.

³⁵ Statement of Austria, CCW Group of Governmental Experts on Cluster Munitions, 16 April 2010. Notes by AOA.

³⁶ Letter from Amb. Alexander Marschik, Federal Ministry for European and International Affairs, 9 March 2009.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Statement of Austria, Wellington Conference on Cluster Munitions, 19 February 2008. Notes by the CMC. Austria affirmed that its 40-year tradition of active participation in UN peacekeeping missions would be unaffected by the convention. After the entry into force of its national law, Austria continued to participate in UN operations, however, it now looked at missions more carefully and requested its partners not to use cluster munitions.

⁴⁰ Letter from Amb. Alexander Marschik, Federal Ministry for European and International Affairs, 9 March 2009.

⁴¹ Letter GZ.BMeiA-AT.2.07.41/0055-II.8b/2010 from Amb. Alexander Marschik, Federal Ministry for European and International Affairs, to Judith Majlath, CMC-Austria, 29 July 2010.

⁴² Ministry of Foreign Affairs, “Spindelegger: ‘Quick ratification of the Convention on Cluster Munitions proves Austria’s pioneer role in humanitarian disarmament,’” Press release, 3 April 2009, www.bmeia.gv.at.

⁴³ Statement of Austria, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009. Notes by AOA.

In September 2009, Austria commissioned an Italian company to destroy its cluster munitions. Destruction began in February 2010 and was slated to end in May 2010. However, technical difficulties have pushed the completion date back to November 2010.⁴⁴

Austria imported two types of 155mm artillery projectiles from Germany: DM-642 and DM-652. These contain dual purpose improved conventional munition (DPICM) submunitions (63 and 49 submunitions each, respectively).⁴⁵

In June 2007, the Minister of Defense told Parliament that the Austrian Armed Forces were stockpiling 12,672 “Hohlladungssprengkörpergranaten 92,” another name for the 155mm artillery projectiles. The minister reported that these cluster munitions were procured in 1998 and 1999 for €10.44 million (US\$14.5 million), and that destruction costs would amount to €1 million (\$1.4 million).⁴⁶

Belgium

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Pretoria in March 2010
Key developments	Ratified on 22 December 2009; stockpile destruction underway

Policy

The Kingdom of Belgium signed the Convention on Cluster Munitions in Oslo on 3 December 2008. Belgium ratified the convention on 22 December 2009, making it the 26th country to do so. Thus, Belgium was among the first 30 countries to ratify, triggering entry into force of the convention on 1 August 2010.

Ratification of the convention required its adoption in the Regional Parliaments—the Flemish, the Walloon, and the Parliament of Brussels—and in the federal Senate and House of Representatives.⁴⁷

Belgium was the first country to enact a national prohibition on cluster munitions. The law, which bans the production, stockpiling, and trade of cluster munitions, took effect on 9 June 2006, with an additional amendment requiring that “within three years after the publication of the law, the State and public administrations destroy the existing stock of submunitions or devices of similar nature.”⁴⁸

Belgium has clarified the relationship of the pre-existing law and the Convention on Cluster Munitions, stating that the highest standard would be applied: “The minor differences between the definitions contained in the Belgian legislation and in the Convention do not require an amendment of the Belgian law. If necessary, the rules providing the highest protection of the civilian population, whether they are included in the Convention or in the Belgian legislation, will be applied.”⁴⁹

⁴⁴ Letter GZ.BMeiA-AT.2.07.41/0055-II.8b/2010 from Amb. Alexander Marschik, Federal Ministry for European and International Affairs, to Judith Majlath, CMC-Austria, 29 July 2010.

⁴⁵ Email to Pax Christi Netherlands, from Col. Richard Monsberger, Ministry of Defense, 14 January 2005.

⁴⁶ The Minister also noted that storage costs were €4,000 (\$5,485) per month. Reply by Minister of Defense Norbert Darabos to the Parliamentary Questions (723/J) submitted by Member of Parliament Caspar Einem and Colleagues and addressed to the Minister of Defense concerning the Procurement of Cluster Munitions (Cluster Bombs and Howitzergrenades) by the Austrian Armed Forces, 26 June 2007, www.parlament.gv.at. Average exchange rates for 2009: €1=US\$1.3935; for 2007: €1=US\$1.3711. US Federal Reserve, “List of Exchange Rates (Annual),” 3 January 2007.

⁴⁷ The Flemish Parliament approved the convention by decree on 30 April 2009, with the decree taking effect on 3 August 2009. The Walloon Parliament approved the convention on 25 November 2009, which took effect on 26 November 2009. The Parliament of Brussels approved the convention on 27 November 2009 and it was ratified the same day by the Brussels regional government. The Senate adopted the draft law approving the convention on 29 October 2009, and the House of Representatives adopted it on 3 December 2009.

⁴⁸ For more information, see HRW and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 39, and HI-B, “The Belgian Campaign to Ban Cluster Munitions, A Brief History,” version 28, June 2006.

⁴⁹ In French: “Les dispositions les plus protectrices de la population civile trouveront, le cas échéant, à s’appliquer, qu’elles soient contenues dans la Convention ou dans la législation interne belge.” Belgian Senate, “Wetsontwerp houdende instemming met het Verdrag inzake clustermunitie, gedaan te Dublin op 30 mei 2008” (“Bill approving the Convention on Cluster Munitions, adopted in Dublin on 30 May 2008 and signed in Oslo on 3 December 2008”), Legislative documents 4–1419/1–3, Session of 2008–2009, 15 September 2009, www.senate.be.

Belgium participated actively throughout the Oslo Process that produced the convention. Belgium's leading example as a country which had banned cluster munitions was a valuable contribution to the process. Belgium hosted the European Regional Conference on Cluster Munitions, which focused on stockpile destruction and victim assistance, in October 2007.⁵⁰

On the occasion of Belgium's ratification, Minister of Foreign Affairs Steven Vanackere asserted that "Belgium will play an active role in monitoring this new contract and will primarily pay attention here to rapid signing and ratification by as many countries as possible." He highlighted Belgium's commitment in particular to the implementation of the commitments on victim assistance, recalling that "during the negotiations individual victims provided touching testimony of their painful experiences."⁵¹

Belgium continued to engage actively in the work of the convention in 2009 and 2010. It is a member of the Lao Support Group, a voluntary group of states which is tasked with advancing preparations for the First Meeting of States Parties to be held in Lao PDR in November 2010. In particular, Belgium serves as a Friend of the President on transparency measures, including the development of the reporting format for annual reports. It was also assisting with work on stockpile destruction and universalization.

Belgium attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Special Event on the Convention on Cluster Munitions held at the UN in New York in October 2009, the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa in March 2010, and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010. In Berlin, Belgium gave a presentation on its stockpile destruction process and on the retention of cluster munitions for training purposes.⁵² In both Pretoria and Santiago, Belgium gave presentations on transparency reporting.⁵³

Universalization

Belgium has stated that the universalization of the convention is a key priority and has undertaken many efforts to promote the convention and its implementation. According to the Ministry of Foreign Affairs, "Belgium is taking diplomatic steps with a view to mobilising as many countries as possible in favour of universal implementation and correct enforcement of the treaty. In this connection, Belgium is focusing on commitments for aid to victims."⁵⁴

Belgium has actively promoted the convention through its diplomatic posts, at the ministerial level, in regional fora including NATO, the Organization for Security and Co-operation in Europe (OSCE), the Council of Europe, European Union (EU) working groups, and in bilateral demarches.⁵⁵

The Minister of Foreign Affairs issued instructions in December 2009 to all Belgian diplomatic posts to encourage their host governments to sign and/or ratify the convention in a timely manner.⁵⁶

On 5 January 2010, a draft resolution was tabled in the Belgian House of Representatives, urging the government to encourage EU member states to join as soon as possible, and to ensure that the EU High Representative of the Union for Foreign Affairs and Security prioritizes the universalization of the Convention on Cluster Munitions.⁵⁷

On 20 January 2010, at a meeting of the OSCE, Belgium made a statement calling on all OSCE participating states that have not yet done so to sign and ratify the convention.⁵⁸ At a NATO informal ministerial meeting in Istanbul on 4–5 February 2010, the Belgian Minister of Defense discussed signature of the convention with some of his colleagues, including the United States Secretary of Defense.⁵⁹

In February 2010, after the 30th ratification was deposited with the UN, the Minister of Foreign Affairs stated, "Throughout last year, Belgian diplomats actively lobbied worldwide in favour of the treaty's entry into force. We will now continue trying to make sure that as many countries as possible sign up to this treaty. Belgium will also actively prepare for the conference in Laos and is already coordinating with a group of like-minded countries."⁶⁰

⁵⁰ For more details on Belgium's cluster munition policy and practice through early 2009, see HRW and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 39–42.

⁵¹ Ministry of Foreign Affairs, "Steven Vanackere - Ratification by Belgium of the convention on cluster munitions," Press release, 23 December 2009, diplomatie.belgium.be.

⁵² Presentation by Lt.-Col. Eric Carette, Commanding Officer, Explosive Ordnance Disposal Group, Ministry of Defense, "Training with submunitions ... Belgian approach," Berlin Conference on the Destruction of Cluster Munitions, 26 June 2009.

⁵³ Presentation by Amb. Jan Mutton, "National Legislation, Transparency Measures and Reporting," Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 26 March 2010. Notes by AOA. Statement of Belgium, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010.

⁵⁴ Ministry of Foreign Affairs "Steven Vanackere pleased with entry into force of Convention on Cluster Munitions on 1 August 2010," Press release, 30 July 2010, diplomatie.belgium.be.

⁵⁵ Information provided by email from the Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation, 6 August 2010.

⁵⁶ Ibid.

⁵⁷ House of Representatives, "Proposition de résolution relative à la Convention sur les armes à sous-munitions, déposée par M. Daniel Ducarme" ("Proposal for a resolution on the Convention on Cluster Munitions, put forward by Daniel Ducarme"), Legislative document 52 2347/001, Session of 2009–2010, 5 January 2010, www.lachambre.be.

⁵⁸ Statement by Geneviève Renaux, Permanent Representative of Belgium, "Ratification by Belgium of the Convention on Cluster Munitions," 600th meeting of the OSCE Forum for Security Cooperation, 20 January 2010, www.osce.org.

⁵⁹ Information provided by email from the Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation, 6 August 2010.

⁶⁰ Ministry of Foreign Affairs, "Minister Steven Vanackere on cluster munitions," Press release, 18 February 2010, diplomatie.belgium.be.

On 17 March 2010, Belgium hosted a meeting in Geneva to coordinate universalization efforts among states, UN agencies, the ICRC, and civil society.

Interpretive issues

Belgium has made statements on two issues important to the interpretation and implementation of the convention—the prohibition on assistance with prohibited acts during joint military operations, and the prohibition on investment in cluster munition production. It has yet to make known formally its views on other important issues, including the prohibition on transit and the prohibition on foreign stockpiling.

Belgium has expressed its understanding that Article 21 of the convention, on relations with states not party, prohibits States Parties to assist others with use of cluster munitions during joint military operations. In an October memorandum, Belgium stated, “In the case where a State Party engages in cooperation or military operations with States non-parties, a series of guaranties are provided: the cooperation or the military operation must be in conformity with international law; each State Party must notify non-states parties of its obligations under the Convention; it must promote the norms established by the Convention and discourage non-states parties from using cluster munitions. Similarly, paragraph 4 affirms the primacy of the fundamental obligations of the Convention, which cannot be derogated from, even in the framework of cooperative activities or military operations with States-non-party.” Belgium has also affirmed the importance of the positive obligations of the Article to promote the convention, noting “the emphasis is placed on the engagement of each State Party to encourage non-states parties to ratify, accede, approve or adhere to the Convention.”⁶¹

Similarly in April 2009, it stated, “Each State Party will encourage other states to ratify, accept and approve or to join the treaty. The goal is the involvement of all countries. Each State Party will communicate that it will promote the standards imposed by the treaty, and that it will make every effort to discourage other states to use cluster munitions. States Parties, their military personnel or their residents can participate in military cooperation and operations with States not Parties, but they have by no means the permission to develop, produce, acquire, stockpile, transfer and use cluster munitions.”⁶²

In October 2009, the Minister of Foreign Affairs told the Senate that “military cooperation with third countries is possible, particularly international military operations, but the responsibilities are clearly delineated. In the case of Belgium and for other signatories, the rule is that we will not use cluster munitions and we will not assist States with a view to use them.”⁶³

Disinvestment

Belgium became the first country to ban investment in cluster munition producers, after passing the Belgian Act Prohibiting the Finance of the Production, Use and Possession of Anti-personnel Mines and Submunitions in March 2007.⁶⁴ The law prohibits direct and indirect financing.

The law also requires the Belgian government to publish a list of companies producing prohibited weapons by May 2008. However, as of August 2010 the list had still not been published. After significant criticism of the delay from NGOs who urged the Minister of Finance to publish the list,⁶⁵ and questions from parliamentarians, the Minister of Finance

⁶¹ This is contained in an explanatory memorandum to the decree approving the convention adopted by the Parliament of Brussels and to the draft law in the Senate. Parliament of Brussels, “Ontwerp van ordonnantie houdende instemming met: het Verdrag inzake clustermunitie, gedaan te Dublin op 30 mei 2008 en ondertekend te Oslo op 3 december 2008” (“Draft decree approving the Convention on Cluster Munitions, adopted in Dublin on 30 May 2008 and signed in Oslo on 3 December 2008”), 13 October 2009, Legislative document A-14/1-G.Z. 2009, www.weblex.irisnet.be; and Belgian Senate, “Wetsontwerp houdende instemming met het Verdrag inzake clustermunitie, gedaan te Dublin op 30 mei 2008” (“Bill approving the Convention on Cluster Munitions, adopted in Dublin on 30 May 2008 and signed in Oslo on 3 December 2008”), Legislative documents 4-1419/1-3, Session of 2008-2009, 15 September 2009, www.senate.be.

⁶² This is contained in an explanatory memorandum to the decree approving the convention adopted by the Parliament of Flanders. Parliament of Flanders, “Ontwerp van decreet houdende instemming met het Verdrag inzake clustermunitie, opgemaakt in Dublin op 30 mei 2008” (“Draft decree approving the Convention on Cluster Munitions, adopted in Dublin on 30 May 2008 and signed in Oslo on 3 December 2008”), Legislative document Stuk 2250 (2008-2009)-Nr. 1, Session of 2008-2009, 30 April 2009, www.jsp.vlaamsparlement.be.

⁶³ Belgian Senate, “Inleidende uiteenzetting door de heer Yves Leterme, Minister van Buitenlandse Zaken, Wetsontwerp houdende instemming met het Verdrag inzake clustermunitie, gedaan te Dublin op 30 mei 2008, Verslag namens de commissie voor de buitenlandse betrekkingen en voor de landsverdediging uitgebracht door mevrouw de Bethune en de heer Mahoux” (“Opening address by Yves Leterme, Minister of Foreign Affairs, Bill approving the Convention on Cluster Munitions, adopted at Dublin on May 30, 2008, Report on behalf of the committee on foreign relations and defence, presented by Mrs. de Bethune and Mr. Mahoux”), Legislative document 4-1419/2, Session of 2009-2010, 28 October 2009, www.senate.be.

⁶⁴ See, House of Representatives, “Projet de loi: interdisant le financement de la fabrication, de l’utilisation ou de la détention de mines antipersonnel et de sous-munitions” (“Bill: Prohibiting the Finance of the Production, Use and Possession of Anti-personnel Mines and Submunitions”), Legislative document DOC 51 2833/002, Session of 2006-2007, 1 March 2007, www.dekamer.be. For a commentary on the Bill, see IKV Pax Christi and Netwerk Vlaanderen, “Worldwide investments in cluster munitions; a shared responsibility,” April 2010, pp. 107-108.

⁶⁵ CMC, “CMC Newsletter February 2010,” www.stopclustermunitions.org. Netwerk Vlaanderen and IKV Pax Christi, “Belgium no longer an international frontrunner: Necessary and legally required tool to implement ban on financing cluster munitions still not established,” 12 February 2010; Netwerk Vlaanderen, “Belgium no longer international frontrunner,” undated, www.netwerkvlaanderen.be; and HI-B, “All European states must commit to ban cluster munitions and support survivors,” 12 February 2010, www.en.handicapinternational.be.

said in March 2010 that the Ministry of Justice was responsible for the creation of a list.⁶⁶ After several Members of Parliament maintained that it is the task of the Minister of Finance to draft the list,⁶⁷ the Ministry of Finance indicated its readiness to cooperate with the Ministry of Justice to form a task force with Members of Parliament, in order to find an appropriate solution.⁶⁸

Convention on Conventional Weapons

Belgium is party to the Convention on Conventional Weapons (CCW), and ratified Protocol V on explosive remnants of war on 25 January 2010. Belgium has attended the CCW deliberations on cluster munitions in 2009 and the first half of 2010, but has made few interventions on its views on the process or the text under discussion.

In 2009, the Flemish Foreign Affairs Council stressed the importance of compatibility between a potential CCW protocol on cluster munitions and the Convention on Cluster Munitions and expressed its hope that the convention would not be undermined.⁶⁹

NGO activities

Belgian NGOs have been especially active on the issue of banning investment in cluster munition production. Network Vlaanderen, along with the Dutch NGO IKV Pax Christi, has played a leading role in the CMC campaign “Stop Explosive Investments,” advocating both in Belgium and abroad. On 14 April 2010, the two organizations released an updated version of their joint report, “Worldwide investments in cluster munitions: a shared responsibility” in Geneva.⁷⁰ At a press conference on 12 February 2010, Network Vlaanderen, Handicap International-Belgium (HI-B), Human Rights Watch (HRW), and the ICBL urged the Minister of Finance to publish a public list of producers.⁷¹

On 31 August 2009, HI-B met with the Minister of Foreign Affairs and his staff to discuss ratification and universalization of the convention. HI-B also met with the Minister of Defense and his cabinet to discuss stockpile destruction.

Use, production, transfer, and stockpiling

Belgium is not known to have ever used or exported cluster munitions, though it has produced, imported, and stockpiled the weapon.

The Poudreries Reunies de Belgique (PRB), now defunct, manufactured the NR 269 155mm artillery projectile with dual purpose improved conventional munition (DPICM) submunitions prior to 1990. This production was reportedly assumed by Giat Industries in France.⁷² Mecar SA and Forges de Zeebrugge (FZ) also had cluster munitions under development.⁷³

Belgium imported cluster bombs from the United Kingdom, but it destroyed its stockpile of 765 BL-755 cluster bombs, each with 147 submunitions, between January and April 2005, even prior to adopting its ban.⁷⁴

⁶⁶ House of Representatives, “Compte Rendu Intégral Avec Compte Rendu Analytique Traduit des Interventions, Commission des Finances et du Budget” (“Full Report with a Summary Record of Translated Interventions, Commission of Budget and Finances”), Legislative document CRIV 52 COM 816, Session of 2009–2010, 3 March 2010, www.lachambre.be.

⁶⁷ House of Representatives, “Compte Rendu Intégral avec Compte Rendu Analytique Traduit des Interventions, Commission des Finances et du Budget” (“Full Report with a translated summary record of interventions, Commission of Budget and Finances”), Legislative document CRIV 52 COM 816, Session of 2009–2010, 3 March 2010, www.lachambre.be.

⁶⁸ House of Representatives, “Compte Rendu Analytique, Commission des Finances et du Budget” (“Summary Record, Commission of Budget and Finances”), Legislative document CRABV 52 COM 837, Session 2009–2010, 17 March 2010, www.dekamer.be.

⁶⁹ Flemish Foreign Affairs Council, “Briefadvies betreffende het voorontwerp van decreet houdende instemming met het Verdrag inzake clustermunitie, opgemaakt in Dublin op 30 mei 2008” (“Opinion on the draft decree approving the Convention on Cluster Munitions, adopted in Dublin on 30 May 2008”), 11 March 2009, www.jsp.vlaamsparlament.be.

⁷⁰ IKV Pax Christi and Network Vlaanderen, “Worldwide investments in cluster munitions: a shared responsibility,” April 2010, www.stopexplosiveinvestments.org.

⁷¹ See Network Vlaanderen, “Belgium no longer international frontrunner,” undated, www.networkvlaanderen.be.

⁷² Terry J. Gander and Charles Q. Cutshaw, eds., *Jane's Ammunition Handbook 2001–2002* (Surrey, UK: Jane's Information Group Limited, 2001), p. 353.

⁷³ See, HRW and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 41.

⁷⁴ They were destroyed by the German company Buck through NAMSA. Presentation by Lt.-Col Eric Carette, Ministry of Defense, “Training with submunitions ... Belgian approach,” Berlin Conference on the Destruction of Cluster Munitions, 26 June 2009. See also, House of Representatives, “Compte Rendu Intégral Avec Compte Rendu Analytique Traduit des Interventions, Commission de la Défense Nationale” (“Full Report with Summary Record of Translated Interventions, Committee of National Defense”), Legislative document CRIV 51 COM 616, Session of 2004–2005, 25 May 2005, www.lachambre.be; and House of Representatives, “Schriftelijke vragen en antwoorden: Vraag nr. 7 van de heer Dirk Van der Maelen van 15 januari 2008 (N.) aan de minister van Landsverdediging: Vernietiging van stocks van clustermunitie; Antwoord van de minister van Landsverdediging van 15 februari 2008” (“Questions and written responses: Question No. 7 by Mr Dirk Van der Maelen, of 15 January 2008 to the Minister of Defense: Destruction of stocks of cluster munitions; response of the Minister of Defense of 15 February 2008”), Legislative document QRA 52 009 18–2–2008, Session of 2007–2008, 18 February 2008, www.dekamer.be.

The 2006 ban legislation required all Belgian stocks to be destroyed within three years, which was June 2009.⁷⁵ Belgium has stated that all of its stocks were transferred out of the country by June 2009, but that final destruction by an Italian company was not expected until October 2010.

In February 2008, Minister of Defense Pieter De Crem stated that the only cluster munitions that Belgium still possessed were 115,510 155mm artillery projectiles [M483 Improved Conventional Munitions, ICM], each containing 88 submunitions [M42/46 DPICM]. He said the contract for their destruction was concluded with a foreign company in 2007, with destruction scheduled from January 2008 until May 2009.⁷⁶

In December 2008, the Belgian Minister of Foreign Affairs stated, “Stockpile destruction is well underway and should be finalized, under the contractual provisions, in the first part of next year [2009].”⁷⁷ In March 2009, Belgium said that “destruction will take place in an installation abroad. It was agreed contractually that the stocks would be gradually transferred to the destruction site as their demilitarisation would be achieved. The transfer will be entirely finalized within the timeframe imposed by the Belgian law. This means that my country won’t have any more cluster munitions in its possession at the end of June 2009.”⁷⁸

On 29 April 2009, the Minister of Defense stated that 103,182 of the artillery projectiles had been destroyed, and another 12,028 would be destroyed before the end of May 2009.⁷⁹ He was referring apparently to the transfer of the cluster munitions out of Belgium, not actual destruction.

In June 2009, Belgium reported that all of the artillery projectiles had been transferred for destruction by the Italian company ITA (Esplodenti Sabino) under a contract with the NATO Maintenance and Supply Agency (NAMSA). It declared that since the transfer had taken place, Belgium had “no more stocks since June 2009,” with the exception of 300 artillery projectiles retained for training purposes (see below).⁸⁰

In October 2009, the Minister of Foreign Affairs confirmed that all stocks of cluster munitions had been transferred for destruction, with the exception of a limited number retained for training purposes. He said the destruction program cost approximately €3 million (US\$4.2 million).⁸¹

In April 2010, an official from the Ministry of Defense informed Landmine and Cluster Munition Monitor that the Italian company was supposed to have finished the destruction program by the end of July 2010, but had requested an extension from NAMSA until the end of October 2010. As of April 2010, a total of 94,410 of the artillery projectiles had been destroyed, and 20,800 remained to be destroyed.⁸² The Ministry of Defense confirmed in August that destruction was still not completed.⁸³

Upon completion, a total of 115,975 Belgian cluster munitions (115,210 artillery projectiles and 765 aerial bombs) containing 10,250,935 submunitions will have been destroyed.

Retention

In June 2009, Belgium stated that it intended to retain 300 155mm M485 DPICM artillery shells, each with 88 M42/46 submunitions, or a total of 26,400 submunitions. Belgium stated that, in its view, live submunitions were necessary for destruction training.⁸⁴

⁷⁵ “Loi réglant des activités économiques et individuelles avec des armes” (“Law regulating economic activities and individuals with weapons”), *Staatsblad Clip*, 9 June 2006, staatsbladclip.zita.be.

⁷⁶ House of Representatives, “Schriftelijke vragen en antwoorden: Vraag nr. 7 van de heer Dirk Van der Maelen van 15 januari 2008 (N.) aan de minister van Landsverdediging: Vernietiging van stocks van clustermunitie; Antwoord van de minister van Landsverdediging van 15 februari 2008” (“Questions and written responses: Question No. 7 by Mr Dirk Van der Maelen, of 15 January 2008 to the Minister of Defense: Destruction of stocks of cluster munitions; Response of the Minister of Defense of 15 February 2008”), Legislative document QRVA 52 009 18–2–2008, Session of 2007–2008, 18 February 2008, www.dekamer.be. See also, presentation by Lt.-Col Eric Carette, Ministry of Defense, “Training with submunitions ... Belgian approach,” Berlin Conference on the Destruction of Cluster Munitions, 26 June 2009.

⁷⁷ Statement by Karel De Gucht, Minister of Foreign Affairs, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

⁷⁸ Statement of Belgium, Special Event on the Convention on Cluster Munitions, UN, New York, 18 March 2009.

⁷⁹ House of Representatives, “Compte Rendu Intégral Avec Compte Rendu Analytique Traduit des Interventions, Commission de la Défense Nationale: Vraag van de heer Wouter De Vriendt aan de minister van Landsverdediging over de vernietiging van de stocks clustermunitie, nr. 12644” (“Full Report with Summary Record of Translated Interventions, Committee of National Defense: Question of Mr. Wouter De Vriendt to the Minister of Defense on the destruction of stocks of cluster munitions, no. 12644”), Legislative document CRIV 52 COM 540, Session of 2008–2009, 29 April 2009, www.lachambre.be.

⁸⁰ Presentation by Lt.-Col Eric Carette, Ministry of Defense, “Training with submunitions ... Belgian approach,” Berlin Conference on the Destruction of Cluster Munitions, 26 June 2009.

⁸¹ Belgian Senate, “Inleidende uiteenzetting door de heer Yves Leterme, Minister van Buitenlandse Zaken, Wetsontwerp houdende instemming met het Verdrag inzake clustermunitie, gedaan te Dublin op 30 mei 2008, Verslag namens de commissie voor de buitenlandse betrekkingen en voor de landsverdediging uitgebracht door mevrouw de Bethune en de heer Mahoux” (“Opening address by Yves Leterme, Minister of Foreign Affairs, Bill approving the Convention on Cluster Munitions, adopted at Dublin on May 30, 2008, Report on behalf of the committee on foreign relations and defence, presented by Mrs Bethune and Mr Mahoux”), Legislative document 4–1419, Session 2009–2010, 28 October 2009, www.senate.be. Average exchange rate for 2009: €1=US\$1.3935. US Federal Reserve, “List of Exchange Rates (Annual),” 4 January 2010.

⁸² Emails from the Cabinet of the Minister of Defense to HI-B, 24 April 2010 and 26 June 2010.

⁸³ Email from the Ministry of Defense to HI-B, 16 August 2010.

⁸⁴ It said that each trainee needs to destroy ten M42/46 submunitions during his instruction and training period and that each group of three trainees needs to destroy one complete M483 projectile. Presentation by Lt.-Col Eric Carette, Ministry of Defense, “Training with submunitions ... Belgian approach,” Berlin Conference on the Destruction of Cluster Munitions, 26 June 2009.

Bosnia and Herzegovina

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 March 2011
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional workshop in Croatia in February 2010
Key developments	Ratified on 7 September 2010

Policy

Bosnia and Herzegovina (BiH) signed the Convention on Cluster Munitions in Oslo on 3 December 2008. It formally deposited its instrument of ratification with the UN on 7 September 2010 and will become a State Party on 1 March 2011.

The Parliamentary Assembly approved ratification of the convention on 28 May 2010.⁸⁵ On 17 June 2010, the Presidency of BiH announced its approval of the ratification.⁸⁶ Notice of BiH's ratification was published in the Official Gazette on 25 August 2010.⁸⁷

BiH has engaged in the work of the convention in 2009 and the first half of 2010. It attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Regional Workshop on Cluster Munitions held in Rakitje, Croatia from 9–11 February 2010, and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, where it made a statement on victim assistance.⁸⁸

BiH actively participated throughout the Oslo Process to develop the convention in 2007 and 2008. It made strong contributions based on its experience as a country affected by cluster munitions. BiH supported a comprehensive prohibition on cluster munitions and in particular provisions for victim assistance, and was among a number of states that declared a national moratorium on the use of cluster munitions prior to the conclusion of the process.⁸⁹

BiH is a State Party to the 1997 Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), and has ratified its Protocol V on explosive remnants of war. BiH has participated in the CCW deliberations on cluster munitions in 2009 and the first half of 2010. In April 2010, BiH welcomed the coming entry into force of the Convention on Cluster Munitions, while also pledging to continue to work in the CCW in 2010.⁹⁰

Use, production, transfer, and stockpiling

Yugoslav forces and non-state armed groups used available stocks of cluster munitions during the 1992–1995 civil war. The various entity armies inherited cluster munitions during the breakup of the Socialist Federal Republic of Yugoslavia.

BiH has acknowledged that it produced cluster munitions for 11 years, but has stated that production has ceased.⁹¹ It has noted that since there was a large technology investment in a few production facilities, it would need assistance for conversion of these facilities and care for employees.⁹²

The production capacity included the ability to manufacture KB-series submunitions and integrate them into carrier munitions such as artillery projectiles and rockets.⁹³ According to Jane's Information Group, the Ministry of Defense has produced the M-87 Orkan Multiple Launch Rocket System (262mm), with each rocket containing 288 KB-1 dual purpose improved conventional munitions (DPICM) submunitions.⁹⁴ Jane's also lists BiH Armed Forces as possessing KPT-150 dispensers (which deploy submunitions) for aircraft.⁹⁵

⁸⁵ On 12 May 2010 the House of Representatives gave its consent for the ratification of the convention and on 28 May 2010 the House of Peoples passed its decision approving the ratification of the convention. See Sluzbeni Glasnik (Official Gazette), XIV/X, no. 6/10, 15 June 2010, www.sllist.ba.

⁸⁶ BiH Presidency, "BiH Presidency held its 74th session," 17 June 2010, www.predsjednistvobih.ba.

⁸⁷ Sluzbeni Glasnik (Official Gazette), XIV/X, no. 9/10, 25 June 2010, www.sllist.ba.

⁸⁸ Statement of BiH, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010. Notes by AOA/V/HRW.

⁸⁹ For details on BiH's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 44–45.

⁹⁰ Statement of BiH, CCW Group of Governmental Experts on Cluster Munitions, Geneva, 12 April 2010. Notes by AOA/V.

⁹¹ Statement of BiH, Oslo Conference on Cluster Munitions, 22 February 2007. Notes by the CMC/WILPF.

⁹² Statement of BiH, Wellington Conference on Cluster Munitions, 21 February 2008. Notes by the CMC.

⁹³ Ibid.

⁹⁴ Leland S. Ness and Anthony G. Williams, eds., *Jane's Ammunition Handbook 2007–2008* (Surrey, UK: Jane's Information Group Limited, 2007), p. 720.

⁹⁵ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 836.

Cluster Munition Remnants

An assessment by Norwegian People's Aid (NPA) in 2009 identified 18 locations in eight municipalities that are contaminated with cluster munition remnants, posing a threat to 16 communities.⁹⁶ The BiH Mine Action Center (BHMIC) has surveyed six locations affected by submunitions. It does not have standing operating procedures for general survey of areas affected by submunitions, but follows procedures for general survey of minefields. No survey has been conducted on the other 12 locations.⁹⁷

NPA estimates the total area affected by submunitions at 1–2km².⁹⁸ According to NPA, 13 locations are affected by BL-755 bombs dropped either by the former Yugoslavia's air force at the beginning of the war or by NATO forces in the second half of the war. Four areas are affected by KB-1 submunitions fired by the Republika Srpska army. One area of Sarajevo is also affected by KB-1 submunitions. The affected location, known as Pretis, is a former military ammunition factory. Submunitions were scattered around the ammunition storage area that was destroyed by NATO air bombardment.⁹⁹

Clearance of cluster munition remnants

In the course of working on two mine clearance tasks, the Bosniak-Croat Federation of Bosnia and Herzegovina Civil Protection Agency found and destroyed 127 unexploded submunitions in 2009.¹⁰⁰ NPA did not clear any submunitions in 2009.¹⁰¹ BHMIC does not have details of cluster munition contamination and only records items found and destroyed.¹⁰²

Burkina Faso

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Pretoria in March 2010
Key developments	Ratified on 16 February 2010

Policy

Burkina Faso signed the Convention on Cluster Munitions in Oslo on 3 December 2008 and deposited its instrument of ratification with the UN in New York on 16 February 2010. Burkina Faso and Moldova, which ratified on the same day, were the 29th and 30th states to ratify, triggering the entry into force of the convention on 1 August 2010.¹⁰³

Previously, on 5 February 2009, the Minister of Foreign Affairs confirmed that the ratification process was underway and stated that Burkina Faso hoped to be among the first 30 countries to ratify the convention.¹⁰⁴ A Ministry of Foreign Affairs representative informed the CMC that on 23 October 2009, the Foreign Affairs and Defense Committee of the National Assembly approved the ratification instrument. The official said that the ratification would be voted into law in the plenary of the National Assembly in November.¹⁰⁵

Burkina Faso is not known to have begun the process of preparing national implementation legislation or other measures.

Burkina Faso continued to be actively involved in the work of the convention in 2009 and 2010. It participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Special Event on the Convention on Cluster Munitions held at the UN in New York in October 2009, the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa in March 2010, and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

⁹⁶ NPA, "Implementation of the Convention on the Cluster Munitions (CCM) in Bosnia and Herzegovina," Sarajevo, undated but 2010, provided by email from Darvin Lisica, Programme Manager, NPA, 3 June 2010.

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ Email from Goran Zdrle, Officer, Department for Planning of Mine Action, BHMIC, 16 June 2010.

¹⁰¹ Email from Amela Balic, Operations Manager, NPA, 10 March 2010.

¹⁰² Interview with Tarik Serak, Mine Action Planning Manager, BHMIC, Sarajevo, 2 June 2010.

¹⁰³ CMC, "Burkina Faso amongst first 30 states to ratify cluster bomb ban treaty," Press release, 16 February 2010, London, stopclustermunitions.org.

¹⁰⁴ Email from Hildegard Vansintjan, Advocacy Officer, Handicap International (HI), 9 March 2009.

¹⁰⁵ Email from Joseph Issa Pare, Ministry of Foreign Affairs, to HI France, Advocacy Unit, 30 October 2009.

At an African regional conference, Burkina Faso expressed its gratitude for the “exceptional opportunity” to be the 30th country to ratify the convention, which it called a “precious tool of International Humanitarian Law.” Chairing the closing session of the conference, Burkina Faso remarked on the awareness raised on the need to strengthen efforts towards the universalization of the convention and the knowledge gained relating to national implementation.¹⁰⁶

Burkina Faso participated in several of the Oslo Process diplomatic conferences to develop the convention in 2007 and 2008, including the negotiation of the convention text in Dublin in May 2008.¹⁰⁷ Upon signing the convention in Oslo in December 2008, Burkina Faso pledged to ratify swiftly and called for the creation of an action plan for its full and effective implementation.¹⁰⁸

Burkina Faso has expressed its position on one of several important issues for the interpretation and implementation of the convention. In a March 2009 letter, the Minister of Foreign Affairs stated that Burkina Faso considers that the transit of cluster munitions by states not party through the territory of States Parties is prohibited.¹⁰⁹ Burkina Faso has yet to make known its views on other issues, such as the prohibition on assistance with prohibited acts during joint military operations with states not party, the prohibition on foreign stockpiling, and the prohibition on investment in cluster munition production.

Burkina Faso is party to the Convention on Conventional Weapons (CCW), but has not ratified Protocol V on explosive remnants of war. Burkina Faso has not participated in the CCW discussions on cluster munitions in 2009 or 2010 through July.

Burkina Faso has said that it never used, produced, or stockpiled cluster munitions.¹¹⁰

Burundi

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Pretoria in March 2010
Key developments	Ratified on 25 September 2009

Policy

The Republic of Burundi signed the Convention on Cluster Munitions in Oslo on 3 December 2008. Burundi’s “Law on the Ratification of the Convention on Cluster Munitions,” Law No. 1/15, was promulgated by the President on 3 September 2009, and officially deposited with the UN in New York on 25 September 2009.¹¹¹ Burundi was the 21st country to ratify, and thus among the first 30 ratifications that triggered entry into force on 1 August 2010.

Previously, in March 2009, the Department of Legal Affairs in the Ministry of Foreign Affairs, which prepared the ratification bill, confirmed that the process of ratification was underway. In April 2009, it informed the CMC that the ratification bill had been approved by the Foreign Minister.¹¹² The ratification bill was then adopted by the Council of Ministers on 10 June, and transmitted to Parliament for adoption by late June 2009.¹¹³ After passage by both the National Assembly and Senate, the ratification bill required Presidential approval.¹¹⁴

¹⁰⁶ Statement of Burkina Faso, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 26 March 2010. Notes by AOAV.

¹⁰⁷ For details on Burkina Faso’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 48–49.

¹⁰⁸ Statement by Amb. Monique Ilboudo, Representative of Burkina Faso to Denmark, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

¹⁰⁹ Letter No. 2009-001228/MAE-CR/SG/DGAJC from Minata Samate, Acting Minister of State, Minister of Foreign Affairs and Regional Cooperation, 24 March 2009.

¹¹⁰ Statement by Amb. Monique Ilboudo, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

¹¹¹ “Loi no.1/15 du 03 September 2009 portant ratification par la Republique du Burundi de la Convention sur les Armes à sous munitions” (“Law no. 1/15 of 3 September 2009 on the ratification of the Convention on Cluster Munitions by the Republic of Burundi”), 3 September 2009.

¹¹² Email from Georges Ntidendereza, APECOG, to Handicap International (HI) France, Advocacy Unit, 16 March 2009; and CMC, “CMC Newsletter,” April 2009.

¹¹³ Statement of Burundi, CMC Side Event on the Universalization of the Convention, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009. Notes by Landmine Action. Email from Georges Ntidendereza, APECOG, 13 July 2009.

¹¹⁴ Response to Monitor questionnaire by Fulgence Ndayishimiye, Director of Legal and Consular Affairs, Ministry of Foreign Affairs and International Cooperation, 1 March 2010.

In March 2010, a Ministry of Foreign Affairs official informed Landmine and Cluster Munition Monitor that the necessity of a national implementation law would be discussed with all relevant national partners, but that the process of preparing a law had not yet begun.¹¹⁵ In early August 2010, the process had still yet to commence. A Ministry of Foreign Affairs official stated there was willingness to initiate a drafting committee to prepare legislation, but that due to the establishment of new institutions, it was not possible to predict how long the process would take.¹¹⁶

Burundi continued to be actively engaged in the work of the convention in 2009 and 2010. Burundi attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009; the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa in March 2010, where it appealed to other African countries to ratify the convention; and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, where it made a statement noting its experience gained in mine action and called on countries to make concrete commitments to clear contaminated areas.¹¹⁷

Burundi participated in most of the Oslo Process diplomatic conferences that led to the creation of the convention in 2007 and 2008, including the formal negotiations in Dublin in May 2008. Burundi made important contributions to the process in support of a comprehensive ban on cluster munitions with strong provisions for victim assistance and international cooperation and assistance.¹¹⁸

Burundi has not yet made known its views on certain important issues related to the interpretation and implementation of the convention, including the prohibition on transit, the prohibition on assistance during joint military operations with states not party that may use cluster munitions, the prohibition on foreign stockpiling of cluster munitions, the prohibition on investment in production of cluster munitions, and the need for retention of cluster munitions and submunitions for training and development purposes.

Burundi is not party to the Convention on Conventional Weapons.

On 9 July 2010, Burundian NGO and CMC member Association for the Care of Orphans of War (Association de Prise en Charge des Orphelins de Guerre, APECOG) organized an event on the convention in preparation for its entry into force on 1 August 2010. During the event, the Ministry of Foreign Affairs official affirmed the commitment of the government of Burundi to continue encourage other states that had not yet done so to ratify the convention without delay.¹¹⁹

Burundi has stated that it has never used cluster munitions.¹²⁰ It is not believed to have produced, transferred, or stockpiled them.

Comoros

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 January 2011
Participation in Convention on Cluster Munitions meetings	Attended a global conference in Santiago in June 2010 and a regional meeting in Pretoria in March 2010
Key developments	Ratified on 28 July 2010

Policy

The Union of Comoros signed the Convention on Cluster Munitions in Oslo on 3 December 2008. The Federal Assembly approved ratification of the convention on 9 June 2010 with Law No. 10-OOS/AU. The ratification law was promulgated by Presidential Decree No. 10-078/PR on 19 July.¹²¹ Comoros officially deposited its ratification instrument with the UN in New York on 28 July 2010. The convention will enter into force for Comoros on 1 January 2011.

¹¹⁵ Ibid.

¹¹⁶ Email from Côme Niyongabo, HI, following a telephone interview with Fabien Ndayishimiye, Legal Advisor, Ministry of Foreign Affairs, 3 August 2010.

¹¹⁷ Statement of Burundi, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 25 March 2010. Notes by AOAV. Statement of Burundi, International Conference on the Convention on Cluster Munitions, Santiago, 9 June 2010. Notes by AOAV/HRW.

¹¹⁸ For details on Burundi's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 49–50.

¹¹⁹ CMC, "Rapport sur la journée de manifestation de la joie de la prochaine mise en vigueur de la Convention d'Oslo sur les bombes à sous munitions" ("Report on the event on the joy of the upcoming entry into force of the Oslo Convention on Cluster Munitions"), 22 July 2010.

¹²⁰ Statement of Burundi, Kampala Conference on the Convention on Cluster Munitions, 30 September 2008. Notes by the CMC.

¹²¹ Letter No. 261/07/MP/NY-10 from Mohamed El-Marouf, Chargé D'affaires, Permanent Mission of Comoros to the UN in New York, 26 July 2010.

Previously, in early March 2010, Comoros told Landmine and Cluster Munition Monitor that the ratification instrument had been sent by the Ministry of Foreign Affairs to the Federal Assembly for approval.¹²²

Comoros participated in both the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions held in Pretoria, South Africa in March 2010 and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

Comoros joined the Oslo Process that created the convention in March 2008, and advocated for the strongest convention possible during the negotiations.¹²³

Comoros is party to the Mine Ban Treaty, but not the Convention on Conventional Weapons.

Comoros has stated that it has never used, produced, transferred, or stockpiled cluster munitions.¹²⁴

Croatia

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010
Key developments	Ratified on 17 August 2009; stockpile destruction discussions underway

Policy

The Republic of Croatia signed the Convention on Cluster Munitions in Oslo on 3 December 2008. The Croatian Parliament approved the “Law for the Ratification of the Convention on Cluster Munitions” on 5 June 2009. Croatia formally deposited its ratification with the UN in New York on 17 August 2009.¹²⁵ It was the 16th country to ratify, and thus among the first 30 ratifications that triggered entry into force on 1 August 2010.

It is not known if Croatia has begun the process of preparing national implementation legislation or other measures.

Croatia has continued to play an active role in promoting the implementation and universalization of the convention. Croatia is a member of the Lao Support Group, which is tasked with advancing preparations for the First Meeting of States Parties to be held in Lao PDR in November 2010. In particular, Croatia has been assisting with preparatory work related to implementation of victim assistance obligations.

Croatia has emphasized its commitment to the universalization of the convention and stated that it is promoting the convention in international and regional fora and in all bilateral contacts.¹²⁶ The Ministry of Foreign Affairs and European Integration and the Regional Arms Control Verification and Implementation Assistance (RACVIAC) Centre for Security and Cooperation co-hosted the Regional Workshop on Cluster Munitions in Rakitje from 9–11 February 2010. Representatives from across government ministries and the armed forces from 15 countries attended, along with international organizations and NGOs.¹²⁷

Croatia attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Special Event on the Convention on Cluster Munitions held at the UN in New York in October 2009, and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010. At the Santiago conference, Croatia made a statement emphasizing the importance of transparency reporting for the convention and as a tool for ensuring national coordination mechanisms are in place.¹²⁸

¹²² Email from Bourhane Mirhane, Ministry of External Affairs, 11 March 2010.

¹²³ For details on cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 60.

¹²⁴ Interview with Mohamed El-Marouf, Permanent Mission of the Union of Comoros to the UN in New York, in Pretoria, 25 March 2010.

¹²⁵ Response to Monitor questionnaire by Hrvoje Debač, Department for Humanitarian Mine Action, Directorate for Multilateral Affairs, Ministry for Foreign Affairs and European Integration, 29 March 2010.

¹²⁶ Ibid.

¹²⁷ Albania, Austria, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Germany, Hungary, Moldova, Poland, Serbia, Slovenia, Spain, Switzerland, Turkey, and the United Kingdom attended, along with representatives from several national mine action centers, the CMC, ICRC, Organization for Security and Cooperation in Europe Mission to Croatia, UN Mine Action Service, UNDP, Geneva International Centre for Humanitarian Demining, International Trust Fund for Demining and Mine Victims Assistance, and others. RACVIAC Centre for Security and Cooperation, “News 2010,” 10 February 2010, www.racviac.org.

¹²⁸ Statement of Croatia, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010. Notes by AOA/HRW.

Croatia made many notable contributions throughout the Oslo Process which led to the creation of the convention. Croatia played a leadership role in advocating continuously for the strongest possible provisions on victim assistance and helped to strengthen the convention by emphasizing the humanitarian harm caused by cluster munitions from its experience as an affected state.¹²⁹ Croatia was also one of a number of states that announced that it had enacted a moratorium on the use, production, and transfer of cluster munitions, in 2007, prior to the conclusion of the process.¹³⁰

Croatia has yet to formally make known its views on a number of important issues regarding the interpretation and implementation of the convention, such as the prohibitions on transit of cluster munitions, foreign stockpiling of cluster munitions, and investment in cluster munition production, or the retention of cluster munitions for research or training purposes. On another issue, Croatia has simply stated, “As for the interoperability and use of cluster munitions by countries that are not signatories to the [convention], and are serving within joint military operations, Republic of Croatia will act in accordance with provisions stipulated in Article 21 of the Convention.”¹³¹

Croatia is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. Croatia has continued to participate in deliberations in the CCW on cluster munitions in 2009 and 2010 through July. Croatia has supported efforts to conclude an instrument in the CCW on cluster munitions, but has been critical of its progress. It has stated that as a minimal bottom line, any future instrument must have an immediate impact on addressing the humanitarian impact of cluster munitions.¹³²

Use, production, transfer, and stockpiling

Croatia has stated that it does not produce cluster munitions, did not import them, and that the Armed Forces of Croatia have not used them, including in missions under UN auspices.¹³³ Croatia has said its armed forces have “some quantities of stockpiled cluster munitions,” inherited during the breakup of the Socialist Federal Republic of Yugoslavia.¹³⁴

Jane’s Information Group lists Croatia as possessing KMG-U dispensers (which deploy submunitions) for aircraft and M87 Orkan 262mm rockets; each rocket contains 288 KB-1 dual purpose improved conventional munition (DPICM) submunitions.¹³⁵

Croatia has stated that it expects its stockpile destruction process to begin by the end of 2010.¹³⁶ In February 2010, representatives of the NGO Norwegian People’s Aid (NPA) and UNDP met with Ministry of Defense officials to discuss plans for stockpile destruction. NPA, together with partners from the Moldovan Ministry of Defense, had made a presentation at the RACVIAC Centre for Security and Cooperation in Croatia on a self-help project on stockpile destruction carried out in Moldova.¹³⁷

In March 2010, Croatia informed Landmine and Cluster Munition Monitor that the ministries of defense and foreign affairs were engaged in discussions with NPA, UNDP, and Colin King Associates Ltd. on the possibilities for cooperation on a pilot project for the ecological destruction of stockpiles. It noted that since the discussions were still in their initial phase, “exact information on the total quantities of cluster munitions and on quantities to be destroyed and kept for future training, are still not available for [the] public.”¹³⁸

The Trial Chamber of the International Criminal Tribunal for the former Yugoslavia (ICTY) established that Milan Martić ordered the shelling of Zagreb on 2–3 May 1995 using M87 Orkan rockets equipped with submunitions. At least seven civilians were killed and more than 200 wounded in the attacks.¹³⁹ Additionally, the Croatian government has claimed that Serb forces dropped BL-755 cluster bombs in Sisak, Kutina, and along the Kupa river.¹⁴⁰

¹²⁹ For details on Croatia’s cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 64–66.

¹³⁰ Statement of Croatia, Vienna Conference on Cluster Munitions, 5 December 2007. Notes by CMC/WILPF.

¹³¹ Response to Monitor questionnaire by Hrvoje Debač, Ministry for Foreign Affairs and European Integration, 29 March 2010.

¹³² Statement of Croatia, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 17 April 2009. Notes by Landmine Action.

¹³³ Response to Monitor questionnaire by Hrvoje Debač, Ministry for Foreign Affairs and European Integration, 29 March 2010; and statement of Croatia, Lima Conference on Cluster Munitions, 23 May 2007. Notes by CMC/WILPF. It is not clear whether any Yugoslav production facilities for cluster munitions or their components were located in Croatia.

¹³⁴ Statement of Croatia, Lima Conference on Cluster Munitions, 23 May 2007. Notes by CMC/WILPF. Response to Monitor questionnaire by Hrvoje Debač, Ministry for Foreign Affairs and European Integration, 29 March 2010.

¹³⁵ Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), p. 837; and Leland S. Ness and Anthony G. Williams, eds., *Jane’s Ammunition Handbook 2007–2008* (Surrey, UK: Jane’s Information Group Limited, 2007), p. 641.

¹³⁶ Response to Monitor questionnaire by Hrvoje Debač, Ministry for Foreign Affairs and European Integration, 29 March 2010.

¹³⁷ CMC, “CMC Newsletter,” February 2010.

¹³⁸ Response to Monitor questionnaire by Hrvoje Debač, Ministry for Foreign Affairs and European Integration, 29 March 2010.

¹³⁹ Trial Chamber of the ICTY, “Summary of Judgment for Milan Martić,” Press release, 12 June 2007, The Hague. From 4 January 1991 to August 1995, Martić held various leadership positions, including President, Minister of Defense, and Minister of Internal Affairs, in the unrecognized offices of the Serbian Autonomous District Krajina, and the Republic of Serbian Krajina.

¹⁴⁰ Statement of Croatia, Fourth Session of the GGE to Prepare the Review Conference of the States Parties to the CCW, Geneva, January 1995.

Cluster Munition Remnants

Croatia has areas contaminated by cluster munition remnants left over from the conflict in the 1990s. According to the Croatian Mine Action Centre (CROMAC), at the end of 2009 the areas affected by unexploded submunitions (not including mined areas that may be suspected to contain such remnants) covered a total of 4,267,489m²,¹⁴¹ affecting 19 towns and municipalities.¹⁴² The problem is present in seven cantons (out of 21), and as of 31 December 2009 there were 19 areas suspected to contain unexploded submunitions.¹⁴³ The types of submunitions in those areas are KB-1, MK-1, and BL-755.¹⁴⁴ CROMAC says all contaminated areas are marked.¹⁴⁵

Clearance of cluster munition remnants

Croatia has not reported clearance of any unexploded submunitions during 2009. Its Article 4 deadline for clearance of areas under its jurisdiction or control containing cluster munition remnants is 1 August 2020.

Denmark

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010
Key developments	Ratified on 12 February 2010

Policy

The Kingdom of Denmark signed the Convention on Cluster Munitions in Oslo on 3 December 2008. Parliament approved ratification of the convention on 17 December 2009.¹⁴⁶ Denmark deposited its instrument of ratification with the UN on 12 February 2010.¹⁴⁷ It was the 28th signatory to do so, and thus was among the first 30 ratifications, triggering entry into force of the convention on 1 August 2010.

The Parliamentary motion approving ratification states that the convention's provisions can be upheld without changes to existing Danish laws, and that penal sanctions for violations of the convention are imposed under its Military Penal Code.¹⁴⁸

Denmark continued to engage in the work of the convention in 2009 and 2010. It attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, where it provided an update on its ratification process and assured states that it will destroy its stocks in a timely fashion.¹⁴⁹ It also participated in the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

¹⁴¹ Interview with Miljenko Vahtarić, Assistant Director, and Nataša Matesa Mateković, Head, Planning and Analysis Department, CROMAC, Sisak, 24 March 2010.

¹⁴² CROMAC, "Report on implementation of humanitarian demining plan and financial means spent in 2009, Summary," Sisak, March 2010, p. 3.

¹⁴³ Email from Kristina Ikic Banicek, Advisor for International Cooperation and Donations, CROMAC, 11 August 2010.

¹⁴⁴ Statement on Stockpile Destruction by Pjer Simunovic, Croatian State Secretary, Ministry of Defense, "After Oslo 2008 Workshop on Cluster Munitions," Rakište, 9 February 2010.

¹⁴⁵ Interview with Miljenko Vahtarić and Nataša Matesa Mateković, CROMAC, Sisak, 24 March 2010.

¹⁴⁶ Motion No. B60, "Parliamentary resolution on Denmark's adoption of the Convention on Cluster Munitions, signed 4 December 2008 in Oslo," document reference AX011830, 17 December 2009.

¹⁴⁷ Denmark submitted a formal declaration with its ratification instrument stating that the convention did not apply to Denmark's territories of Greenland and the Faroe Islands, but may by unilateral declaration of the government apply at a later date. This was done to respect the limited self-governance agreements with the territories, with the aim of removing the exemptions as soon as the local decision-making processes were completed. On 12 February 2010, the convention was extended to cover Greenland. See, www.minbuza.nl. Danish territorial control does not include the United States Thule Air Base in Greenland. Meeting with Ministry of Foreign Affairs and Ministry of Defense officials, Copenhagen, 25 March 2010.

¹⁴⁸ Folketinget (Danish Parliament), "B60 Proposal for a parliamentary resolution on Denmark's adoption of the Convention on cluster munitions, signed on 4 December 2008 in Oslo," 19 November 2009, www.ft.dk. The Arms Act prohibits, without permission from the Minister of Justice, the possession, acquisition, and transfer of grenades, bombs, mines, or similar devices. The Military Penal Code will allow punishment for the willful use of cluster munitions in armed conflicts. Use of cluster munitions outside of armed conflicts will be punishable under the military criminal law on breach of duty pursuant to the Military Penal Code.

¹⁴⁹ Statement of Denmark, Berlin Conference on the Destruction of Cluster Munitions, 26 June 2009. Notes by HRW.

Denmark participated from the beginning in the Oslo Process that produced the convention. Initially, it did not support a comprehensive prohibition on cluster munitions and consistently expressed strong reservations about the process and the convention text. However, Denmark's position shifted significantly from 2006 to 2008, and it adopted the convention at the conclusion of the negotiations in Dublin in May 2008.¹⁵⁰ Denmark's rapid ratification of the convention is demonstrative of the considerable change in Danish policy on cluster munitions.

Interpretive issues

Denmark has yet to make known its views on several issues important to the interpretation and implementation of the convention, including the prohibition on transit and the prohibition on foreign stockpiling of cluster munitions.

Denmark's ratification instrument provides the following statement on the prohibition on assistance with prohibited acts during joint military operations: "Article 21 contains a significant provision for States Parties to be allowed to cooperate with states not party to the Convention (interoperability). Regardless of the broad wording of the ban in Article 1, States Parties may continue to participate in military cooperation and operations with States not party to the Convention. However, this access is not unlimited, as a State Party is never allowed to develop or acquire cluster munitions or explicitly request support in the form of cluster munitions in a situation where the State Party has an exclusive control over the choice of the ammunition."¹⁵¹

Disinvestment

For several years Danish NGOs have been calling for Danish financial institutions to stop investing in companies that produce cluster munitions. According to a December 2009 report, of the ten largest Danish pension funds and ten largest Danish banks, only one had maintained its investments in cluster munitions, while another was still in the process of selling off its shares in cluster munition producing companies.¹⁵²

On 14 April 2009, the opposition Socialist People's Party submitted a motion calling for a ban on investments in companies involved in the production of cluster munitions. The motion was referred to the Defense Committee, which produced a report in October 2009 stating that, under the terms of the convention, it would be prohibited under certain specified circumstances for the Danish government and municipalities to invest in companies producing cluster munitions.¹⁵³

On 11 January 2010, the Ministry of Economic and Business Affairs reported that it considered mandatory regulation of investment to be counterproductive as it could limit voluntary engagement by investors. It stated that a ban on investment in cluster munitions producers could affect the ability of Danish companies to follow UN Principles for Responsible Investment and active ownership. It raised concerns about difficulties in determining an objective and exhaustive list of producers, in light of the likelihood of cluster munitions being produced by large companies that deal with other types of production activities.¹⁵⁴

On 13 January 2010, during a parliamentary debate, the Danish government stated its opposition to a prohibition on investment in cluster munition producing companies.¹⁵⁵ It said that the Ministry of Economic and Business Affairs was preparing a non-mandatory set of guidelines on responsible investment, which is expected to be published by summer 2010.¹⁵⁶ An inter-ministerial working group has been established to work on the issue.¹⁵⁷

Convention on Conventional Weapons

Denmark is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. In 2010, Danish officials stated that Denmark will continue to support the CCW process to develop and adopt a protocol on cluster munitions, in order to reach an agreement that could bring on board major producers who have not so far joined the Convention on Cluster Munitions. The officials expressed some uncertainty as to the compatibility between standards under the Convention on Cluster Munitions and those which could be agreed in a CCW protocol.¹⁵⁸

¹⁵⁰ For more details on Denmark's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 68–71.

¹⁵¹ Folketinget, "B60 Proposal for a parliamentary resolution on Denmark's adoption of the Convention on cluster munitions, signed on 4 December 2008 in Oslo," 19 November 2009, www.ft.dk.

¹⁵² DanWatch, "Investments in Cluster Weapons on Rapid Decline," 2 December 2009, www.danwatch.dk.

¹⁵³ "Report submitted by the Defence Committee on Motion No. B173, Proposal for a parliamentary resolution on the prohibition of investment in production and trade of cluster munitions," 2 October 2009.

¹⁵⁴ Ministry of Economic and Business Affairs, "Clarifying questions from the Defence Committee regarding proposals for parliamentary resolution prohibiting investment, production and trade with cluster weapons (B 173)," 11 January 2010.

¹⁵⁵ Parliamentary debate concerning question S 620, 13 January 2010.

¹⁵⁶ Parliamentary debate concerning question S 619, 13 January 2010.

¹⁵⁷ The working group includes representatives from the ministries of defense, foreign affairs, economic and business affairs, interior, and employment. Meeting with Ministry of Foreign Affairs and Ministry of Defense officials, Copenhagen, 25 March 2010.

¹⁵⁸ Ibid.

In the past, Denmark has been a staunch supporter of CCW work on cluster munitions, and served as the chair of the deliberations in 2008. The motion approving ratification of the Convention on Cluster Munitions noted, “Negotiations within the UN in the CCW are distinguished by the fact that even the big stockpiling and producing countries (like USA, Russia, China, India, Pakistan, Israel, South Korea and others) participate. These countries are believed to have around 90% of world stocks of cluster munitions, which however are not covered by the Oslo Convention [Convention on Cluster Munitions]. This group of countries has categorically rejected such a stringent regulation as imposed by the Oslo Convention, and did not participate in its negotiation. These countries have also indicated that they do not in the future intend to join the Convention. The practical effect of this convention is thus weakened by the fact that the most important countries—in terms of production and use of cluster weapons—are not and cannot be expected to become parties to the Oslo Convention.”¹⁵⁹

Use, production, transfer, and stockpiling

Denmark is not known to have used, produced, or exported cluster munitions.

Denmark has reported that its stockpile of cluster munitions consists of approximately 27,000 DM642 artillery projectiles, each containing 63 dual purpose improved conventional munition (DPICM) submunitions; approximately 15,000 DM662 Base Bleed (extended range) artillery projectiles, each containing 49 DPICM submunitions; approximately 20 MK20 Rockeye cluster bombs; and approximately 300 M726 cluster munitions.¹⁶⁰

Denmark estimated that destruction of the DM642 and DM662 cluster munitions would cost approximately DKK5,000–6,000 (US\$933–1,120) per munition, or approximately DKK210 million–250 million (\$39.2 million–46.7 million) total. It estimated it would cost approximately DKK15 million (\$2.8 million) to destroy “all manufactured parts” for Multiple Launch Rocket System cluster munitions.¹⁶¹ Some or all of the Rockeyes will be retained for training purposes.¹⁶²

Denmark’s 2010–2014 Defence Agreement, dated June 2009, states that destruction will begin “when the preconditions for such destruction are fulfilled,” and not before 2014. It notes that the cost of destruction is expected to fall over time as the international market evolves.¹⁶³

The 2010–2014 Defence Agreement stated that cluster munitions for artillery and rocket launchers had been removed from operational use.¹⁶⁴ In 2005, the Ministry of Defense stated, “No [air-dropped] cluster bombs...are in service with the Danish Armed Forces” and “no ground-launched cluster munitions is currently in service with the Danish Armed Forces.” It said that Denmark had retired its inventory of US-produced Rockeye cluster bombs,¹⁶⁵ while retaining a small number for training of explosive ordnance disposal personnel. It also said it had removed from service 155mm Improved Conventional Munitions (ICM) and ICM Base Bleed (extended range) artillery projectiles with submunitions.¹⁶⁶ Denmark later said it had decided to take its DM662 artillery cluster munitions out of service and destroy them because of tests showing them to be highly unreliable.¹⁶⁷

Retention

Denmark stated in its ratification document that it will retain “some” cluster munitions for the purposes of training demining personnel, and specifically that some Rockeye cluster bombs will be retained.¹⁶⁸ In March 2010, Ministry of Defense officials said that Denmark was determining which other munitions might be retained, but noted that the amount should be comparable to the number of Rockeye cluster bombs retained.¹⁶⁹

¹⁵⁹ Folketinget, “B60 Proposal for a parliamentary resolution on Denmark’s adoption of the Convention on cluster munitions, signed on 4 December 2008 in Oslo,” 19 November 2009, www.ft.dk.

¹⁶⁰ Ibid.

¹⁶¹ Ibid. The document states there may be “economies of scale” in pursuing a joint destruction program with other countries.

¹⁶² Average exchange rate for 2009: DKK1=US\$0.18666. US Federal Reserve, “List of Exchange Rates (Annual),” 4 January 2010.

¹⁶³ “Danish Defence Agreement 2010–2014,” Copenhagen, 24 June 2009, p.19.

¹⁶⁴ Ibid.

¹⁶⁵ At some point between 1970 and 1995, the US supplied Denmark with 200 Rockeye cluster bombs. US Defense Security Cooperation Agency, Department of Defense, “Cluster Bomb Exports under FMS, FY1970-FY1995,” obtained by Human Rights Watch in a Freedom of Information Act request, 28 November 1995.

¹⁶⁶ Communication from the Ministry of Defense, Division of International Law and Security Cooperation, to Pax Christi Netherlands, 16 February 2005.

¹⁶⁷ Ministry of Foreign Affairs, “Analysis of Cluster Munitions,” 1 April 2008, www.um.dk; and “New Treaty Means That Danish Cluster Munitions Will Be Scrapped,” *Information*, 29 May 2008, www.information.dk.

¹⁶⁸ Folketinget, “B60 Proposal for a parliamentary resolution on Denmark’s adoption of the Convention on cluster munitions, signed on 4 December 2008 in Oslo,” 19 November 2009, www.ft.dk.

¹⁶⁹ Meeting with Ministry of Foreign Affairs and Ministry of Defense officials, Copenhagen, 25 March 2010.

Ecuador

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 November 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Santiago in September 2009
Key developments	Ratified on 11 May 2010

Policy

The Republic of Ecuador signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 11 May 2010. The convention will enter into force for Ecuador on 1 November 2010.

In March 2009, Ecuador said that it had begun the ratification process.¹⁷⁰ On 13 August 2009, the Constitutional Court (Tribunal Constitucional del Ecuador) issued a decision in favor of ratification of the convention.¹⁷¹ On 25 March 2010, the National Assembly unanimously approved ratification.¹⁷² Ecuador officially deposited its instrument of ratification with the UN on 11 May 2010.

It is not known if Ecuador has begun the process of developing national implementation legislation or other domestic measures.

Ecuador has engaged in the work of the convention in 2009 and 2010 through July. It participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Regional Conference for Latin America and the Caribbean on Cluster Munitions in Santiago, Chile in September 2009, and the International Conference on the Convention on Cluster Munitions, also held in Santiago, in June 2010.

From May 2007 onwards, Ecuador participated fully in the Oslo Process that produced the convention. During the final negotiations in Dublin in May 2008 it sought a strong treaty text, particularly with respect to victim assistance measures. On 6–7 November 2008, Ecuador hosted a regional conference to promote signature to the convention.¹⁷³

In November 2008, Ecuador provided a detailed statement on its views on some key issues of interpretation and implementation. It stated that transit of cluster munitions should be prohibited; the number of units retained for training should not be bigger than 1,000 and should reduce with time; Article 21 (on interoperability) should never be used to justify any derogation from the convention's core prohibitions; and the article should not be interpreted as suspending other obligations under the convention. The spirit of Article 21 is to promote universalization of the convention.¹⁷⁴

Ecuador is a State Party to the Mine Ban Treaty.

Ecuador is also party to the Convention on Conventional Weapons (CCW) and ratified its Protocol V on explosive remnants of war on 10 March 2009. Ecuador has not engaged in CCW deliberations on cluster munitions in recent years.

Ecuador has stated several times that it has not used, produced, or stockpiled cluster munitions.¹⁷⁵

¹⁷⁰ CMC, "Report on the Special Event on the Convention on Cluster Munitions, United Nations, New York, 18 March 2009."

¹⁷¹ Statement of Ecuador, Regional Conference for Latin America and the Caribbean on Cluster Munitions, Santiago, 14 September 2009. Notes by the CMC. Email from Amb. Rodrigo Riofrio, Director General, Multilateral Policy and Negotiation in International Organizations, Ministry of Foreign Affairs, 11 March 2010.

¹⁷² "Ecuador aprueba protocolo contra tortura y ratifica convención bombas racimo" ("Ecuador approves protocol against torture and ratifies convention on cluster bombs"), *El Tiempo*, 26 March 2010, www.eltiempo.com.ec.

¹⁷³ For details on Ecuador's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 71–72.

¹⁷⁴ Presentation of Ecuador, "Interpretive Statement," Quito Regional Conference on the Convention on Cluster Munitions, 6 November 2008, www.stopclustermunitions.org. It also stated that it would have preferred a ban on all cluster munitions without exceptions; the establishment of the principle of retroactivity is key; the definition of victim assistance is a pillar of the convention; and, international cooperation is fundamental.

¹⁷⁵ Statement of Ecuador, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010. Notes by AOAV; and presentation by Ecuador, "Interpretive Statement," Quito Regional Conference on the Convention on Cluster Munitions, 6 November 2008.

Fiji

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 November 2010
Participation in Convention on Cluster Munitions meetings	Attended a global conference in Santiago in June 2010 and a regional meeting in Bali in November 2009
Key developments	Ratified on 28 May 2010

Policy

The Republic of the Fiji Islands signed the Convention on Cluster Munitions on 3 December 2008 and submitted its instrument of ratification to the UN on 28 May 2010. Pacific media reported on 25 May that the Fijian Cabinet had endorsed the ratification of the convention, basing its decision on a submission by the Minister for Foreign Affairs, International Cooperation and Civil Aviation, Ratu Inoke Kubuabola.¹⁷⁶ Fiji was the third Pacific nation to ratify, after Samoa and New Zealand.

The convention will enter into force for Fiji on 1 November 2010. Fiji is not known to have begun the process of preparing national implementation legislation or other measures.

Fiji joined the Oslo Process in February 2008 and adopted the convention at the end of negotiations in Dublin on 30 May 2008.¹⁷⁷

At the time of ratification in May 2010, the Minister for Foreign Affairs noted that Fiji has a significant number of security personnel working in countries ravaged by cluster munitions, and said that the universality of the convention would, without a doubt, significantly reduce the danger caused by this weapon to Fiji's peacekeepers.¹⁷⁸

Two government representatives from Fiji, as well as a civil society representative, attended the International Conference on the Convention on Cluster Munitions held in Santiago, Chile in June 2010. Fiji also participated in the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions held in Bali, Indonesia in November 2009.

Fiji has not yet made known its views on certain important issues related to interpretation and implementation of the convention, including the prohibition on transit, the prohibition on assistance during joint military operations with states not party that may use cluster munitions, the prohibition on investment in production of cluster munitions, and the prohibition on foreign stockpiling of cluster munitions. During the Dublin negotiations of the convention, Fiji supported the retention of cluster munitions for training purposes—despite the fact that it does not possess any—citing its participation in peacekeeping operations.¹⁷⁹

Fiji is not party to the Convention on Conventional Weapons.

Fiji has stated that it does not use, produce, or stockpile cluster munitions.¹⁸⁰

¹⁷⁶ "Fiji's administration approves ratification of the '2008 Convention on Cluster Munitions,'" *Pacific Islands News Association*, 24 May 2010, www.pina.com.fj.

¹⁷⁷ For more details on Fiji's past policy and practice, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 73.

¹⁷⁸ "Fiji's administration approves ratification of the '2008 Convention on Cluster Munitions,'" *Pacific Islands News Association*, 24 May 2010, www.pina.com.fj.

¹⁷⁹ Summary Record of the Committee of the Whole, First Session: 19 May 2008, Dublin Diplomatic Conference on Cluster Munitions, CCM/CW/SR/1, 18 June 2008.

¹⁸⁰ The Minister for Foreign Affairs stated this in May 2010. "Fiji's administration approves ratification of the '2008 Convention on Cluster Munitions,'" *Pacific Islands News Association*, 24 May 2010, www.pina.com.fj. See also, statement by Amb. Seremaia Tiunausori Cavuilati, Permanent Mission of Fiji to the European Union, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008; and Dublin Diplomatic Conference on Cluster Munitions, 28 May 2008. Notes by the CMC.

France

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010
Key developments	Ratified on 25 September 2009; enacted national implementation legislation on 20 July 2010

Policy

The French Republic signed the Convention on Cluster Munitions on 3 December 2008 and ratified it on 25 September 2009. The convention entered into force for France on 1 August 2010.

The Council of Ministers reviewed the draft ratification legislation on 10 June 2009. The legislation was unanimously approved by the National Assembly on 21 July 2009 and then by the Senate on 17 September 2009.¹⁸¹ On 21 September 2009, President Nicolas Sarkozy signed Law No. 2009-1113 authorizing ratification of the convention into law.¹⁸² On 25 September 2009, France deposited its instrument of ratification with the UN during the annual treaty event held parallel to the opening of the UN General Assembly in New York.

France was the 20th signatory to ratify the convention and thus was among the first 30 ratifications that triggered entry into force on 1 August 2010. Minister of Foreign and European Affairs Bernard Kouchner, who signed the convention on behalf of France in December 2008, said that the ratification demonstrated France's commitment to the advancement of international humanitarian law. He described the convention as the product of close collaboration between states and NGOs, including Handicap International (HI), and affirmed France's commitment to achieve the universalization of the convention.¹⁸³

France enacted national implementation legislation for the convention on 20 July 2010.¹⁸⁴ The law comprehensively prohibits the use, production, transfer, and stockpiling of cluster munitions.

Promotion of the convention

France participated actively in the Oslo Process that produced the Convention on Cluster Munitions from the outset in 2007. But it was not initially supportive of a comprehensive or immediate ban on cluster munitions and frequently raised objections about the process and the convention text. However, its policy evolved considerably, and during the formal negotiations in May 2008, France announced that it would immediately withdraw its M26 cluster munition rockets (the vast majority of its stockpile) from operational service. This move signalled a significant shift in France's position in support of the treaty text, and influenced others to embrace it.¹⁸⁵

France demonstrated strong commitment to the work of the convention in 2009 and 2010 through August, particularly to its universalization. France attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, where it made a statement on stockpile destruction and the retention of cluster munitions (see below). In October 2009, at the UN General Assembly First Committee, France expressed its determination to universalize the convention.¹⁸⁶ In June 2010, France participated in the International Conference on the Convention on Cluster Munitions held in Santiago, Chile, where it gave an update on its universalization efforts and expressed its willingness to intensify the work in the lead-up to the First Meeting of States Parties.¹⁸⁷

France has reported sending many demarches urging signatories to ratify, including to Burkina Faso, Lebanon, Senegal, and Togo. Burkina Faso ratified the convention on 16 February 2010. France has also sent demarches to non-signatories, including Andorra, Cambodia, Djibouti, Gabon, Jordan, Mauritania, Morocco, Serbia, Seychelles, and Vietnam. Djibouti, Mauritania, and Seychelles subsequently signed the convention. The Secretary of State for Defense

¹⁸¹ Ministry of Foreign and European Affairs, "France favours the prohibition of all cluster munitions," 2 October 2009, www.diplomatie.gouv.fr.

¹⁸² "Loi no. 2009-1113 du 21 septembre 2009 autorisant la ratification de la convention sur les armes à sous-munitions" ("Law no. 2009-1113 of 21 September 2009 authorizing the ratification of the Convention on Cluster Munitions"), www.senat.fr.

¹⁸³ Statement by Bernard Kouchner, Minister of Foreign and European Affairs, Ratification of the Convention on Cluster Munitions, New York, 25 September 2009, www.franceonu.org.

¹⁸⁴ "Loi no. 2010-819 du 20 juillet 2010 tendant à l'élimination des armes à sous-munitions" ("Law no. 2010-819 of 20 July 2010 on the elimination of cluster munitions"), *Journal Officiel (Official Journal)*, no. 166, 21 July 2010, consolidated on 2 August 2010, legifrance.gouv.fr.

¹⁸⁵ For more details on France's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 74–77.

¹⁸⁶ Statement by Amb. Eric Danon, Permanent Representative of France to the Conference on Disarmament, UN General Assembly, 64th Session, First Committee, New York, 20 October 2009.

¹⁸⁷ Statement of France, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010. Notes by AOA/HRW.

has cited the government's close collaboration on universalization with HI and said France would push major non-signatory states to join.¹⁸⁸

France is a member of the Lao Support Group, a voluntary group of states tasked with advancing preparations for the First Meeting of States Parties to be held in Lao PDR in November 2010. In particular, France has assisted with the work of the group on universalization. In June 2010, France announced a contribution of €50,000 (US\$61,115) to the Cluster Munitions Trust Fund for Lao PDR, dedicated to the organization of the First Meeting of States Parties.¹⁸⁹

In 2009 and the first half of 2010, French civil society continued its advocacy activities on cluster munitions, urging France to ratify the convention quickly, to adopt the strongest possible provisions to implement the convention, and to increase funds for mine action. On 26 September 2009, HI held its annual "shoe pyramid" event, collecting 50,000 signatures on its global petition calling for states to sign and ratify the convention without delay, work to convince non-signatories to join, and to provide the resources necessary to assist victims and provide for clearance. By the beginning of 2010, the petition had received a total of more than 750,000 signatures.

National implementation legislation

In November 2009, a government study noted that swift adoption of national legislation would demonstrate France's leadership and determination in the fight against cluster munitions, as well as encourage more states to join the convention.¹⁹⁰

Legislation to implement the convention was prepared by the Ministry of Defense and submitted to the Senate on 25 November 2009.¹⁹¹ The Senate Foreign Affairs Commission examined the bill on 6 April 2010 and recommended that it be approved by the Senate with the introduction of a number of amendments (see below).¹⁹² The Senate unanimously adopted the bill on 6 May 2010.¹⁹³ The National Assembly then unanimously adopted the bill on 6 July 2010.¹⁹⁴ The law was promulgated on 20 July 2010.¹⁹⁵

France's implementation law prohibits the development, manufacture, production, acquisition, stockpiling, supply, sale, import, export, trade, brokering, transfer, and use of cluster munitions. The law also prohibits the assistance, encouragement, or inducement of prohibited activities.¹⁹⁶ It adopts the definitions of the convention.¹⁹⁷ The law provides strong sanctions for violations: a penal term of up to 10 years imprisonment and/or a fine of €150,000 (\$209,025).¹⁹⁸

The law applies to both natural and legal persons (corporations).¹⁹⁹ It establishes extraterritorial jurisdiction for acts outside the territory of France.²⁰⁰ The law requires France to destroy its stockpile as soon as possible and within the eight-year deadline under the convention. It explicitly sets a maximum number of cluster munitions and submunitions that can be retained for training purposes (see Stockpiling and retention section below).²⁰¹

HI and Amnesty International France proposed a number of amendments to the draft legislation during its Senate review.²⁰² The Senate Foreign Affairs Commission accepted a recommendation to bring the bill in line with the definition contained in the convention by including munitions that are dispersed or released from dispensers affixed to aircraft. An amendment to extend the mandate of the French National Commission for the Elimination of Anti-Personnel Mines

¹⁸⁸ Statement by Hubert Falco, Secretary of State for Defense, National Assembly, "Élimination des armes à sous-munitions: Discussion d'un projet de loi adopté par le Sénat" ("Elimination of cluster munitions: Discussion of a bill passed by the Senate"), XIII Legislature, Extraordinary session of 2009–2010, 6 July 2010, www.assemblee-nationale.fr; and letter from Amb. Alain Girma, Ambassador for Action Against Mines/Explosive Remnants of War, and Secretary-General, CNEMA, 4 May 2010.

¹⁸⁹ Statement of France, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010. Notes by AOAV/HRW. Average exchange rate for June 2010: €1=US\$1.2223. US Federal Reserve, "List of Exchange Rates (Monthly)," 1 July 2010.

¹⁹⁰ France, "Projet de loi tendant à l'élimination des armes à sous-munitions: Etude d'impact" ("Impact study on the bill on the elimination of cluster munitions"), 25 November 2009, www.legifrance.gouv.fr.

¹⁹¹ "Projet de loi tendant à l'élimination des armes à sous-munitions" ("Bill on the elimination of cluster munitions"), no. 113, 25 November 2009.

¹⁹² Senate Foreign Affairs Commission, "Élimination des armes à sous-munitions—Examen du rapport et du texte proposé par la commission" ("Elimination of Cluster Munitions—Review of the report and the text proposed by the Committee"), 6 April 2010, www.senat.fr.

¹⁹³ Senate, "Séance du 6 mai 2010 (compte rendu intégral des débats)" ("Session of 6 May 2010 (verbatim report of proceedings)"), 6 May 2010, www.senat.fr.

¹⁹⁴ National Assembly, "Élimination des armes à sous-munitions: Discussion d'un projet de loi adopté par le Sénat" ("Elimination of cluster munitions: Discussion of a bill passed by the Senate"), XIII Legislature, Extraordinary session of 2009–2010, 6 July 2010, www.assemblee-nationale.fr.

¹⁹⁵ "Loi no. 2010-819 du 20 juillet 2010 tendant à l'élimination des armes à sous-munitions" ("Law no. 2010-819 of 20 July 2010 on the elimination of cluster munitions"), *Journal Officiel (Official Journal)*, no.166, 21 July 2010, consolidated on 2 August 2010, legifrance.gouv.fr.

¹⁹⁶ *Ibid.*, Art. L. 2344-2.

¹⁹⁷ *Ibid.*, Art. L. 2344-1.

¹⁹⁸ *Ibid.*, Art. L. 2344-7. Average exchange rate for 2009: €1=US\$1.3935. US Federal Reserve, "List of Exchange Rates (Annual)," 4 January 2010.

¹⁹⁹ *Ibid.*, Art. L.2344-9.

²⁰⁰ *Ibid.*, Art. L.2344-10.

²⁰¹ *Ibid.*, Art. L. 2344-4.

²⁰² HI and Amnesty International 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, www.bibliamines.or.

(CNEMA) to include monitoring the implementation of the legislation on cluster munitions was added. An amendment requiring that stockpile destruction take place “as soon as possible” was also adopted.²⁰³

Relations with states not party and the prohibition on assistance

France’s national implementation legislation for the Convention on Cluster Munitions contains an explicit prohibition on assistance, which was not the case under France’s implementation law for the Mine Ban Treaty. The law implementing the convention specifies the ban on assistance covers not just use, but production, offer, acquisition, importation, exportation, trade, and brokerage.²⁰⁴

The law allows for participation in military operations with states not party that might engage in activities prohibited by the convention, but states that it is prohibited for any French person acting in a joint military operation to use, develop, manufacture, otherwise acquire, stockpile, or transfer cluster munitions, or to use or request the use of cluster munitions, where the choice of ammunition is under their exclusive control.²⁰⁵

An amendment tabled in the Senate, on the suggestion of HI and Amnesty International France, to include the positive obligations of Article 21 of the convention—to encourage states not party to join the convention and require France to notify them of its obligations under the convention, promote the norms of the convention, and make every effort to discourage states not party from using cluster munitions—was not agreed to on the grounds that such a provision does not belong in domestic law.²⁰⁶

On 6 July 2010, the Secretary of State for Defense stated that while the positive obligations of Article 21 are not contained in the implementation legislation, France does not consider it necessary for these provisions to be expressly mentioned in the law for it to be actively implemented.²⁰⁷ He said that France will refuse to support the use of cluster munitions and said that in the case of joint military operations, France “will make a political declaration at the highest level calling on non-states parties to adopt the convention as soon as possible.”²⁰⁸

Transit

France’s national legislation prohibits the transfer of cluster munitions. However, the inclusion of an explicit prohibition on the “transit” of cluster munitions in law was rejected on the basis that “transit” is not explicitly prohibited in the Convention on Cluster Munitions, and a prohibition would be difficult to implement, especially in relation to air transit.²⁰⁹

In July 2010, the Secretary of State for Defense stated that the government considers commercial transit to be included in the prohibition.²¹⁰ He said that while transit by other governments would be difficult to control, France will endeavor to prevent any state transit of cluster munitions on its territory, and would make known its obligations and commitments through diplomatic channels, and incite other countries to respect them.²¹¹

He said, “The Government considers without restriction that the scope of the ban as it is now covers the prohibition of commercial activities related to cluster munitions, and therefore transit made in this framework.... State transit concerns the transit of cluster munitions carried aboard government aircraft or vessels belonging to the armies of countries not

²⁰³ Senate Foreign Affairs Commission, “Élimination des armes à sous-munitions—Examen du rapport et du texte proposé par la commission” (“Elimination of Cluster Munitions—Review of the report and the text proposed by the Committee”), 6 April 2010, www.senat.fr. CNEMA is an independent commission placed under the guardianship of the Ministry of Foreign and European Affairs. It is composed of members of the two French parliaments, ministry representatives and members of civil society (NGOs and trade unions).

²⁰⁴ 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”), XIII Legislature, Extraordinary session of 2009–2010, 6 July 2010, Art. L. 2344-2, www.assemblee-nationale.fr.

²⁰⁵ It explicitly prohibits assistance, which was not the case under France’s implementation law for the Mine Ban Treaty. The bill is more explicit concerning the prohibition on assistance than the convention as it specifies the ban on assistance covers production, offer, acquisition, importation, exportation, trade, and “brokerage.” 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”), XIII Legislature, Extraordinary session of 2009–2010, 6 July 2010, Art. L. 2344-3, www.assemblee-nationale.fr.

²⁰⁶ See statements by Josselin de Rohan, Chair, Senate Foreign Affairs Commission, approved by Hervé Morin, Minister of Defense, during the examination of the bill before the Senate, 6 May 2010. Senate, “Séance du 6 mai 2010 (compte rendu intégral des débats)” (“Session of 6 May 2010 (verbatim report of proceedings)”), 6 May 2010, www.senat.fr.

²⁰⁷ Statement by Hubert Falco, Secretary of State for Defense, National Assembly, “Élimination des armes à sous-munitions: Discussion d’un projet de loi adopté par le Sénat” (“Elimination of cluster munitions: Discussion of a bill passed by the Senate”), XIII Legislature, Extraordinary session of 2009–2010, 6 July 2010, www.assemblee-nationale.fr.

²⁰⁸ Ibid; and statement by Pierre Lellouche, Secretary of State for European Affairs. See, National Assembly, “Ratification de la convention sur les armes à sous-munitions: Discussion, après engagement de la procédure accélérée, d’un projet de loi” (“Ratification of the Convention on Cluster Munitions: Discussion of a bill, after undertaking of an accelerated procedure”), XIII Legislature, Extraordinary session of 2009–2010, 20 July 2009, www.assemblee-nationale.fr.

²⁰⁹ Statement by Hervé Morin, Minister of Defense, during the examination of the implementation bill before the Senate, 6 May 2010. Senate, “Séance du 6 mai 2010 (compte rendu intégral des débats)” (“Session of 6 May 2010 (verbatim report of proceedings)”), 6 May 2010, www.senat.fr.

²¹⁰ Statement by Hubert Falco, Secretary of State for Defense, National Assembly, “Élimination des armes à sous-munitions: Discussion d’un projet de loi adopté par le Sénat” (“Elimination of cluster munitions: Discussion of a bill passed by the Senate”), XIII Legislature, Extraordinary session of 2009–2010, 6 July 2010, www.assemblee-nationale.fr.

²¹¹ Statements by Hubert Falco, Committee on National Defense and the Armed Forces, National Assembly, “Compte rendu no. 37” (“Record no. 37”), Five pm session, 22 June 2010, www.assemblee-nationale.fr.

party to the Oslo Convention.” He added, “It will be much more useful to work backwards through diplomatic channels at the highest level to inform our partners and non-signatories of our obligations and our requirements.”²¹²

On a matter related to transit, France has yet to make its views known on the prohibition on foreign stockpiling of cluster munitions.

Investment

The law does not specifically prohibit investment in cluster munition production, but France considers that knowingly financing, directly or indirectly, a prohibited activity under the convention is a case of assistance and is therefore also prohibited. In July 2010, the Secretary of State for Defense told the Senate that such financing would constitute assistance, encouragement, or inducement, and fall within the scope of the criminal offenses of the bill.²¹³

Senators from the opposition lodged several amendments to include explicitly in the bill a prohibition on investment, but these were rejected.²¹⁴ It was argued that a specific ban on investments in the draft bill would jeopardize general industrial partnerships between French companies and foreign companies that may produce cluster munitions among other activities. The importance of the arms industry in terms of employment was particularly underlined.²¹⁵ It was also argued that it would be difficult to control indirect investment and to gather information about foreign arms industries.²¹⁶

HI and Amnesty International France have worked together since 2006 to raise awareness with corporations on the issue of cluster munitions financing. As a result, several French corporations have taken measures to disinvest from cluster munitions producers.²¹⁷ These two NGOs proposed an amendment to the implementation bill to explicitly ban direct and indirect investments in companies involved in prohibited activities.²¹⁸ On 15 April 2010, the National Consultative Commission on Human Rights (Commission nationale consultative des droits de l’homme) issued an opinion that agreed with the need for an investment prohibition.²¹⁹

Convention on Conventional Weapons

France is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. At the November 2008 and November 2009 annual conferences of the High Contracting Parties to Protocol V, France was appointed as a coordinator on generic preventive measures and the Technical Annex of the protocol.

In 2009 and the first half of 2010, France continued to engage in CCW deliberations on cluster munitions. In October 2009, France stated that it was committed to negotiating a CCW protocol on cluster munitions that is compatible with the Convention on Cluster Munitions.²²⁰ France has repeatedly stated that a CCW agreement is required to garner the support of the main producers and stockpilers of cluster munitions and stated that its objective is to achieve an instrument compatible with the Convention on Cluster Munitions that ensures immediate humanitarian progress on the ground.²²¹

In April 2009, France raised concern over the definition proposed in the draft CCW text, stating that it would be unacceptable to have some weapons not considered to be cluster munitions under the Convention on Cluster Munitions to be captured in a CCW protocol.²²²

²¹² Statement by Hubert Falco, Secretary of State for Defense, National Assembly, “Élimination des armes à sous-munitions: Discussion d’un projet de loi adopté par le Sénat” (“Elimination of cluster munitions: Discussion of a bill passed by the Senate”), XIII Legislature, Extraordinary session of 2009–2010, 6 July 2010, www.assemblee-nationale.fr.

²¹³ He further said that if CNEMA, in its work of monitoring the implementation of the law, identifies insufficiencies of law on this point, the government will propose to Parliament necessary legislative changes. Statement by Hubert Falco, Secretary of State for Defense, National Assembly, Élimination des armes à sous-munitions: Discussion d’un projet de loi adopté par le Sénat” (“Elimination of cluster munitions: Discussion of a bill passed by the Senate”), XIII Legislature, Extraordinary session of 2009–2010, 6 July 2010, www.assemblee-nationale.fr.

²¹⁴ See, Senate, “Séance du 6 mai 2010 (compte rendu intégral des débats)” (“Session of 6 May 2010 (verbatim report of proceedings)”), 6 May 2010, www.senat.fr.

²¹⁵ Statement by Josselin de Rohan, Senate Foreign Affairs Commission, approved by Hervé Morin, Minister of Defense, during the examination of the implementation bill before the Senate, 6 May 2010. See, Senate, “Séance du 6 mai 2010 (compte rendu intégral des débats)” (“Session of 6 May 2010 (verbatim report of proceedings)”), 6 May 2010, www.senat.fr.

²¹⁶ Ibid.

²¹⁷ HI and Amnesty International France, “Interdiction des financements des entreprises impliquées dans des activités interdites liées aux armes à sous-munitions” (“Prohibiting financing of businesses implicated in prohibited activities related to cluster munitions”), 30 March 2010, www.amnesty.fr. Among those taking action were AXA, BNP Paribas, Crédit Agricole, Société Générale, Banque Populaire, and Natixis. Other financial groups which were not targeted also adopted such disinvestment policies: La Banque Postale Asset Management, Groupama Asset Management, CNP Assurances, and Amundi Asset Management.

²¹⁸ Ibid.

²¹⁹ National Consultative Commission on Human Rights, “Avis sur le projet de loi tendant à l’élimination des armes à sous-munitions” (“Opinion on the bill to eliminate cluster munitions”), 15 April 2010, www.cncdh.fr.

²²⁰ Statement by Amb. Eric Danon, Permanent Representative of France to the Conference on Disarmament, UN General Assembly, 64th Session, First Committee, New York, 20 October 2009.

²²¹ See, Statement by Bernard Kouchner, Minister of Foreign Affairs, Senate, “Séance du 17 septembre 2009 (compte rendu intégral des débats)” (“Session of 17 September 2009 (verbatim report of proceedings)”), 17 September 2009, www.senat.fr; letter from Alain Girma, CNEMA, 4 May 2010; and French Republic, “Projet de loi tendant à l’élimination des armes à sous-munitions: Etude d’impact” (“Impact study on the bill on the elimination of cluster munitions”), 25 November 2009, www.legifrance.gouv.fr.

²²² Statement of France, CCW Group of Governmental Experts on Cluster Munitions, Geneva, 17 April 2009. Notes by Landmine Action.

Use, production, transfer, and stockpiling

France has stated that it last used cluster munitions in 1991.²²³ France used cluster munitions in Chad in 1986 and in Iraq and Kuwait in 1991.²²⁴

France has not produced or exported cluster munitions since 2002.²²⁵ Giat Industries and Thomson Brandt Armements produced OGR 155mm dual purpose improved conventional munition (DPICM) artillery projectiles. Giat also produced submunitions for OGR DPICM artillery projectiles. The company Matra produced BLG-66 Belouga aerial cluster bombs.²²⁶

Prior to 2002, France exported Belouga cluster bombs to Argentina, Greece, and India.²²⁷

The government has indicated that after the adoption of its national implementation legislation, four industrial companies which manufacture material or components which could be used to make foreign cluster munitions will have their exports more strictly controlled and if, necessary, prohibited.²²⁸

In April 2010, the Minister of Defense, Hervé Morin, declared that France aims to complete its stockpile destruction in 2016, two years before the 2018 deadline imposed by the convention.²²⁹ The French implementation law explicitly requires that stockpile destruction be completed before the eight-year deadline of the convention.²³⁰ It also specifies transparency requirements related to stockpile destruction, in line with Article 7 of the convention.²³¹

Approximately 35,000 cluster munitions (22,000 M26 rockets and 13,000 OGR 155mm artillery shells) containing 15 million submunitions will be destroyed.²³² France withdrew its M26 rockets and OGR shells from operational service in May 2008 and November 2008 respectively, even before the convention opened for signature.²³³

In June 2009, France stated that it does not have adequate industrial capacity to dismantle part of these cluster munitions itself.²³⁴ Stockpile destruction will be financed by the Ministry of Defense budget, at an approximate cost of €30 million–€35 million (\$41.8 million–\$48.8 million).²³⁵

²²³ French Republic, “Projet de loi tendant à l’élimination des armes à sous-munitions: Etude d’impact” (“Impact study on the bill on the elimination of cluster munitions”), 25 November 2009, www.legifrance.gouv.fr.

²²⁴ See Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 77.

²²⁵ French Republic, “Projet de loi tendant à l’élimination des armes à sous-munitions: Etude d’impact” (“Impact study on the bill on the elimination of cluster munitions”), 25 November 2009, www.legifrance.gouv.fr.

²²⁶ In addition, MBDA (a French-Italian-British joint venture) was a subcontractor for M26 Multiple Launch Rocket System production; Alkan, a branch of MBDA, made submunition dispensers for aircraft; and TDA Armements (a branch of Thales) produced a 120mm mortar shell that was not part of French stockpiles but sent to one client state (unnamed). Jean-Pierre Placade and Joëlle Garriaud-Maylam, Rapporteurs of the Senate Foreign Affairs Commission, on behalf of the Senate Foreign Affairs Commission, “Les armes à sous-munitions: Rapport d’information n° 118 (2006–2007)” (“Cluster munitions: Information report no.118 (2006–2007)”), 13 December 2006, www.senat.fr; and Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004).

²²⁷ Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004).

²²⁸ Republic of France, “Projet de loi tendant à l’élimination des armes à sous-munitions: Etude d’impact” (“Impact study on the bill on the elimination of cluster munitions”), 25 November 2009, www.legifrance.gouv.fr. The names of these companies are not specified in the impact study. Minister of Defense Hervé Morin identified one as SNPE-Eureenco. See Senate, “Séance du 6 mai 2010 (compte rendu intégral des débats)” (“Session of 6 May 2010 (verbatim report of proceedings)”), 6 May 2010, www.senat.fr.

²²⁹ Senate Foreign Affairs Commission, “Élimination des armes à sous-munitions—Examen du rapport et du texte proposé par la commission” (“Elimination of Cluster Munitions—Review of the report and the text proposed by the Committee”), 6 April 2010, www.senat.fr.

²³⁰ 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, para. 2344-4.

²³¹ Ibid.

²³² Statement by Joëlle Garriaud-Maylam, Senate, “Séance du 6 mai 2010 (compte rendu intégral des débats)” (“Session of 6 May 2010 (verbatim report of proceedings)”), 6 May 2010, www.senat.fr. The M26 rockets contain 644 submunitions each, for a total of about 14,168,000. The OGR shells contain 63 submunitions each, for a total of about 819,000.

²³³ French Republic, “Projet de loi tendant à l’élimination des armes à sous-munitions: Etude d’impact” (“Impact study on the bill on the elimination of cluster munitions”), 25 November 2009, www.legifrance.gouv.fr.

²³⁴ Statement of Pierre Lellouche, Secretary of State for European Affairs, National Assembly, “Ratification de la convention sur les armes à sous-munitions: Discussion, après engagement de la procédure accélérée, d’un projet de loi” (“Ratification of the Convention on Cluster Munitions: Discussion of a bill, after undertaking of an accelerated procedure”), XIII Legislature, Extraordinary session of 2008–2009, 20 July 2009, www.assemblee-nationale.fr.

²³⁵ Statement by Hubert Falco, Secretary of State for Defense, National Assembly, “Élimination des armes à sous-munitions: Discussion d’un projet de loi adopté par le Sénat” (“Elimination of cluster munitions: Discussion of a bill passed by the Senate”), XIII Legislature, Extraordinary session of 2009–2010, 6 July 2010, www.assemblee-nationale.fr. Earlier, the government indicated that it would cost €20 million–€30 million (\$27.9 million–\$41.8 million). French Republic, “Projet de loi tendant à l’élimination des armes à sous-munitions: Etude d’impact” (“Impact study on the bill on the elimination of cluster munitions”), 25 November 2009, www.legifrance.gouv.fr. Average exchange rate for 2009: €1=US\$1.3935. US Federal Reserve, “List of Exchange Rates (Annual),” 4 January 2010.

The Ministry of Defense is leading a study to identify French industry interested in developing capacity in this area, which it notes, could have a positive impact on employment in France.²³⁶ The Secretary of State for Defense stated that the government would like to see a “third pole of destruction” of cluster munitions established in France, alongside German and Italian capacity. He stated that a study was underway to find partnerships in order to reduce the cost of destruction, adding that options in the framework of NATO and the European Union would also be considered.²³⁷

France retains the option to use some munitions not included under the definition of cluster munition in the convention, such as BONUS 155mm projectiles with two submunitions and Apache missiles carrying KRISS anti-runway submunitions.²³⁸

Retention

In accordance with Article 3 of the convention, France’s national law permits the retention of cluster munitions for development and training in techniques for destruction and clearance and the development of countermeasures. The law permits France to retain up to 500 cluster munitions, together with their submunitions, and an additional 400 submunitions acquired outside the container.²³⁹

France has stated that since there are over 220 types of cluster munitions in existence, it considers this number to be necessary for the training of deminers, and where appropriate, for the development of countermeasures.²⁴⁰ It has emphasized that without the weapon systems to deliver the various types of cluster munitions, the submunitions would have no operational value.²⁴¹

Civil society groups have argued that this number is excessive and that it is unnecessary to retain 400 submunitions “acquired outside the container,” given that it is too hazardous to move a submunition found in the field and that the overwhelming majority of submunitions must be destroyed *in situ*.²⁴²

Germany

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
National implementation measures	Act Implementing Article 26(2) of the Basic Law (War Weapons Control Act), 1961, as amended June 2009
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Bali in November 2009
Key developments	Ratified on 17 July 2009; enacted implementation amendments; destroyed stockpiles; and hosted the Berlin Conference on the Destruction of Cluster Munitions

Policy

The Federal Republic of Germany signed the Convention on Cluster Munitions in Oslo on 3 December 2008. It deposited its instrument of ratification with the UN on 8 July 2009, becoming the 12th country to do so. Thus, it was among the first 30 ratifications that triggered entry into force on 1 August 2010.

²³⁶ French Republic, “Projet de loi tendant à l’élimination des armes à sous-munitions: Etude d’impact” (“Impact study on the bill on the elimination of cluster munitions”), 25 November 2009, www.legifrance.gouv.fr.

²³⁷ Statement by Hubert Falco, Secretary of State for Defense, National Assembly, “Élimination des armes à sous-munitions: Discussion d’un projet de loi adopté par le Sénat” (“Elimination of cluster munitions: Discussion of a bill passed by the Senate”), XIII Legislature, Extraordinary session of 2009–2010, 6 July 2010, www.assemblee-nationale.fr.

²³⁸ French Republic, “Projet de loi tendant à l’élimination des armes à sous-munitions: Etude d’impact” (“Impact study on the bill on the elimination of cluster munitions”), 25 November 2009, www.legifrance.gouv.fr.

²³⁹ 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, para. 2344-4. In French, “Sont également autorisés, à ce titre, leurs sous-munitions explosives, auxquelles s’ajoute un nombre complémentaire de quatre cents sous-munitions explosives acquises hors conteneur.”

²⁴⁰ National Assembly, “Projet de loi tendant à l’élimination des armes à sous-munitions: Etude d’impact” (“Impact study on the bill on the elimination of cluster munitions”), 25 November 2009, www.legifrance.gouv.fr.

²⁴¹ Statement of France, Berlin Conference on the Destruction of Cluster Munitions, 26 June 2009. Notes by Landmine Action.

²⁴² HI and Amnesty International 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, www.bibliomines.org.

Germany amended its War Weapons Control Act in June 2009 to provide for national implementation of the convention's prohibitions on the use, production, transfer, development, or stockpiling of cluster munitions.²⁴³ The Act prohibits transit of cluster munitions.²⁴⁴ It also establishes extra-territorial jurisdiction over German citizens violating its law extra-territorially.²⁴⁵

The Act does not explicitly prohibit investment in cluster munition production. In February 2010, the Alliance 90/Greens tabled a motion in the Federal Parliament proposing legislation to ban investments that contravene international conventions, including the production of cluster munitions.²⁴⁶

Since adopting the convention in May 2008, Germany has played an active leadership role in promoting the convention, its universalization, and implementation. In February 2009, the Ministry of Foreign Affairs wrote, "For Germany, the promotion and achievement of universal adherence to the Convention is of high priority. Various demarches in favour of its universalization have already been carried out and will be carried out in the future by our missions worldwide."²⁴⁷

Germany hosted the Berlin Conference on the Destruction of Cluster Munitions from 25–26 June 2009.²⁴⁸ During the conference Germany announced that its ratification process had been completed.²⁴⁹ It also for the first time provided extensive details on its stockpile of cluster munitions and destruction efforts.²⁵⁰ A total of 87 countries participated in the conference, which proved to be the major international gathering on the convention in 2009. There was also a large civil society delegation and representation from the ICRC, UN agencies, and others. While the focus was on stockpile destruction, many states used the opportunity to provide statements on their national policies and actions, and updates on progress toward signing or ratifying the convention. The CMC said that the conference "achieved its objectives of kick starting work on stockpile destruction and providing a boost to the momentum behind the Convention," and that it "was an ideal forum for governments to demonstrate their continued commitment to the effort to ban cluster bombs."²⁵¹

Germany is a member of the Lao Support Group, a voluntary group of countries tasked with advancing preparations for the First Meeting of States Parties, to be held in Lao PDR in November 2010. In particular, Germany is serving as "Friend of the President" to develop the topic of stockpile destruction for consideration at the First Meeting. It hosted a meeting of the Lao Support Group at its mission in Geneva in April 2010.

Germany participated in the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, where it provided a report on the Berlin conference and chaired the session on stockpile destruction.

Germany co-organized the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in Bali, Indonesia in November 2009. It gave a keynote address in the opening session, chaired the stockpile destruction session, and gave a presentation on Germany's stockpile destruction program.

Germany has not yet made known its views on certain important issues related to interpretation and implementation of the convention, including the prohibition on assistance during joint military operations with states not party that may use cluster munitions, the prohibition on foreign stockpiling of cluster munitions, and the prohibition on investment in production of cluster munitions. As noted above, Germany's implementation legislation bans transit of cluster munitions. During the negotiations, Germany advocated strongly for provisions on "interoperability" (joint military operations with states not party).

Germany participated in the Oslo Process that produced the convention in 2007 and 2008 from the outset, though it initially made clear its preference for work on cluster munitions in the Convention on Conventional Weapons (CCW). While at first Germany expressed reservations about the process and the draft convention text, especially the notion of an immediate and comprehensive prohibition, its policy evolved significantly.²⁵²

²⁴³ "Ausführungsgesetz zu Artikel 26 Abs. 2 des Deutschen Grundgesetzes (Gesetz über die Kontrolle von Kriegswaffen)" ("Act Implementing Article 26(2) of the Basic Law (War Weapons Control Act)"), 20 April 1961, as amended 6 June 2009, Sections 18(a) and 21, www.gesetze-im-internet.de.

²⁴⁴ Section 18(a) of the War Weapons Control Act states that it is prohibited to "transport [cluster munitions] through or otherwise bring them into or out of a federal territory." See, Human Rights Watch and Harvard International Human Rights Clinic, "Fulfilling the Ban: Guidelines for Effective National Legislation to Implement the Convention on Cluster Munitions," June 2010, p.15.

²⁴⁵ Section 21 of the Weapons Control Act. See, Human Rights Watch and Harvard International Human Rights Clinic, "Fulfilling the Ban: Guidelines for Effective National Legislation to Implement the Convention on Cluster Munitions," June 2010, p.38.

²⁴⁶ Motion tabled by Members of the Bundestag Dr. Gerhard Schick and Dr. Hermann Ott, and the Alliance 90/ Greens parliamentary group, "Realigning financial markets according to environmental, ethical and social criteria," 23 February 2010.

²⁴⁷ Letter from Gregor Koebel, Head, Division of Conventional Arms Control, Federal Foreign Office, 5 February 2009.

²⁴⁸ The official conference website is www.berlin-ccm-conference.org.

²⁴⁹ Statement by Gernot Erler, Minister of State, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009.

²⁵⁰ Thomas Frisch, Deputy Head, Arms Control Division, Federal Ministry of Defense, "German National Stockpile Destruction Programme," 25 June 2009, www.berlin-ccm-conference.org.

²⁵¹ CMC, "Berlin Conference on the Destruction of Cluster Munitions," www.stopclustermunitions.org.

²⁵² For more details on Germany's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 78–84.

Germany is party to the CCW and its Protocol V on explosive remnants of war. It has participated in the CCW deliberations on cluster munitions in recent years. It has insisted that any future CCW protocol must be consistent with the Convention on Cluster Munitions, must clearly improve the safety of civilians, and must have an immediate effect on use and transfer of cluster munitions.²⁵³

Use, production, and transfer

According to the Ministry of Foreign Affairs, Germany has never used cluster munitions and stopped production and transfer in 2005.²⁵⁴ Germany unilaterally renounced the use of all types of cluster munitions on 29 May 2008, one day before it adopted the Convention on Cluster Munitions in Dublin.²⁵⁵

In the past, German industry was very active in the production and export of cluster munitions. Germany also imported cluster munitions from the United Kingdom (BL-755 aerial cluster bombs).

The company Diehl GmbH and numerous subcontractors were involved in the production of cluster munition artillery rockets for the 227mm Multiple Launch Rocket System (MLRS) as part of the MLRS European Producers Group.²⁵⁶ Lenkflugkörpersysteme GmbH (LFK) produced the MW-1 dispenser (that deploys submunitions) for aircraft.²⁵⁷

The company Rheinmetall produced several types of 155mm artillery projectiles containing dual purpose improved conventional munition (DPICM) submunitions: DM-602 and DM-612 (with 63 DM-1348 submunitions); DM-632 and DM-642 (with 63 DM-1383 submunitions); DM-652 (with 49 DM-1383 submunitions); and DM-662 (with 49 DM-1385 submunitions).²⁵⁸ These were produced for the German Armed Forces, as well as export customers including Austria, Denmark, Finland, Greece, Italy (co-production), and Norway.

In June 2007, Rheinmetall stated that its involvement in cluster munition production had ended: “Cluster ammunition and/or subammunitions for such ordnance, bombs and cluster bombs do not belong to those goods which are developed, produced or assembled by Rheinmetall nor any of our subsidiaries.”²⁵⁹

In 2004, Germany transferred 270 M26 ground rockets with submunitions to Slovakia and another 132 in 2005.²⁶⁰ The 402 rockets contained 258,888 M77 submunitions.

In addition, a consortium of Diehl, Gesellschaft für Intelligente Wirksysteme mbH (GIWS), and Rheinmetall produce the SMART-155 artillery projectile, a weapon that employs two submunitions but is not considered a cluster munition under the Convention on Cluster Munitions because it meets the five technical criteria set out by negotiators as necessary to avoid the negative effects of cluster munitions.²⁶¹ This has been produced for the German Armed Forces and export customers Greece and Switzerland.²⁶² The consortium granted Alliant TechSystems in the United States licensed co-production rights for the SMART-155, and Alliant has marketed the munitions in the United Arab Emirates. According to the NGO Actiongroup Landmine.de, over 25,000 SMART-155 projectiles have been produced.²⁶³

²⁵³ Statement of Germany, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 12 April 2010. Notes by AOAV. Statement of Germany, CCW GGE on Cluster Munitions, Geneva, 15 April 2009. Notes by Landmine Action.

²⁵⁴ Letter from Gregor Koebel, Federal Foreign Office, 5 February 2009.

²⁵⁵ Email from Jörg-Alexander Albrecht, Desk Officer, Conventional Arms Control, Federal Foreign Office, 30 April 2010.

²⁵⁶ The MLRS program was known as the *Mittleres Artillerieraketenwerfersystem* (MARS). Leland S. Ness and Anthony G. Williams, eds., *Jane's Ammunition Handbook 2007–2008* (Surrey, UK: Jane's Information Group Limited, 2007), p. 716. The 110mm Light Artillery Rocket System was in service with the German Army from 1969 until the mid-1980s, and a submunition warhead was developed for this weapon but was apparently not placed in production. Terry J. Gander, ed., *Jane's Ammunition Handbook 1997–1998* (Surrey, UK: Jane's Information Group Limited, 1997), p. 533.

²⁵⁷ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), pp. 360–361. Raketen Technik Gesellschaft (RTG) Euromunition acted as the exporter for the MW-1. According to EADS, after 1996 production of MW-1 was undertaken by DASA (Daimler-Benz-Aerospace). Email from Thomas Kuchenmeister, Director, Actiongroup Landmine.de, 24 April 2009.

²⁵⁸ These DPICM submunitions included non-self-destructing (DM-1348) and self-destructing (DM-1383) variants designed in Germany, as well as a self-destructing type designed in Israel (M85, also known as DM-1385 when contained in German-produced projectiles).

²⁵⁹ Letter from Rheinmetall to Norges Bank (acting on behalf of the Council on Ethics for the Government Pension Fund–Global), 5 June 2007, unofficial translation by the Norwegian Ministry of Finance, cited in Norwegian Ministry of Finance, “Recommendation–New assessment of the company Rheinmetall AG,” 5 September 2007, regjeringen.no.

²⁶⁰ Each M26 rocket contains 644 M77 submunitions. Submission by Germany for Calendar Year 2004, UN Register of Conventional Arms, 26 May 2005; and submission by Germany for Calendar Year 2005, UN Register of Conventional Arms, 1 June 2006.

²⁶¹ Article 2.2(c) of the Convention on Cluster Munitions excludes munitions with submunitions if they have less than 10 submunitions, and each submunition weighs more than four kilograms, can detect and engage a single target object, and is equipped with electronic self-destruction and self-deactivation features.

²⁶² Rheinmetall DeTec AG, “SMART 155—Proven Reliability and Accuracy,” Press release, June 2005, www.rheinmetall-detec.de.

²⁶³ Actiongroup Landmine.de, “Sensor-Fuzed Alternative Cluster Munitions—Friend or Foe?” August 2008, www.landmine.de. According to Alliant, as of January 2005, over 11,000 SMART-155 projectiles had been produced by consortium members. Alliant TechSystems, “ATK/GIWS SMART 155 Sensor Fuzed Munition Succeeds in UAE Desert Tests,” Press release, 10 January 2005, atk.mediaroom.com.

Stockpiling and destruction

In April 2010, Germany stated it initially possessed about 550,000 cluster munitions of 14 types, containing more than 50 million submunitions.²⁶⁴ At the Berlin conference in June 2009, when Germany for the first time revealed stockpile totals, it cited 440,000 cluster munitions with 50 million submunitions.²⁶⁵ Both these numbers represent a significantly larger stockpile than was first estimated by German NGOs.²⁶⁶

Germany has reported that the stocks of the Air Force included the Multipurpose Weapon MW-1 and the BL-755 cluster bomb. Army stocks included M26 Multiple Launch Rocket Systems, as well as a number of 155mm artillery projectiles (DM602, 612, 632, 642, and 652).²⁶⁷

Germany has reported that it started destroying some of its cluster munition stocks (BL-755 cluster bombs) in 2001 due to reliability concerns. It completed BL-755 destruction in 2008. It started destruction of DM 612 155mm artillery projectiles in 2007, and followed with other types in 2009, aiming to finish in 2012. Destruction of MW-1 began in 2009 and is due for completion in 2011. M-26 destruction began in 2009 and should be finished in 2015.²⁶⁸

As of February 2009, Germany had destroyed approximately 30% of its stockpile.²⁶⁹ In March 2009, Ministry of Foreign Affairs officials estimated that total stockpile destruction costs would be about €40 million (US\$55.7 million).²⁷⁰ In June 2009, the parliamentary Committees for Defense and Budgets approved a “detailed working plan, schedule, and budgetary plan” for destruction of stocks.²⁷¹

During 2009, Germany destroyed “approximately 65,000 grenades, launch tube clusters and weapons containing 4.5 million submunitions.”²⁷² The Foreign Ministry informed Landmine and Cluster Munition Monitor that more details on stockpile destruction will be provided in Germany’s initial transparency report under the convention due in the first half of 2011.²⁷³

While its treaty-mandated deadline for stock destruction is August 2018, Germany “intends to destroy its remaining... stocks by 2015 provided that the budget and industrial resources allow.”²⁷⁴

On its plans to retain cluster munitions, in April 2010 Germany stated, “In accordance with the Convention only the smallest fraction of the former holdings of munitions will be retained for training and test purposes.” The Foreign Ministry said more details on munitions retained will be provided in its initial transparency report.²⁷⁵

Holy See

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010

Policy

The Holy See signed and ratified the Convention on Cluster Munitions in Oslo on 3 December 2008. It was one of four countries to both sign and ratify the convention on the same day.

²⁶⁴ Email from Jörg-Alexander Albrecht, Federal Foreign Office, 30 April 2010.

²⁶⁵ Thomas Frisch, Federal Ministry of Defense, “German National Stockpile Destruction Programme,” 25 June 2009, www.berlin-ccm-conference.org.

²⁶⁶ Actiongroup Landmine.de published an accounting of the types and quantities of cluster munitions in Germany’s stockpile in 2005 estimating that Germany possessed a stockpile of over 190,000 cluster munitions containing at least 33 million submunitions. For details, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 83.

²⁶⁷ Thomas Frisch, “German National Stockpile Destruction Programme,” Federal Ministry of Defense, 25 June 2009, www.berlin-ccm-conference.org.

²⁶⁸ Ibid.

²⁶⁹ Letter from Gregor Koebel, Foreign Federal Office, 5 February 2009.

²⁷⁰ Email from Thomas Kuchenmeister, Actiongroup Landmine.de, 2 April 2009, reporting on a meeting with the Federal Foreign Office on 12 March 2009 in Berlin. Average exchange rate for 2009: €1=US\$1.3935. US Federal Reserve, “List of Exchange Rates (Annual),” 4 January 2010.

²⁷¹ Thomas Frisch, “German National Stockpile Destruction Programme,” Federal Ministry of Defense, 25 June 2009, www.berlin-ccm-conference.org.

²⁷² Statement by Gernot Erler, Minister of State, Berlin Conference on Destruction of Cluster Munitions, Berlin, 25 June 2009.

²⁷³ Email from Jörg-Alexander Albrecht, Federal Foreign Office, 30 April 2010.

²⁷⁴ Ibid. See also, Thomas Frisch, “German National Stockpile Destruction Programme,” Federal Ministry of Defense, 25 June 2009, www.berlin-ccm-conference.org.

²⁷⁵ Email from Jörg-Alexander Albrecht, Federal Foreign Office, 30 April 2010.

The Holy See submitted a formal declaration with its instrument of ratification, calling the convention a remarkable achievement, and an important step “in the protection of civilians during and after conflicts from the indiscriminate effects of this inhumane type of weapon.” It praised the partnership between states, UN bodies, the ICRC, and civil society that brought about the convention. It stated the Holy See’s understanding of a number of provisions and terms in the convention, including those related to victims, victim assistance, gender, user responsibility, and the prohibition on assistance during joint military operations.²⁷⁶

On 1 August 2010, Pope Benedict XVI welcomed the convention’s entry into force and urged all states to adhere to it, in remembrance of the victims who have suffered and continue to suffer, and those who have lost their lives “because of these insidious explosive devices.”²⁷⁷

In October 2009, at the UN General Assembly First Committee, the Holy See noted the humanitarian achievement of the convention and cited the fact that there are major players who “choose to remain outside the international instruments to ban anti-personnel landmines and cluster munitions” as one of the key challenges in disarmament before the international community.²⁷⁸

It is not known if the Holy See has started the process of developing national implementation legislation or other measures.

The Holy See continued to contribute to the work of the convention in 2009 and 2010 through July. It is a member of the Lao Support Group, which is a voluntary group of states tasked with advancing preparations for the First Meeting of States Parties to be held in Lao PDR in November 2010. The Holy See participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Special Event on the Convention on Cluster Munitions held at the UN in New York in October 2009, and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

The Holy See played a leading role throughout Oslo Process to develop the convention. It shared responsibility with Austria, Ireland, Mexico, New Zealand, Norway, and Peru to form a “Core Group” of states that facilitated the process. From the first meeting in Oslo in February 2007 through the negotiations in Dublin in May 2008, the Holy See advocated for a treaty with the strongest possible provisions. On the eve of the negotiations, Pope Benedict XVI issued an appeal to governments to adopt an international convention comprehensively banning the use of cluster munitions.²⁷⁹

The Holy See has yet to make known its views on a number of issues related to interpretation and implementation of the convention, including the prohibition on investment in cluster munition production, the prohibition on transit of cluster munitions, the prohibition on foreign stockpiling, and the need for retention of cluster munitions for training and research purposes.

However, on the issue of the prohibition on assistance with acts prohibited by the convention during joint military operations with states not party, or interoperability, the Holy See has stated, “In relation to Article 21, joint military operations do not imply, in any way, a suspension of the obligations under the Convention. ‘States Parties, their military personnel or nationals’ shall never engage in activities prohibited by the Convention. On the contrary, joint military operations should be opportunities for States Parties to promote the standards introduced by the new instrument with the objective to protect civilians during and after armed conflicts.”²⁸⁰

The Holy See has emphasized that “effective implementation should be based on constructive cooperation of all governmental and non governmental actors and should reinforce the link between disarmament and development.”²⁸¹

The Holy See is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. The Holy See has attended the CCW deliberations on cluster munitions in 2009 and 2010 through July, but has not made a statement on its views on the draft text under consideration.

The Holy See has never used, produced, transferred, or stockpiled cluster munitions.

²⁷⁶ “Declaration Attached to the Instrument of Ratification to the Convention on Cluster Munitions,” The Vatican, 21 November 2008, www.vatican.va.

²⁷⁷ Remarks by Pope Benedict XVI, Courtyard of the Papal Residence, Castel Gandolfo, 1 August 2010, www.vatican.va.

²⁷⁸ Statement by Abp. Celestino Migliore, UN General Assembly, 64th Session, First Committee, New York, 8 October 2009.

²⁷⁹ “Pope calls for ban on cluster bombs ahead of conference,” *Agence France-Presse* (Genoa), 18 May 2008, afp.google.com.

²⁸⁰ “Declaration Attached to the Instrument of Ratification to the Convention on Cluster Munitions,” The Vatican, 21 November 2008, www.vatican.va.

²⁸¹ *Ibid.*

Ireland

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Pretoria in March 2010
Key developments	Ireland has continued to play a lead role in promoting the convention and preparing for the First Meeting of States Parties

Policy

Ireland signed and ratified the Convention on Cluster Munitions on 3 December 2008. Ireland was one of four countries both to sign and ratify that day. It was thus among the first 30 ratifications that triggered entry into force of the convention on 1 August 2010.

The Irish national legislation on cluster munitions, the Cluster Munitions and Anti-Personnel Mines Act 2008, was enacted on 2 December 2008.²⁸²

Ireland has continued to be extensively engaged in the work of the convention, and to play a leadership role in both words and deeds, in 2009 and 2010. Ireland attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Special Event on the Convention on Cluster Munitions held at the UN in New York in October 2009, the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in March 2010 in Pretoria, South Africa, and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

Ireland has worked actively to promote the universalization of the convention. Through its embassies, Ireland has contacted 50 countries in Europe, Africa, the Middle East, and Asia, providing information on the convention and promoting its signature and ratification.²⁸³

Ireland is a participant in the Lao Support Group, a voluntary group of states informally convened by Lao PDR to assist with advancing preparations for the First Meeting of States Parties that it will host and preside over in November 2010. In particular, Ireland is serving as Friend of the President on procedural matters and the preparatory process. Ireland has also provided an Irish staff member to UNDP to support Lao PDR in Vientiane in its preparations for the meeting.²⁸⁴

In March 2010, Ireland prepared a letter, which was signed by almost all states that had ratified the convention, formally requesting the UN Secretary-General to convene the First Meeting of States Parties from 9–12 November 2010 and a preparatory meeting on 6 September.²⁸⁵ Ireland chaired the preparatory meeting in Geneva. In June 2010, Ireland stated that it had made a contribution of US\$500,000 to the Cluster Munitions Trust Fund for Lao PDR to support the meeting and Lao PDR's implementation of the convention.²⁸⁶

In October 2009, Ireland jointly presented with Lao PDR a resolution at the UN General Assembly First Committee welcoming Lao PDR's offer to host the First Meeting of States Parties and requesting the UN Secretary-General to undertake the necessary preparations to convene the meeting. The resolution (A/RES/64/36) was adopted by consensus.

When the Convention on Cluster Munitions reached its 30th ratification in February 2010, Foreign Minister Micheál Martin emphasized that “even before its entry-into-force, the Convention has had a strong effect internationally on stigmatising the retention and use of these terrible and indiscriminate weapons.” The minister pledged that Ireland

²⁸² “Cluster Munitions and Anti-Personnel Mines Act 2008, no. 20 of 2008,” Houses of the Oireachtas, www.oireachtas.ie. The law prohibits the use, development, production, acquisition, possession, and transfer of cluster munitions and explosive bomblets, and contains other provisions to implement the convention, including an explicit prohibition on the investment of public money in cluster munitions producers. Those guilty of offenses may be fined up to €1 million (US\$1,393,500) and imprisoned up to ten years. Average exchange rate for 2009: €1=US\$1.3935. US Federal Reserve, “List of Exchange Rates (Annual),” 4 January 2010.

²⁸³ Government of Ireland, “Convention on Cluster Munitions: What Ireland is doing on Universalisation,” Paper prepared for the Lao Support Group Meeting, 15 April 2010.

²⁸⁴ Letter No. POL0100158 from Aidan Cronin, Private Secretary, Office of the Minister for Foreign Affairs, 28 April 2010; and Department of Foreign Affairs, “Minister for Foreign Affairs, Mr. Micheál Martin, T.D., welcomes significant progress towards implementation of the Convention on Cluster Munitions,” Press release, Dublin, 17 February 2010, www.dfa.ie.

²⁸⁵ Letter No. POL0100158 from Aidan Cronin, Office of the Minister for Foreign Affairs, 28 April 2010.

²⁸⁶ Statement of Ireland, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010. Notes by AOAV/HRW.

would continue to play a leading role in working towards universal adoption of the convention and in ensuring its full implementation.²⁸⁷

At the UN special event on the convention in October 2009, Ireland reiterated its commitment to the universalization of the convention and called on states to sign and ratify. Ireland said that the Oslo Process was an outstanding example of the partnership between states, international organizations, and NGOs, adding that the convention, while an achievement in itself, was also an important statement about the potential of multilateral diplomacy.²⁸⁸

On 29 May 2009, on the eve of the first anniversary of the adoption of the Convention on Cluster Munitions at the Dublin Diplomatic Conference on Cluster Munitions, Foreign Minister Micheál Martin called for a renewed effort to urge countries to join the convention. He said, “As we gather momentum towards entry into force, and more States commit to the ban on cluster munitions, even those who hang back will be obliged to consider their actions.... The court of public opinion is watching, and will view severely any breach of this new international humanitarian standard.”²⁸⁹

In June 2009, Ireland reported that “the Irish Defence Forces have fulfilled all obligations under the CCM [Convention on Cluster Munitions], including updating military manuals, instruction on training courses and issuing of briefing notes to all commanders overseas.”²⁹⁰

Ireland played a leading role in driving forward the Oslo Process that produced the convention. From the beginning, it was a member of the small “Core Group” of nations that took responsibility for the Oslo Process and the development of the Convention on Cluster Munitions outside of traditional diplomatic fora. Ireland hosted the formal negotiations of the convention in Dublin from 19 to 30 May 2008, with Ambassador Daithí O’Ceallaigh playing the crucial role of President of the Dublin Diplomatic Conference on Cluster Munitions. Ambassador O’Ceallaigh, his team, and the government of Ireland bear a great deal of the responsibility for the successful outcome of the negotiations and the strength of the convention.²⁹¹

Ireland has yet to make known its views on several issues that the CMC has highlighted as important to the interpretation and implementation of the convention, including the prohibition on transit, the prohibition on foreign stockpiling, and the need for retention of cluster munitions and submunitions for training and development purposes.

Ireland has made an interpretative statement regarding Article 21 of the convention and the issue of interoperability, or joint military operations with states not party. Ireland has stated, “The purpose of section 7(4) of the [national legislation] is not to enable assistance with prohibited acts.... Rather, this provision is intended to ensure that no person may be prosecuted for an act or omission that might otherwise constitute assistance but is unintended or inadvertent, or has only a remote or indirect relationship to the commission of a prohibited act by a state not party to the Convention.” It further stated, “It is Ireland’s view that any deliberate assistance in the commission of an act prohibited by the Convention in the context of military co-operation with a state not party will be inconsistent with this obligation to make its best efforts to discourage the use of cluster munitions by the latter and that Article 21(3) must be interpreted accordingly.”²⁹²

Disinvestment

The Irish legislation prohibits investment of public money in cluster munitions production, making Ireland the second country to prohibit investment in cluster munitions and setting a leading example for the implementation of the convention.²⁹³ The legislation contains a clear and unambiguous prohibition on “direct or indirect” investment in cluster munition producers, including producers of components specifically designed for cluster munitions. The law stipulates the responsibilities of the investor, including to “exercise due diligence.”²⁹⁴ Some NGOs have raised some concerns about implementation of the law.²⁹⁵

²⁸⁷ Department of Foreign Affairs, “Minister for Foreign Affairs, Mr. Micheál Martin, T.D., welcomes significant progress towards implementation of the Convention on Cluster Munitions,” Press release, Dublin, 17 February 2010, www.dfa.ie.

²⁸⁸ CMC, “Report on the UN Special Event on the Convention on Cluster Munitions, New York, 21 October 2009.”

²⁸⁹ Department of Foreign Affairs, “Minister marks first anniversary of Convention on Cluster Munitions,” Press release, Dublin, 29 May 2009, www.dfa.ie.

²⁹⁰ Statement of Ireland, Berlin Conference on the Destruction of Cluster Munitions, 26 June 2009.

²⁹¹ For more details on Ireland’s cluster munition policy and practice through early 2009, see Human Rights Watch (HRW) and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 92–97.

²⁹² Department of Foreign Affairs, “Note on the Measures Taken by Ireland to Implement Article 21 of the Convention on Cluster Munitions,” 11 March 2009. For a discussion on Ireland’s treatment of interoperability, see Human Rights Watch, “Staying True to the Ban on Cluster Munitions: Understanding the Prohibition on Assistance in the Convention on Cluster Munitions,” June 2009, pp. 14–16.

²⁹³ “Cluster Munitions and Anti-Personnel Mines Act 2008, no. 20 of 2008,” Houses of the Oireachtas, www.oireachtas.ie; and Human Rights Watch, “Fulfilling the Ban: Guidelines for Effective National Legislation to Implement the Convention on Cluster Munitions,” June 2010.

²⁹⁴ “Cluster Munitions and Anti-Personnel Mines Act 2008, no. 20 of 2008,” Houses of the Oireachtas, www.oireachtas.ie; and IKV Pax Christi and Netwerk Vlaanderen, “Worldwide investments in cluster munitions; a shared responsibility,” April 2010, pp. 102–103.

²⁹⁵ For a commentary on the law’s provisions on disinvestment see IKV Pax Christi and Netwerk Vlaanderen, “Worldwide investments in cluster munitions; a shared responsibility,” April 2010, pp. 102–103. Concerns expressed in the report include that exceptions contained in the law permitting the investment in derivative financial instruments based on a financial index could risk weakening the strength of the prohibition, and the law’s lack of application beyond public money. They also called for transparency requirements and the establishment of criteria for determining which companies are involved in the manufacture of cluster munitions or their components.

In March 2008, upon a specific request from the Irish government, Ireland's National Pensions Reserve Fund, responsible for financing Ireland's national pension requirements, announced the withdrawal of €27 million (\$39,760,200) from six international companies linked to the production of cluster munitions.²⁹⁶ Following the enactment of Ireland's national legislation on the convention, the National Pension Reserve Fund disinvested from another seven companies and rejected four others from future investments, based on their involvement in the production of cluster munitions or antipersonnel mines.²⁹⁷

Convention on Conventional Weapons

Ireland is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. Ireland has engaged in the CCW deliberations on cluster munitions in 2009 and 2010 through July.

In April 2010, Ireland stated that “some value, from a humanitarian point of view, could be provided by a Protocol on cluster munitions to the CCW, under which countries not intending to become parties to the [Convention on Cluster Munitions] would take on some obligations regarding cluster munitions, though this would depend on the Protocol's content. What Ireland sought from the CCW process was an instrument that as far as possible complemented the [Convention on Cluster Munitions] and that at the very minimum contained no contradictory provisions. It noted that positions on some of the most significant issues remained far apart and that there was a need for all States Parties to make a determined effort to reach agreement. However, Ireland suggested that it would not be reasonable to continue to commit scarce resources to negotiations if there was no realistic prospect of agreement.”²⁹⁸

Use, production, transfer, and stockpiling

Ireland has not used, produced, transferred, or stockpiled cluster munitions.

Japan

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
National implementation measures	Law Concerning the Prohibition of the Production of Cluster Munitions and the Regulation of their Possession, July 2009
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Bali in November 2009
Key developments	Ratified on 14 July 2009; national implementation legislation entered into force on 17 July 2009

Policy

Japan signed the Convention on Cluster Munitions in Oslo on 3 December 2008. It formally deposited its instrument of ratification with the UN on 14 July 2009, becoming the 14th country to do so.²⁹⁹ Thus, it was among the first 30 ratifications that triggered entry into force of the convention on 1 August 2010.

National implementation legislation—the “Bill Concerning the Prohibition of the Production of Cluster Munitions and the Regulation of their Possession”—was approved by the House of Representatives on 25 June 2009, and the House of Councillors on 10 July 2009.³⁰⁰ The bill entered into force as Law No. 85 on 17 July 2009.³⁰¹

²⁹⁶ Deaglán De Bréadún, “Pension fund to remove money from bomb firms,” *Irish Times*, 17 March 2008; and IKV Pax Christi and Netwerk Vlaanderen, “Worldwide investments in cluster munitions; a shared responsibility,” April 2010, pp. 79–80. Average exchange rate for 2008: €1=US\$1.4726. US Federal Reserve, “List of Exchange Rates (Annual),” 4 January 2010.

²⁹⁷ IKV-Pax Christi and Netwerk Vlaanderen, “Worldwide investments in cluster munitions; a shared responsibility,” April 2010, p. 80.

²⁹⁸ Letter No. POL0100158 from Aidan Cronin, Office of the Minister for Foreign Affairs, 28 April 2010, paraphrasing Ireland's statement to the CCW Group of Governmental Experts on Cluster Munitions in Geneva on 12 April 2010.

²⁹⁹ The ratification instrument was approved by the Foreign Affairs Committee of the House of Representatives on 8 May 2009, the full House of Representatives on 12 May 2009, the Defense Committee of the House of Councillors on 9 June 2009, and finally the full House of Councillors on 10 June 2009. Foreign Affairs Committee of the House of Representatives, Minute No.10 of the Committee, 8 May 2009; Plenary of the House of Representatives, Minute No. 30 of the Plenary, 12 May 2009; Defense Committee of the House of Councillors, Minute No. 17 of the Committee, 9 June 2009; and Plenary of the House of Councillors, Minute No. 28 of the Plenary, 10 June 2009.

³⁰⁰ For legislative history, see Commerce and Industry Committee of the House of Representatives, Minute No. 24 of the Committee, 24 June 2009; Plenary of the House of Representatives, Minute No. 42 of the Plenary, 25 June 2009; Commerce and Industry Committee of the House of Councillors, Minute No. 24 of the Committee, 9 July 2009; and Plenary of the House of Councillors, Minute No. 37 of the Plenary, 10 July 2009.

³⁰¹ See Cabinet Legislation Bureau, www.clb.go.jp.

The law bans production and possession of cluster munitions and affirms Japan's obligation to dispose of cluster munitions in its stockpiles.

Japan has shown strong interest in promoting the convention. It is a member of the Lao Support Group, a voluntary group of countries tasked with advancing preparations for the First Meeting of States Parties, to be held in Lao PDR in November 2010. In particular, Japan is serving as Friend of the President to push universalization of the convention. In this role, it is coordinating universalization activities among numerous countries.

Japan has also undertaken universalization initiatives in its national role, including sending letters to 86 non-signatory states, and raising the issue in bilateral meetings and multilateral forums. Japan held a side event on universalization of the Convention on Cluster Munitions during the Second Review Conference of the Mine Ban Treaty in December 2009.³⁰²

Japan participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in Bali, Indonesia in November 2009, and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

In Berlin, Japan gave a presentation raising the possibility that technical data owned by producers might be an obstacle in proceeding with stockpile destruction.³⁰³ In Bali, Japan spoke of the importance of international cooperation and assistance in ensuring the success of the convention, and said that it intends to provide assistance to States Parties in the relevant fields.³⁰⁴ It also gave a presentation on universalization and noted it had approached 29 countries in Asia to encourage them to sign and ratify.³⁰⁵ In Santiago, Japan chaired a session on universalization.

Japan participated in the Oslo Process to develop the convention from the beginning in February 2007, although it was initially not supportive, advocating instead for restrictions on cluster munitions in the framework of the Convention on Conventional Weapons (CCW).³⁰⁶ At the conclusion of the negotiations in Dublin in May 2008, Japan was one of the 107 countries to adopt by consensus the convention's text, but also expressed some doubt as to whether it would be able to sign in Oslo in December 2008.

Japan has not yet made known its views on certain important issues related to interpretation and implementation of the convention, including the prohibition on investment in the production of cluster munitions, and the prohibition on assistance during joint military operations with states not party that may use cluster munitions. During the negotiations, Japan was one of the strongest backers of a provision on "interoperability" and joint military operations.

In July 2010, Japan's three largest banks said they would refrain from financing the manufacture of cluster munitions. Sumitomo Mitsui Financial Group, Mitsubishi UFJ Financial Group, and Mizuho Bank indicated they would deny any loans for or investments in production of cluster munitions.³⁰⁷ The investment company Daiwa Asset Management also banned financing of cluster munition producers.³⁰⁸

In June 2009, in response to questions in the Diet, the government had stated that it has not studied investment and loans by Japanese financial institutions to private firms producing cluster munitions. The government stressed that it would try to keep financial institutions informed of the convention and request that they carry out banking services in keeping with it.³⁰⁹

Implementation legislation

The Japan Campaign to Ban Landmines (JCBL) and others have raised a number of concerns regarding the implementation legislation.³¹⁰ The stated purpose of the law is to "regulate" possession of cluster munitions, not to "prohibit" them. It does not explicitly ban use of cluster munitions. The Ministry of Foreign Affairs told the JCBL that use is prohibited under the Explosive Control Act and other laws. The law states that it prohibits production and development of cluster munitions, but only "regulates" acquisition and stockpiling. Transfer is regulated under laws governing Foreign Exchange and Foreign Trade.³¹¹

³⁰² Response to Monitor questionnaire by the Ministry of Foreign Affairs, 29 March 2010; and statement of Japan, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010. Notes by AOAV.

³⁰³ Presentation by Japan, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009.

³⁰⁴ Statement of Japan, Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions, Bali, 16 November 2009. Notes by AOAV.

³⁰⁵ Ibid, 17 November 2009.

³⁰⁶ For details on Japan's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 100–102.

³⁰⁷ "Japan banks ban financing cluster arms," *Agence France-Presse*, 30 July 2010, news.smh.com.au; and, "Megabanks Sumitomo Mitsui and Tokyo-Mitsubishi ban financing of cluster bomb production," *Mainichi Daily News*, 30 July 2010, mdn.mainichi.jp.

³⁰⁸ See, www.daiwa-am.co.jp.

³⁰⁹ Response to questions in the Diet by Masamichi Kohno, Deputy Director-General, Planning and Coordination Bureau, Financial Services Agency, Commerce and Industry Committee, House of Representatives, 24 June 2009; and response to Monitor questionnaire by the Ministry of Foreign Affairs, 29 March 2010.

³¹⁰ The Act Concerning the Prohibition of the Production of Cluster Munitions and the Regulation of their Possession, no. 85, 17 July 2009.

³¹¹ Response to Monitor questionnaire by the Ministry of Foreign Affairs, 29 March 2010. The same concern was raised when the ban of antipersonnel mines was discussed as that bill on antipersonnel mines "regulates" possession.

The government maintains that United States military bases in Japan are under US jurisdiction and control, thus not on Japanese territory, so the possession of cluster munitions by US forces does not violate the law. Also, according to the government, Clause 4.4 of the law will allow Japanese nationals, both civilians and members of the Self-Defense Forces, to transport cluster munitions that are owned by the US.³¹²

The JCBL also notes that the bill does not address how, when, and who will destroy cluster munitions stockpiled by the Self-Defense Forces. Of the eight nations that had enacted implementation legislation as of June 2010, only Japan's law did not explicitly prohibit use, transfer, and stockpiling of cluster munitions.³¹³

Convention on Conventional Weapons

Japan is a State Party to the Convention on Conventional Weapons (CCW), but not its Protocol V on explosive remnants of war. Japan has continued to participate extensively in the CCW deliberations on cluster munitions. At the April 2010 CCW session, Japan said that it attached great importance to the conclusion of a new CCW protocol on cluster munitions and that it believed it will be compatible with the Convention on Cluster Munitions; it said the prohibitions should not deviate substantially from the convention text.³¹⁴

Use, production, transfer, and stockpiling

Japan has not used cluster munitions, but it produced and imported them in the past, and has a stockpile. Under the terms of the convention, Japan must destroy its stocks "as soon as possible" but not later than 1 August 2018.

Japan possesses four types of cluster munitions: CBU-87 Combined Effects Munitions, M483A1 artillery projectiles, M26/M26A1 ground rockets, and M261 Hydra helicopter rockets. The Ministry of Defense has said that the total acquisition cost for these cluster munitions was ¥27.5 billion (US\$293.4 million).³¹⁵

The government has not revealed the number of cluster munitions in its arsenals, but has stated that it will reveal the number and report it to the UN Secretary-General after the treaty has entered into force.³¹⁶

The method that Japan will use for the destruction of its stockpile is being studied by a private company contracted by the government. The government states that it will produce a detailed plan for its stockpile destruction and produce a budget once results of the research have been submitted.³¹⁷ The process of stockpile destruction will be open to the public as long as safety is ensured.³¹⁸

Japan does not have a plan to retain any cluster munitions for training, development, or counter-measure purposes.³¹⁹

United States cluster munitions in Japan

The US stockpiles cluster munitions on US bases in Japan. The Ministry of Foreign Affairs stated that the US has not disclosed information to the Japanese government about the type, number, function, and locations of the stockpiles.³²⁰

The local media in Okinawa have reported that US forces in Japan have dropped cluster munitions on bombing ranges during training exercises.³²¹ In May 2010, a newspaper published a report with photographs of US fighter aircraft being loaded with cluster bombs.³²² In July, additional photographs appeared in the press of cluster bombs which were to be mounted on US jets.³²³ The JCBL sent a letter of protest to the US Ambassador in Tokyo on 21 July 2010, and urged the US to stop immediately.

³¹² Response to questions in the Diet by Tetsuhiro Hosono, Ministry of Economy, Trade and Industry, Minute No. 20, Commerce and Industry Committee, House of Representatives, 24 June 2009.

³¹³ Human Rights Watch and the Harvard Law School Human Rights Program International Human Rights Clinic, "Fulfilling the Ban: Guidelines for Effective National Legislation to Implement the Convention on Cluster Munitions," June 2010, pp. 3, 6, 7.

³¹⁴ Statement of Japan, CCW Group of Governmental Experts on Cluster Munitions, Geneva, 12 April 2010. Notes by AOAV.

³¹⁵ This includes ¥14.8 billion (\$157.9 million) for CBU-87, ¥4.6 billion (\$49.1 million) for M483A1, ¥4.1 (\$43.7 million) billion for M26, and ¥4 billion (\$42.7 million) for M261. Response to Monitor questionnaire by the Ministry of Foreign Affairs, 29 March 2010; document distributed by the Ministry of Defense, 3rd Plenary Meeting of the Diet Members League to Promote a Ban on Cluster Munitions, Tokyo, 10 June 2008. Average exchange rate for 2009: ¥1=US\$0.01067. US Federal Reserve, "List of Exchange Rates (Annual)," 4 January 2010.

³¹⁶ Response to Monitor questionnaire by the Ministry of Foreign Affairs, 29 March 2010.

³¹⁷ Ibid.

³¹⁸ Response to questions in the Diet by Yoshiyuki Iwai, Director-General, Ministry of Defense, Foreign Affairs Committee, House of Representatives, 8 May 2009.

³¹⁹ Response to Monitor questionnaire by the Ministry of Foreign Affairs, 29 March 2010.

³²⁰ Response to questions in the Diet by Shintaro Ito, State Secretary for Foreign Affairs, Foreign Affairs Committee, House of Representatives, 8 May 2009.

³²¹ The media reported in September and December 2007 that a US fighter plane took off from Kadena air base with cluster munitions and came back without them. The cluster munitions were reportedly dropped in a training area near the city of Naha, which is the capital of Okinawa, where most US bases in Japan are located. "F18 with cluster munitions," *Ryukyu Shinpo*, 11 December 2007; and "A series of flights with cluster munitions and missiles, the Kadena base," *Ryukyu Shinpo*, 13 December 2007.

³²² "US Fighters from outside of Kadena Air Base, Have they Dropped Cluster Bombs on the Training Area near Okinawa?" *Ryukyu Shinpo*, 13 May 2010.

³²³ "Cluster Bombs were Carried Back in the Store House. Bombard Training shall be take place again from today?" *Ryukyu Shinpo*, 19 July 2010.

In response to questions in the Diet, a Foreign Ministry official stated that it was inappropriate for the Japanese government to verify the media reports.³²⁴

Lao People's Democratic Republic

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as regional meetings in Santiago in September 2009, Bali in November 2009, and Pretoria in March 2010
Key developments	Ratified on 18 March 2009; will host the First Meeting of States Parties in November 2010

Policy

The Lao People's Democratic Republic (Lao PDR) signed the Convention on Cluster Munitions in Oslo on 3 December 2008. It became the fifth country globally and the first in Asia to ratify the convention on 18 March 2009, when it deposited its instrument of ratification at a special event to promote the convention at UN headquarters in New York.³²⁵ Thus, it was among the first 30 ratifications that triggered the entry into force of the convention on 1 August 2010.

Lao PDR will host the First Meeting of States Parties to the convention in Vientiane from 9–12 November 2010.³²⁶ The UN General Assembly adopted a resolution that formally welcomed Lao PDR's offer to host the meeting on 28 October 2009.³²⁷ Lao PDR, together with Ireland, undertook significant consultations to ensure consensus adoption of this UN General Assembly resolution in support of the convention.

In a speech to the UN, Lao PDR stated, "We fully endorse the objective of achieving the total elimination of cluster munitions, which cause excessive injury and have indiscriminate effects, especially on the civilian populations. As one of the most cluster munitions affected countries, the Lao PDR attaches enormous importance to the Convention on Cluster Munitions and its contribution toward protecting civilians and addressing the humanitarian impact of this silent killer."³²⁸

Lao PDR has established the Ministry of Foreign Affairs as the focal point for implementation of the Convention on Cluster Munitions. The ministry receives support for this through a Treaty Support Unit created in March 2010 within the National Regulatory Authority (NRA).³²⁹

The government is now focused on preparations for the First Meeting of States Parties, but will turn to the drafting of national implementation legislation for the convention following the conclusion of the meeting.³³⁰

In March 2010, Lao PDR established a National Preparatory Committee on the First Meeting of States Parties, chaired by the Deputy Prime Minister and Minister of Foreign Affairs. Eight sub-committees have been established, with members from government agencies, to be responsible for specific tasks.³³¹

On 7 July 2010, the government and UNDP held a media event to launch the "official start for the November meeting, which is so far the largest international meeting ever organized in the Lao PDR."³³²

³²⁴ Response to questions in the Diet by Toshio Sano, Director-General, Disarmament, Non-proliferation and Science Department, Foreign Policy Bureau, Foreign Affairs Committee, House of Representatives, 8 May 2010.

³²⁵ CMC "Laos Ratifies Cluster Bomb Ban Treaty—DRC Becomes 96th Signatory," Press release, 18 March 2009, New York, www.stopclustermunitions.org.

³²⁶ Lao PDR raised this possibility while hosting the regional conference to promote the convention in October 2008, then publicly offered to host during the Convention on Cluster Munitions Signing Conference in Oslo in December 2008. The Norwegian Minister of Foreign Affairs welcomed the offer, as did many states. Numerous states expressed support during meetings and briefings on the convention in 2009 and 2010.

³²⁷ Ireland and Lao PDR, "Draft Resolution VIII, Convention on Cluster Munitions," A/C.1/64/L.16, 15 October 2009. The draft resolution was approved by the First Committee without a vote on 28 October 2009 and the UNGA approved Resolution 64/36 on 2 December 2009.

³²⁸ Statement by Amb. Kanika Phommachanh, Permanent Mission of Lao PDR to the UN in New York, General Debate, UN General Assembly, 64th Session, New York, 10 October 2009.

³²⁹ Telephone interview with Bounpheng Sisawath, Communications and Public Relations Officer, NRA, 11 August 2010.

³³⁰ Ibid. The NRA website notes that one of the roles of the Treaty Support Unit will be "to assist in integrating the treaty requirements into domestic legislation and strategy." See NRA, "Treaty Support," www.nra.gov.la.

³³¹ Interview with Somnuk Vorasarn, Deputy Director, NRA, Vientiane, 26 March 2010.

³³² UNDP, "First States Parties Meeting launched together with the Cluster Munitions Trust Fund," Press release, 7 July 2010, www.undplao.org.

The event was also used for the government and UNDP to officially launch a UXO trust fund, created to encourage strong support for the convention and the First Meeting of States Parties. As of early September, four countries (Australia, Canada, France, and Ireland) had contributed about US\$4.15 million to the fund.³³³

Preparations for the First Meeting of States Parties—substantive, procedural, and logistical—have been at the heart of the work of the convention in 2009 and 2010, and Lao PDR has been deeply involved in all aspects.

In early 2009, a group of states came together on a voluntary, informal basis to form the Lao Support Group. Under the guidance of Lao PDR, they have taken on the responsibility of ensuring that preparations for the First Meeting of States Parties are advancing in a thorough and timely manner. The Lao Support Group met nine times between May 2009 and August 2010, and will continue to do so in the lead-up to the November conference. Lao PDR and 10 states, serving as Friends of the President of the First Meeting of States Parties, are taking the lead on specific issue areas, developing the topics for discussion and drafting substantive papers for consideration at the First Meeting of States Parties. UN agencies, the CMC, and the ICRC have also participated extensively.³³⁴

Lao PDR participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Regional Conference for Latin America and the Caribbean on Cluster Munitions held in Santiago, Chile in September 2009, the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions held in Bali, Indonesia in November 2009, the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions held in Pretoria, South Africa in March 2010, and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

At each of the conferences, Lao PDR provided an update on the preparations for and “roadmap” to the First Meeting of States Parties. It has also promoted the convention and the First Meeting of States Parties at UN events and briefings in other diplomatic fora, such as the intersessional Standing Committee meetings and Second Review Conference of the Mine Ban Treaty, as well as Non-Aligned Movement (NAM) and Association of Southeast Asian Nations (ASEAN) meetings.

At the global meeting in Santiago in June 2010, Lao PDR proposed that the President of the First Meeting of States Parties appoint a special envoy to visit non-signatory countries to urge them to join the convention and attend the First Meeting of States Parties.³³⁵

Lao PDR has not expressed its views on several important matters related to interpretation and implementation of the convention, including the prohibition on assistance with prohibited acts during joint military operations, the prohibition on transit of cluster munitions, the prohibition on foreign stockpiling of cluster munitions, and the prohibition on investment in the production of cluster munitions.

As the most heavily affected country in the world, Lao PDR’s support was a crucial element in the success of the Oslo Process that produced the convention.³³⁶ It participated extensively in the Oslo Process, calling for a comprehensive ban. During the negotiations in Dublin in May 2008, it advocated strongly against proposals to weaken the treaty text. Lao PDR hosted the South East Asia Regional Conference on the Convention on Cluster Munitions on 20–22 October 2008 in Xieng Khouang, aimed at promoting signature to the convention in the region.

Lao PDR is not party to the Mine Ban Treaty. It is party to the Convention on Conventional Weapons (CCW), but has not ratified Protocol V on explosive remnants of war. It has participated, though not extensively, in the CCW deliberations on cluster munitions in recent years. During a CCW session in April 2010, Lao PDR expressed its hope that states could reach agreement on a new protocol on cluster munitions, but stressed that it must complement, and not in any way compromise, the Convention on Cluster Munitions. It encouraged more states to join the ban convention prior to the November First Meeting of States Parties.³³⁷

Use, production, transfer, and stockpiling

Lao PDR has stated that it has never used, produced, transferred, or stockpiled cluster munitions.³³⁸

³³³ The fund can also be used for clearance, risk education, and victim assistance activities, thereby helping the Lao government meet its obligations under the convention. The fund was created in February 2010. The formal name is the UNDP Trust Fund for Support to the Full Implementation of the Convention on Cluster Munitions in the Lao PDR within the Framework of the Vientiane Declaration on Aid Effectiveness. UNDP presentation, Preparatory Meeting for the First Meeting of States Parties, Geneva, 6 September 2010; and UNDP, “First States Parties Meeting launched together with the Cluster Munitions Trust Fund,” Press release, 7 July 2010, www.undplao.org.

³³⁴ The Lao Support Group is open to all states and interested organizations. On the substantive work, Lao PDR is developing the Vientiane Declaration. The Friends of the President and their issue areas include: Norway (Vientiane Action Plan); Austria (victim assistance); Australia (clearance); Belgium (reporting); Canada (structures and work program); Germany (stockpile destruction); Japan (universalization); Ireland (procedural matters); New Zealand (national legislation); and South Africa (international cooperation and assistance). Chile, Colombia, Croatia, Denmark, France, Holy See, Indonesia, Mexico, Slovenia, Switzerland, the United Kingdom, and others have also been involved.

³³⁵ Statement of Lao PDR, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010. Notes by AOAV.

³³⁶ For more details on Lao PDR’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 103–105.

³³⁷ Statement of Lao PDR, CCW Group of Governmental Experts on Cluster Munitions, Geneva, 12 April 2010. Notes by AOAV.

³³⁸ Letter from Saleumxay Kommasith, Director General, Department of International Organizations, Ministry of Foreign Affairs, 25 February 2009.

Cluster Munition Remnants

Lao PDR experienced the heaviest aerial bombardment in history during the Indochina War of the 1960s and 1970s which left it with the world's worst contamination from cluster munition remnants (known locally as “bombies”). After more than 13 years of UXO/mine action, there is today no reliable estimate for the total area contaminated in the country. Lao PDR lacks up-to-date information on the location and impact of explosive remnants of war (ERW), and even the extent of land designated a priority for clearance.³³⁹ The NRA says that 10 of Lao PDR's 17 provinces are “severely contaminated” by ERW, affecting up to one-quarter of all villages.³⁴⁰ A 2002 evaluation for the Japan International Cooperation Agency estimated that 236.8km² of potential agricultural land was contaminated by UXO.³⁴¹

Bombies accounted for a little over half (52%) of all items cleared in 2009.³⁴² UXO Lao, Lao PDR's largest clearance operator, reported in 2009 that during 12 years of operations, munitions fired by ground forces made up most (52%) of total items cleared and unexploded submunitions accounted for a little under half (47%).³⁴³

UNDP reports that as a result of unexploded submunition contamination, “economic opportunities in tourism, hydroelectric power, mining, forestry and many other areas of activity considered main engines of growth for the Lao PDR are restricted, complicated and made more expensive.”³⁴⁴ For example, the Nam Theun 2 Hydroelectric Project, one of the country's biggest economic development projects, spent more than \$16.7 million on UXO clearance between February 2003 and October 2007.³⁴⁵

Clearance of cluster munition remnants

Under Article 4 of the Convention on Cluster Munitions, Lao PDR is required to complete clearance of all areas affected by unexploded submunitions under its jurisdiction or control not later than 1 August 2020. If it is unable to complete clearance within 10 years, it may request an extension of up to five years.

In 2010, the NRA, which coordinates UXO/mine action in Lao PDR, drew up plans for a pilot district-level survey to determine the extent of contamination. The survey is intended to pull together household and village priorities, district plans for development, and national plans for development and investment. It is expected to provide a basis for districts to draw up annual work plans and for the NRA and clearance operators to draw up a multiyear plan in line with its obligations under the convention.³⁴⁶

At least 40,499 unexploded submunitions were reportedly destroyed by operators in 2009. The UXO/mine action program in Lao PDR did not, though, disaggregate areas cleared of cluster munition remnants from other battle area clearance.³⁴⁷

Lesotho

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 November 2010
Participation in Convention on Cluster Munitions meetings	Attended a global conference in Berlin in June 2009 and a regional conference in Pretoria in March 2010
Key developments	Ratified on 28 May 2010

Policy

The Kingdom of Lesotho signed the Convention on Cluster Munitions on 3 December 2008. In October 2009, Lesotho said that the “signing of the Convention by Lesotho was made with a clear understanding that it is prerequisite to ratification. Lesotho intends to ratify the Convention at the earliest opportunity.”³⁴⁸ Lesotho ratified the treaty on 28 May 2010.

³³⁹ Geneva International Centre for Humanitarian Demining (GICHD), “Lao PDR Risk Management and Mitigation Model,” December 2006, p. 39; and interviews with operators, Vientiane, 6–8 April 2009.

³⁴⁰ NRA, “National Regulatory Authority for UXO/Mine Action in Lao PDR,” www.nra.gov.la.

³⁴¹ Nippon Koei Co., Ltd. and KRI International Corporation, “Master plan study on integrated agricultural development in Lao People's Democratic Republic,” October 2001.

³⁴² Email from John Fenech, Public Relations and Communications Advisor, NRA, 28 May 2010.

³⁴³ UXO Lao, “2008 Annual Report,” Vientiane, undated but 2009, p. 5. UXO Lao reported that in 2008 bombies had accounted for 38% of UXO cleared by its roving teams and 61% of UXO cleared by its area clearance teams.

³⁴⁴ UNDP, “Hazardous Ground, Cluster Munitions and UXO in the Lao PDR,” Vientiane, October 2008, p. 8.

³⁴⁵ NRA, “UXO Sector Annual Report 2007,” Vientiane, undated but 2008, p. 16, www.nra.gov.la.

³⁴⁶ Interview with Phil Bean, Technical Advisor, Operations/Quality Assurance, NRA, Vientiane, 3 May 2010; and Ruth Bottomley “The Scoping and Coordination Document for a District Focused Approach to the Management of the UXO Threat (Draft),” 19 March 2010, prepared for the NRA.

³⁴⁷ For further details, see the Mine Action section of the Country Profile for Lao PDR.

³⁴⁸ Statement by Amb. Motlatsi Ramafote, Permanent Mission of Lesotho to the UN, UN General Assembly, 64th Session, First Committee, New York, 9 October 2009, www.reachingcriticalwill.org.

In a statement to the UN, Lesotho also declared, “The use of cluster munitions violates International Humanitarian Law, and indeed the Geneva Conventions relative to the protection of civilians during war.”³⁴⁹

Lesotho has engaged in the work of the convention in 2009 and 2010 through July. While Lesotho did not attend the International Conference on the Convention on Cluster Munitions held in Santiago, Chile in June 2010, it did participate in the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions held in Pretoria, South Africa in March 2010, and the Berlin Conference on the Destruction of Cluster Munitions in June 2009.

Lesotho participated extensively in the diplomatic Oslo Process that produced the convention in 2007 and 2008, including the formal negotiations in Dublin in May 2008, where it supported a comprehensive ban without exceptions.³⁵⁰

Lesotho is a State Party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), but has not ratified Protocol V on explosive remnants of war. It has not participated in the CCW discussions on cluster munitions in recent years.

Lesotho has stated that it does not use or produce cluster munitions.³⁵¹ It is not believed to have a stockpile.

Luxembourg

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010
Key developments	Ratified the convention on 10 July 2009; enacted national implementation legislation on 4 June 2009

Policy

The Grand Duchy of Luxembourg signed the Convention on Cluster Munitions in Oslo on 3 December 2008. It ratified the convention on 10 July 2009, becoming the 12th signatory to do so.³⁵² Thus, it was among the first 30 ratifications that triggered entry into force of the convention on 1 August 2010.

Luxembourg’s ratification law also serves as national implementation legislation, with a comprehensive prohibition on cluster munitions and penal sanctions for violations (see National implementation section below). On 7 May 2009, Luxembourg’s Parliament voted in favor of the draft ratification and implementation law.³⁵³ On 4 June 2009, the law was officially promulgated.³⁵⁴ Its instrument of ratification was formally deposited with the UN on 10 July 2009.

Luxembourg has signaled its commitment to the universalization of the convention. In May 2010, the Ministry of Foreign Affairs stated that Luxembourg regularly raises the issue of cluster munitions bilaterally.³⁵⁵ Upon signing the convention in December 2008, Luxembourg’s Minister of Foreign Affairs had pledged to use bilateral contacts with non-signatories to encourage them to join.³⁵⁶

With respect to the issue of the prohibition on assistance during joint military operations with non-signatories, the Ministry of Foreign Affairs has called Article 21 (on relations with states not party) “an important clause to allow continued collaboration with countries that are not yet ready to relinquish the possession of cluster munitions, but also to convince them to join the many countries which have decided to abandon this class of weapons.”³⁵⁷

Luxembourg participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009 and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

³⁴⁹ Ibid.

³⁵⁰ For detail on Lesotho’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 107–108.

³⁵¹ Statement of Lesotho, Lima Conference on Cluster Munitions, 24 May 2007. Notes by the CMC/WILPF.

³⁵² Ministry of Foreign Affairs and Immigration, “Le Luxembourg devient le 13^e pays à ratifier la Convention sur les sous-munitions” (“Luxembourg becomes the 13th country to ratify the Convention on Cluster Munitions”), Press release, 13 July 2009, www.gouvernement.lu.

³⁵³ Chamber of Deputies, “Compte rendu des séances publiques n°16” (“Summary of public sessions n°16”), 7 May 2009, www.chd.lu.

³⁵⁴ “Loi du 4 juin 2009 portant approbation de la Convention sur les armes à sous-munitions, ouverte à la signature à Oslo le 3 décembre 2008 (Doc. parl. 5981; sess. ord. 2008–2009)” (“Act of 4 June 2009 approving the Convention on Cluster Munitions, opened for signature in Oslo, 3 December 2008 (Parl. doc. 5981; norm. sess. 2008–2009)”), *Memorial; Journal Officiel du Grand-Duché de Luxembourg (Memorial: Official Journal of the Grand Duchy of Luxembourg)*, A–No. 147, 22 June 2009, www.chd.lu.

³⁵⁵ Email from Claude Faber, Attaché, Ministry of Foreign Affairs, 1 May 2010.

³⁵⁶ Statement by Jean Asselborn, Minister of Foreign Affairs, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

³⁵⁷ Email from Claude Faber, Ministry of Foreign Affairs, 1 May 2010.

Luxembourg participated throughout the Oslo Process that created the convention and was one of a small number of states that undertook national legislative initiatives on cluster munitions even prior to the Oslo Process.³⁵⁸ Luxembourg began domestic initiatives on cluster munitions as early as 2006 and initially proposed a draft national law banning cluster munitions in November 2007.³⁵⁹ In June 2008, Luxembourg decided not to seek enactment of its draft law until after the signing conference in Oslo in December 2008.³⁶⁰

National Implementation Legislation

In January 2009, Luxembourg published a draft ratification and implementation law³⁶¹ that would comprehensively prohibit use, development, production, transfer, and stockpiling of cluster munitions, as well as “knowingly”³⁶² financing cluster munitions. The implementation law includes penal sanctions.³⁶³ As noted above, Parliament subsequently passed the law on 7 May 2009 and it took effect on 4 June 2009.

Luxembourg’s national legislation is noteworthy for its application to both natural and legal persons, meaning both individuals and corporate entities, and its provisions for extraterritorial application, making violations by Luxembourg’s citizens or corporations criminal, regardless of where a violation occurs. Luxembourg’s legislation also includes stronger penal sanctions for violations than included in its implementation legislation for the Mine Ban Treaty and the Convention on Conventional Weapons.³⁶⁴

Disinvestment

Luxembourg’s national legislation is also notably significant in its prohibition on investment in cluster munitions, making Luxembourg one of the convention’s leaders on disinvestment. Luxembourg has publicly affirmed its commitment to prohibiting investment on several occasions and has appealed for other countries to adopt similar measures.³⁶⁵ While Luxembourg’s explicit prohibition on investment sets a strong precedent for the implementation of the convention, at the same time, concerns have been raised about the formulation of the prohibition in Luxembourg’s law, and particularly the use of the term “knowingly.”³⁶⁶ The Ministry of Finance has acknowledged the need to address the issue, and to develop a list of producers of cluster munitions.³⁶⁷

Luxembourg is party to the Convention on Conventional Weapons (CCW), and has ratified Protocol V on explosive remnants of war. While Luxembourg was initially a supporter of work on cluster munitions in the CCW, after the adoption of the convention, Luxembourg has not been active in that forum.

Luxembourg is not believed to have used, produced, transferred, or stockpiled cluster munitions.

³⁵⁸ For more details on Luxembourg’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 111–113.

³⁵⁹ Government of Luxembourg, “Résumé des travaux du Conseil de Gouvernement du 9 novembre 2007” (“Summary of decisions taken during Council of Government of 9 November 2007”), www.gouvernement.lu.

³⁶⁰ Government of Luxembourg, “La position du gouvernement sur la convention internationale contre les armes à sous-munitions (BASM)” (“The position of the government on the international convention on cluster munitions”), Press release, 9 June 2008, www.gouvernement.lu.

³⁶¹ Chamber of Deputies, “Projet de lois portant approbation de la Convention sur les armes à sous-munitions ouverte à la signature à Oslo, le 3 décembre 2008” (“Draft legislation approving the Convention on Cluster Munitions open for signature in Oslo, 3 December 2008”), No. 5981, Normal Session 2008–2009, 12 January 2009.

³⁶² The original French phrase “En connaissance de cause” can be translated into English as “knowingly” or “intentionally.”

³⁶³ The draft law stipulates a punishment of imprisonment for five to 10 years and a fine of €25,000–1,000,000 (US\$34,838–1,393,500), or only one of these sentences, for those who have committed an infraction of the national legislation. According to the draft law, seized cluster munitions and submunitions will be confiscated and destroyed at the expense of the person convicted of the offence. Average exchange rate for 2009: €1=US\$1.3935. US Federal Reserve, “List of Exchange Rates (Annual),” 4 January 2010.

³⁶⁴ Human Rights Watch, “Fulfilling the Ban: Guidelines for Effective National Legislation to Implement the Convention on Cluster Munitions,” June 2010, pp. 3, 4, 14–15, 37–38.

³⁶⁵ Statement by Jean Asselborn, Minister of Foreign Affairs, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008; and Ministry of Foreign Affairs and Immigration, “Le Luxembourg devient le 13^e pays à ratifier la Convention sur les sous-munitions” (“Luxembourg becomes the 13th country to ratify the Convention on Cluster Munitions”), Press release, 13 July 2009, www.gouvernement.lu.

³⁶⁶ According to the NGOs IKV Pax Christi and Network Vlaanderen, the inclusion of the term “knowingly” in Luxembourg’s legislation risks creating a possible loophole diminishing legal responsibility and due diligence for the identification of transactions relating to cluster munitions. They recommend that Luxembourg establish clear definitions of the terms “knowingly” and “financing,” as well as issue mandatory obligations for the provision of monitoring tools, the identification of producers or financiers, and auditing methods. See IKV Pax Christi and Network Vlaanderen, “Worldwide investments in cluster munitions: a shared responsibility,” April 2010, pp. 103–104, www.networkvlaanderen.be. Handicap International (HI) urged Luxembourg to develop monitoring tools to effectively implement the prohibition on investment in cluster munitions. HI, “Stop au financement des armes à sous-munitions” (“Stop investing in cluster munitions”), Press release, 29 October 2009, www.handicap-international.lu.

³⁶⁷ In April 2010, a Ministry of Finance official stated that banks should organize themselves to implement the prohibition on investment in production, in collaboration with the Government and Supervisory Board of the Financial Sector. The official also noted that the absence of a list of producers is problematic for the implementation of the law, especially in light of the inclusion of the term “knowingly” in the text of the legislation. HI telephone interview with M. Kamphaus, Ministry of Finance, 22 April 2010; and email from Jérôme Bobin, Communications, Advocacy and Awareness Manager, HI, 22 July 2010.

Former Yugoslav Republic of Macedonia

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010
Key developments	Ratified on 8 October 2009

Policy

The Former Yugoslav Republic of Macedonia (FYR Macedonia) signed the Convention on Cluster Munitions in Oslo on 3 December 2008. FYR Macedonia deposited its instrument of ratification with the UN in New York on 8 October 2009, becoming the 23rd country to ratify. Thus, it was among the first 30 ratifications that triggered entry into force of the convention on 1 August 2010.

Earlier, on 25 August 2009, the Assembly (parliament) unanimously passed a law ratifying the convention.³⁶⁸ After publication in the national gazette, the domestic process of ratification was completed on 16 September 2009.³⁶⁹

It is not known if FYR Macedonia has started the process of developing national implementation legislation or other measures.

FYR Macedonia continued to show strong interest in the convention in 2009 and 2010. It participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Special Event on the Convention on Cluster Munitions held at the UN in New York in October 2009, the Regional Workshop on Cluster Munitions in Rakitje, Croatia in February 2010, and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010. In Santiago, a Ministry of Defense official said that FYR Macedonia will be providing military expertise on stockpile destruction to Bosnia and Herzegovina in the near future.³⁷⁰

In December 2007, FYR Macedonia joined the Oslo Process that produced the convention and participated in a number of the international and regional meetings thereafter, including the formal negotiations in Dublin in May 2008.³⁷¹

In February 2010, a Ministry of Foreign Affairs official told Landmine and Cluster Munition Monitor that, having ratified the Convention on Cluster Munitions, Macedonia now prohibits the transit of cluster munitions across its national territory.³⁷²

FYR Macedonia has not yet formally expressed its views on a number of other important issues relating to the interpretation and implementation of the convention, including the prohibition on investment in cluster munition production, the prohibition on foreign stockpiling of cluster munitions, and the prohibition on assistance during joint military operations with states not party that may use cluster munitions (interoperability).³⁷³

FYR Macedonia is party to the Mine Ban Treaty and the Convention on Conventional Weapons (CCW). It attended the CCW sessions on cluster munitions in 2009 and 2010 through July, but did not make a statement indicating its views on the text under discussion.

FYR Macedonia has stated it does not use, produce, or stockpile cluster munitions.³⁷⁴

³⁶⁸ Record of the 70th Session of the Assembly of Macedonia, 25 August 2009, www.sobranie.mk.

³⁶⁹ CMC, "Report on the UN Special Event on the Convention on Cluster Munitions, New York, 18 October 2009."

³⁷⁰ CMC/Journalists for Children's and Women's Rights and Protection of Environment meeting with Lt.-Col. Tomislav Rizeski, Ministry of Defense, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010.

³⁷¹ For details on FYR Macedonia's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 113.

³⁷² Telephone interview with Majkl Sibinovski, Head, Arms Control Unit, Ministry of Foreign Affairs, 15 February 2010.

³⁷³ During the Dublin negotiations, while it was supportive of the inclusion of provisions on interoperability, FYR Macedonia stated that it was not an excuse for countries to continue to use, produce, and transfer cluster munitions, but instead was an effort to help countries that have shown the political will to join the convention to continue to have practical cooperation with states not party to the convention. Discussion during the Committee of the Whole on Interoperability, Dublin Diplomatic Conference on Cluster Munitions, 26 May 2008. Notes by Landmine Action.

³⁷⁴ Statement by Antonijo Miloshoski, Minister of Foreign Affairs, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008. Notes by Landmine Action.

Malawi

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Pretoria in March 2010
Key developments	Ratified on 7 October 2009

Policy

The Republic of Malawi signed the Convention on Cluster Munitions on 3 December 2008. It ratified on 7 October 2009, becoming the fifth country from Africa to ratify and the 22nd globally. Thus, it was among the first 30 ratifications that triggered entry into force of the convention on 1 August 2010.

In July 2009, Malawi stated that draft implementing legislation was being prepared, but could take some time to complete.³⁷⁵

Malawi has shown strong interest in the convention in 2009 and 2010 through July. Two weeks after ratifying, in a speech to the UN, Malawi reaffirmed its commitment to the convention and urged UN member states “that have not yet signed to do so to in order to stop the serious violation of international humanitarian laws associated with the use of these weapons.”³⁷⁶

Malawi attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, and the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa in March 2010. In Pretoria, Malawi made presentations on important interpretive issues and on Africa’s expectations for the First Meeting of States Parties in November 2010 in Lao PDR.³⁷⁷ Malawi did not attend the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

Malawi’s March 2010 presentation at the African regional conference covered a range of important issues related to interpretation and implementation of the convention.³⁷⁸ In Malawi’s view:

- Article 1(c) of the convention’s prohibition of assistance “should read to prohibit investments in CM [cluster munition] producers.”
- “As well as transfer, the transit of CM is prohibited” under the convention.
- “States Parties must not intentionally or deliberately assist, induce or encourage any prohibited activity” under the convention during joint military operations with states not party that may use cluster munitions.
- “There should be no stockpiling of CM of non-State Parties on the territory under the jurisdiction or control of a State Party and State Parties must ensure the destruction or removal of CM of foreign states on the territory.”
- 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.”

Malawi joined the diplomatic Oslo Process that produced the convention in December 2007, and participated in the formal negotiations in Dublin in May 2008, where it supported a comprehensive ban without exceptions.³⁷⁹

Malawi is not party to the Convention on Conventional Weapons.

Malawi is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

³⁷⁵ CMC meeting with Malawi delegation, Berlin Conference on the Destruction of Cluster Munitions, 25–26 June 2009. Notes by the CMC. In June 2010, Malawi announced that it had drafted a Land Mine Prohibition Bill to implement the Mine Ban Treaty, which it ratified in August 1999. Statement of Malawi, Standing Committee on the General Status and Operation of the Convention, Mine Ban Treaty, Geneva, 25 June 2010.

³⁷⁶ Statement by David Ezala, Assistant Director, Ministry of Foreign Affairs, UN General Assembly, 64th Session, First Committee, New York, 20 October 2009, www.reachingcriticalwill.org.

³⁷⁷ 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; and statement by Maj. Dan Kuwali on Africa’s Expectations for the First Meeting of State Parties, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 26 March 2010. Both available at clustermunitionspretoria.blogspot.com.

³⁷⁸ Statement by Maj. Dan Kuwali, 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, clustermunitionspretoria.blogspot.com.

³⁷⁹ For detail on Malawi’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 115.

Mali

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 December 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Pretoria in March 2010
Key developments	Ratified on 30 June 2010

Policy

The Republic of Mali signed the Convention on Cluster Munitions in Oslo on 3 December 2008.³⁸⁰

Mali approved the domestic ratification of the convention on 6 May 2010 by a unanimous vote in its National Assembly.³⁸¹ The ratification decree was signed by the President on 20 May 2010 and officially deposited with the UN in New York on 30 June 2010.³⁸² Mali will become a State Party on 1 December 2010.

It is not known if Mali has begun the process of developing national implementation legislation or other measures.

Mali engaged in the work of the convention in 2009 and 2010 through July. It attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa in March 2010, and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010. In Pretoria, Mali reaffirmed its commitment to ratifying the convention and noted the importance of international partnerships to implement the convention.³⁸³

Mali joined the Oslo Process that produced the convention in December 2007 and actively participated thereafter. Mali consistently advocated for a total ban on cluster munitions without exception and with immediate effect. Mali was among the 107 countries that adopted the convention text at the end of the negotiations in Dublin in May 2008.³⁸⁴

Mali has not made known its views on certain important issues regarding the interpretation and implementation of the convention, such as the prohibition on foreign stockpiling or transit of cluster munitions, the prohibition on investment in cluster munition production, or the retention of cluster munitions for research or training purposes. On the issue of the prohibition on assistance with acts prohibited under the convention during joint military operations with states not party (interoperability), during the negotiations Mali argued against the inclusion of provisions on interoperability, cautioning that they must not undermine the very purpose of the convention.³⁸⁵

Mali is party to the Convention on Conventional Weapons (CCW) and ratified Protocol V on explosive remnants of war on 24 April 2009. Mali has not participated actively in the CCW discussions on cluster munitions in 2009 or 2010 through July.

Mali is not known to have used, produced, transferred, or stockpiled cluster munitions.³⁸⁶

³⁸⁰ Upon signing, Mali stated it would ratify in the forthcoming session of its National Assembly and called on others to ensure the convention's rapid entry into force. Statement by Amb. Sidiki Lamine Sow, Permanent Mission of Mali to the UN in Geneva, Convention on Cluster Munitions Signing Conference, Oslo, 4 December 2008. In April 2008, Mali sent a letter to Landmine Monitor stating that the ratification process was underway. Letter from Boubacar Gouro Diall, Director of Legal Affairs, Ministry of Foreign Affairs, 12 April 2010.

³⁸¹ Email from Amadou Maiga, President, West African Journalists for Security and Development Network, CMC/ICBL Mali, 7 May 2010.

³⁸² Statement of Mali, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010. Notes by HRW/AOAV. CMC, "Mali Ratifies Cluster Bomb Treaty," Press release, 2 July 2010, www.stopclustermunitions.org.

³⁸³ Statement of Mali, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 25 March 2010. Notes by AOAV.

³⁸⁴ For details on Mali's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 115–116.

³⁸⁵ Statement of Mali, Committee of the Whole on Article 1, Dublin Diplomatic Conference on Cluster Munitions, 27 May 2008. Notes by Landmine Action.

³⁸⁶ Email from Amadou Maiga, West African Journalists for Security and Development Network, CMC/ICBL Mali, 19 July 2010.

Malta

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended a global conference in Berlin in June 2009
Key developments	Ratified on 24 September 2009

Policy

The Republic of Malta signed the Convention on Cluster Munitions in Oslo on 3 December 2008. Malta ratified the convention on 24 September 2009, becoming the 19th country to do so.

Thus, it was among the first 30 ratifications that triggered entry into force of the convention on 1 August 2010.

According to the Ministry of Foreign Affairs, the legal framework necessary to implement the convention in Malta is provided through the National Interest Enabling Powers Act (Chapter 365) and the Military Equipment (Export Control) Regulations.³⁸⁷

Malta was an active participant throughout the Oslo Process that created the convention and contributed to efforts to achieve the strongest possible convention text during the negotiations in Dublin in May 2008.³⁸⁸ Malta has since elaborated its position on a number of important issues related to the interpretation and implementation of the convention, including the prohibition on transit, foreign stockpiling, and investment in cluster munitions.

Malta has stated, “Our understanding of the commitments arising out of the convention is that, as a party, we will not permit the transit of cluster munitions across, or foreign stockpiling of cluster munitions on, our national territory.”³⁸⁹ On investment, “With regard to investment in the production of cluster munitions, Malta interprets Article 1(b) of the Convention on Cluster Munitions as prohibiting this activity. Malta believes that the assistance prohibition under Article 1(c) of the Convention precludes financing and investment in corporations linked with the production of cluster munitions.”³⁹⁰ Malta has not yet made known its views on the prohibition on assistance during joint military operations with states not party that may use cluster munitions.

The Deputy Prime Minister and Minister of Foreign Affairs of Malta stated that the Permanent Missions of Malta to the UN in New York and Geneva are actively participating in preparations for the First Meeting of States Parties in November 2010.³⁹¹ Malta participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, but did not attend the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

Malta is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. In April 2010, Malta stated that it “intends to continue to be involved in the drafting of a new Protocol on cluster munitions within the framework of the [CCW].”³⁹² In Malta’s view, a CCW protocol could allow states not in a position to join the Convention on Cluster Munitions to take a step in the right direction, but Malta has emphasized that any new CCW protocol should be complementary with the Convention on Cluster Munitions and make a significant contribution to addressing the humanitarian impact of cluster munitions.³⁹³

Malta has stated that it has never used, produced, transferred, or stockpiled cluster munitions.³⁹⁴

Cluster Munition Remnants

Malta may have a small residual threat from cluster munition remnants left from World War II. In October 2009, an 11-year-old boy found a German butterfly bomb on the island of Malta. Another such device claimed the life of a 41-year-old man in 1981.³⁹⁵

³⁸⁷ Email from Mariella Grech, Counsellor, Global Issue Directorate, Ministry of Foreign Affairs, to Handicap International (HI) France, 26 April 2010.

³⁸⁸ For details on Malta’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 116–117.

³⁸⁹ Letter from Amb. Saviour F. Borg, Permanent Mission of Malta to the UN in New York, 2 March 2009.

³⁹⁰ Email from Mariella Grech, Ministry of Foreign Affairs, to HI France, 26 April 2010.

³⁹¹ Letter from Amb. Dr. Tonio Borg, Deputy Prime Minister and Minister of Foreign Affairs, 8 April 2010.

³⁹² Ibid. Malta has not publicly expressed its position on the CCW text under discussion in 2010.

³⁹³ Ibid; and letter from Amb. Saviour F. Borg, Permanent Mission of Malta to the UN in New York, 2 March 2009.

³⁹⁴ Letter from Amb. Saviour F. Borg, Permanent Mission of Malta to the UN in New York, 2 March 2009.

³⁹⁵ K.B. Coster, “Boy finds lethal WWII bomb in Qormi valley,” *Times of Malta.com*, 29 October 2009, www.timesofmalta.com.

Mexico

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Santiago in September 2009
Key developments	Ratified on 6 May 2009

Policy

Mexico signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 6 May 2009. Mexico was the seventh signatory to ratify the convention and the first from the Western Hemisphere to do so. Thus, it was among the first 30 ratifications that triggered entry into force of the convention on 1 August 2010.

The Senate approved ratification of the convention on 11 March 2009.³⁹⁶ President Felipe Calderón signed the ratification decree and the instrument of ratification was officially deposited with the UN in New York on 6 May 2009.³⁹⁷

In April 2010, Mexico informed Landmine and Cluster Munition Monitor that, “Currently, Mexico is analyzing the appropriateness of enacting legislation to harmonize the application of the Convention nationwide.” However, it also noted that “an international treaty of which Mexico is party then becomes the supreme law of the land, and supersedes federal law. Thus, the Convention will automatically be applied and observed upon publication in the Federal Official Gazette.”³⁹⁸

Mexico further stated that “since cluster munitions are weapons for exclusive military use, Mexican law forbids any activity involving the acquisition, possession, transfer, development or manufacturing of such weapons by private parties. Any violation in this regard would constitute a serious crime.”³⁹⁹

As a member of the core group of nations that steered the Oslo Process to its successful conclusion, Mexico played an active leadership role in securing the Convention on Cluster Munitions, including by hosting a regional meeting in Mexico City on 16–17 April 2008.⁴⁰⁰

Mexico has continued to show strong interest in the convention. It attended the Berlin Conference on the Destruction of Cluster Munitions on 25–26 June 2009, during which it chaired an informal side briefing for states from Latin America and the Caribbean to share universalization updates.⁴⁰¹ It participated in the Regional Conference for Latin America and the Caribbean on Cluster Munitions held in Santiago, Chile in September 2009, during which Mexico’s Ambassador Pablo Macedo described efforts to address cluster munitions in the Convention on Conventional Weapons (CCW) “stagnant.”⁴⁰²

In June 2010, Mexico attended the International Conference on the Convention on Cluster Munitions, also held in Santiago, where it stated that it would continue to include the convention in bilateral and regional meetings and announced plans to hold an event on 2 August 2010 to celebrate entry into force of the convention.⁴⁰³

³⁹⁶ “El Senado de la República aprobó la Convención sobre Municiones en Racimo” (“The Senate approves the Convention on Cluster Munitions”), *Notimex*, 11 March 2009.

³⁹⁷ Ministry of Foreign Affairs, “México ratifica la Convención sobre Municiones en Racimo” (“Mexico Ratifies Convention on Cluster Munitions”), Press release 091, 6 May 2009, www.sre.gob.mx.

³⁹⁸ Letter SSMH-00433/10 from Amb. Juan Manuel Gómez Robledo, Under Secretary for Multilateral Affairs and Human Rights, Ministry of Foreign Affairs, 5 April 2010, with attached document “Implementation by Mexico of the Convention on Cluster Munitions, March 2010.” Translation provided by the Embassy of Mexico, Washington, DC. Similarly, a Foreign Ministry official told Landmine and Cluster Munition Monitor in March 2010 that international agreements in Mexico are self-executing, and that upon entry into force, the convention becomes fully enforceable domestic law. The official also noted that the possibility of additional national implementation measures was being considered. Response to Monitor questionnaire by Edgar C. León, Head of Department, Department of Chemical, Biological, and Conventional Arms, General Directorate of UN, Ministry of Foreign Affairs, 19 March 2010.

³⁹⁹ Letter SSMH-00433/10 from Amb. Juan Manuel Gómez Robledo, Ministry of Foreign Affairs, 5 April 2010, with attached document “Implementation by Mexico of the Convention on Cluster Munitions, March 2010.”

⁴⁰⁰ For detail on Mexico’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 118–119.

⁴⁰¹ The CMC attended this briefing, which took place on 26 June 2009.

⁴⁰² Statement by Amb. Pablo Macedo, Director, UN Organization, Ministry of Foreign Affairs, Regional Conference for Latin America and the Caribbean on Cluster Munitions, Santiago, 14 September 2009. Notes by the CMC.

⁴⁰³ Statement of Mexico, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010. Notes by AOA.

In June 2010, Mexico told the ICBL that President Felipe Calderón has been urging heads of state from the region to sign and ratify the convention.⁴⁰⁴ In April 2010, Mexico wrote to Landmine and Cluster Munition Monitor that “Mexico bestows the utmost importance upon the promotion of the universality of the Convention on Cluster Munitions, and shall continue to include promotion of this instrument on the agenda of bilateral, regional and multilateral meetings.... Mexico is willing to actively participate in joint initiatives to promote the Convention that would have a strong, effective impact, more so than any individually-based initiative.”⁴⁰⁵

During the 26 March 2009 visit by then-President of Costa Rica Óscar Arias to Mexico City, the two countries issued a joint statement reiterating their political commitment with the convention and its universalization.⁴⁰⁶

Mexico is a member of the Lao Support Group, tasked with advancing preparations for the First Meeting of States Parties to be held in November 2010. Mexico’s Ambassador Arturo Hernández Basave chaired a meeting of the Lao Support Group in Geneva on 17 June 2010.⁴⁰⁷

Issues of interpretation and implementation

In a March 2009 letter to Human Rights Watch, Mexico offered its interpretation of several provisions of the Convention on Cluster Munitions. Mexico believes that “both the transit and storage of cluster munitions is prohibited under any circumstances, unless these actions are performed for the purposes specifically stated in Article 3, paragraphs 6 and 7. This rule is also applicable in relations with States not Party to the Convention, as stated in Article 21.” It stated that “investment for the production of cluster munitions is also prohibited by the Convention.”⁴⁰⁸

With respect to Article 21 and the issue of interoperability, Mexico stated that “even when a State Party does not itself engage in prohibited activities during a joint military operation with States not Party to the Convention, deliberately providing assistance for the execution of prohibited activities is not allowed.”⁴⁰⁹

During the Oslo Process, Mexico opposed the retention of cluster munitions for training or research purposes.⁴¹⁰

Convention on Conventional Weapons

Mexico is party to the Convention on Conventional Weapons (CCW), but has not ratified Protocol V on explosive remnants of war. Mexico has participated in, but been skeptical of the work on cluster munitions in the CCW. At the Meeting of States Parties in November 2009, Mexico said that the CCW had little to show for its deliberations and questioned continuing the mandate on cluster munitions.⁴¹¹ In April 2010, Mexico said that any CCW outcome must be compatible with the Convention on Cluster Munitions.⁴¹²

Use, production, transfer, and stockpiling

Mexico “does not use, develop, produce, acquire, store, preserve, or transfer cluster munitions. Mexico has not engaged in the activities in the past.”⁴¹³

⁴⁰⁴ ICBL meeting with Tonie Jaquez, First Secretary Disarmament, Permanent Mission of Mexico to the UN in Geneva, 21 June 2010. Notes by the ICBL.

⁴⁰⁵ Letter SSMH-00433/10 from Amb. Juan Manuel Gómez Robledo, Ministry of Foreign Affairs, 5 April 2010, with attached document “Implementation by Mexico of the Convention on Cluster Munitions, March 2010.” Similarly, in March 2010, a Foreign Ministry official said that universalization of the convention remains a top priority and the government stands ready “to participate in joint initiatives to promote the convention.” Response to Monitor questionnaire by Edgar C. León, Ministry of Foreign Affairs, 19 March 2010.

⁴⁰⁶ Ministry of Foreign Affairs, “Comunicado conjunto México-Costa Rica” (“Mexico-Costa Rica Joint Statement”), Press release CGCS-047, 26 May 2009, www.presidencia.gob.mx.

⁴⁰⁷ Record of the 8th Lao Support Group Meeting, 17 June 2010.

⁴⁰⁸ Letter from Amb. Juan Manuel Gómez Robledo, Ministry of Foreign Affairs, 4 March 2009. Translation by the Embassy of Mexico, Washington, DC.

⁴⁰⁹ Ibid.

⁴¹⁰ Katherine Harrison, “Report on the Wellington Conference on Cluster Munitions, 18–22 February 2008,” WILPF, March 2008, pp. 28–29.

⁴¹¹ Statement of Mexico, CCW Meeting of States Parties, Geneva, 12 November 2009. Notes by Landmine Action.

⁴¹² Statement of Mexico, CCW Group of Governmental Experts on Cluster Munitions, Geneva, 16 April 2010. Notes by AOAV.

⁴¹³ Letter from Amb. Juan Manuel Gómez Robledo, Ministry of Foreign Affairs, 4 March 2009.

Moldova

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010
Key developments	Ratified on 16 February 2010; completed destruction of its stockpile of 1,385 cluster munitions with more than 27,000 submunitions on 29 July 2010

Policy

The Republic of Moldova signed the Convention on Cluster Munitions on 3 December 2008 in Oslo. The Moldovan Parliament approved ratification on 15 December 2009 (Law No. 101). Following the signing of a Presidential Decree on ratification on 28 December 2009, it formally deposited its instrument of ratification with the UN on 16 February 2010. Moldova and Burkina Faso, which ratified on the same day, were the 29th and 30th states to ratify, triggering the entry into force of the convention on 1 August 2010.

A Ministry of Foreign Affairs official has indicated that Moldova believes existing laws are sufficient to sanction any violations of the convention.⁴¹⁴

Moldova participated in the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010. On the first day of the conference, Moldova intervened during the session on universalization, noting that challenges in the interpretation of some provisions of the convention, such as interoperability, transit, and retention, might be presenting difficulties for some non-signatories. It said that promoting understanding of the convention's provisions on these issues might assist those that have not signed or ratified in deciding to join. Moldova stated that it overcame these dilemmas and decided to ratify and called on others to do the same.⁴¹⁵

Moldova also participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, where it stated that Moldova would “proceed to an early destruction of all its stockpiles with no plans to produce or to acquire them in the future.”⁴¹⁶

Moldova first participated in the Oslo Process that created the convention at the Wellington Conference on Cluster Munitions in February 2008. It subsequently participated in the formal negotiations in Dublin in May 2008, where it was one of 107 states that adopted the convention text by consensus.⁴¹⁷

Moldova is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. Moldova has been supportive of CCW work on cluster munitions in the past, but has not been actively engaged in 2009 or 2010 through July.

Use, production, and transfer

In a March 2009 letter to Human Rights Watch, Moldova stated, “The Republic of Moldova has never produced, used, nor does it plan to use, stockpile or transfer cluster munitions.”⁴¹⁸ In 2001, Moldova reported the transfer of 860 9M27K rockets (each containing 30 submunitions) to Guinea during the previous year.⁴¹⁹

Moldovan authorities have stated that they have no information about possible use, transfer, or stockpiling of cluster munitions by the military forces of the breakaway region of Transnistria or by Russian military forces still stationed there.⁴²⁰

⁴¹⁴ Interview with Dorin Panfil, Head, NATO and Political-Military Cooperation Division, Ministry of Foreign Affairs and European Integration, 18 March 2010.

⁴¹⁵ Statement of Moldova, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010. Notes by AOA/HRW.

⁴¹⁶ Statement by Emil Druc, Deputy Head, Multilateral Cooperation Department, Ministry of Foreign Affairs and European Integration, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009.

⁴¹⁷ For details on Moldova's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 120–121.

⁴¹⁸ Letter from the Permanent Mission of the Republic of Moldova to the UN in Geneva, 2 March 2009.

⁴¹⁹ Submission of the Republic of Moldova, UN Register of Conventional Arms, Report for Calendar Year 2000, 30 May 2001. Moldova reported that it possessed 11 220mm Uragan Multiple Launch Rocket Systems in its UN Register of Conventional Arms, Report for Calendar Year 2002, 1 July 2003. Moldova also reported the transfer of 13 Uragan Multiple Launch Rocket Systems to Yemen in 1994 but it is not known if this included rockets containing submunitions. Submission of the Republic of Moldova, UN Register of Conventional Arms, Report for Calendar Year 1994, 28 April 1995.

⁴²⁰ Interview with Dorin Panfil, Ministry of Foreign Affairs and European Integration, 18 March 2010; and letter from Col. Iurie Dominic, Chief ad-interim of General Staff, National Army, 17 March 2010.

Stockpiling and destruction

Moldova has said that it “inherited a limited stockpile from the former Soviet Union.”⁴²¹ It completed destruction of the entire stockpile on 29 July 2010.⁴²²

Types and Quantities of Cluster Munitions in Moldova’s Stockpile Prior to Destruction⁴²³

Name	Quantity in stocks	Submunition type	Quantity of submunitions per cluster munition	Quantity of submunitions
RBK-500 bomb	16	AO-2.5RT	108	1,728
RBK-500-255 bomb	8	PTAB-10-5A	30	240
RBK-500-255 bomb	16	PTAB-2.5	30	480
RBK-250 bomb	14	PTAB-2.5M	30	420
RBK-250-275 bomb	24	AO-1SCh	150	3,600
9M27K rocket	473	9N210	30	14,190
3-O-13 projectile	834	3-O-13	8	6,672
Total	1,385			27,330

In 2004, the Moldovan National Army decided to start a process to destroy cluster munitions stockpiled in its warehouses, recognizing “the major danger of cluster munitions that can cause damage to civilians including, in the period after the armed conflict—and because of a high risk level when preserving cluster munitions.”⁴²⁴ Therefore, in 2006, the National Army destroyed 473 9M27K 220mm surface-to-surface rockets (each containing 30 9N210 fragmentation submunitions).⁴²⁵

When Moldova signed the convention in December 2008, it possessed 78 air-delivered cluster bombs produced by the Soviet Union from 1961–1987 and 834 152mm cluster munition artillery projectiles. After signature, Moldova marked and separated its cluster munitions from all other munitions types, as required by the convention.⁴²⁶

At the Berlin Conference on the Destruction of Cluster Munitions in June 2009, Moldova requested assistance from the international community to destroy its stockpiles, citing a lack of financial resources and technical specialists.⁴²⁷ Following initial discussions and subsequent requests through the Organization for Security and Cooperation in Europe, representatives of the NGO Norwegian People’s Aid (NPA) visited Moldova to evaluate the support needed in October 2009.⁴²⁸

On 14 December 2009, the Ministry of Defense and NPA signed a Memorandum of Understanding for the disposal of Moldova’s aviation cluster bombs.⁴²⁹ The research and development phase of the project was completed on 19 December 2009, with 10 cluster bombs being dismantled and neutralized and some of the submunitions destroyed. The final phase of the project started on 17 May 2010 and continued through 9 June 2010, with nearly 98% of the submunitions and empty canisters being destroyed.

The remaining amount was destroyed at a ceremony on 29 July 2010.⁴³⁰ Financial support was provided by the government of Spain (€61,000/US\$85,004) and the Ministry of Foreign Affairs of Norway (€50,000/\$69,675).⁴³¹

⁴²¹ Letter from the Permanent Mission of the Republic of Moldova to the UN in Geneva, 2 March 2009.

⁴²² Ministry of Defense, “Moldova has destroyed all cluster munitions in its arsenal,” Press release, 29 July 2010; and email from Lee Moroney, Programme Manager, NPA, 17 August 2010.

⁴²³ Presentation by NPA and the Ministry of Defense, “Concept and Current Activities in the Self-Help Project of Cluster Munitions Stockpile Destruction,” Zagreb, 8 February 2010; and email from Col. Andrei Sarban, Commander Logistic Command, Deputy Chief of the Main Staff, National Army, Ministry of Defense, 23 June 2010.

⁴²⁴ Email from Col. Andrei Sarban, Ministry of Defense, 23 June 2010.

⁴²⁵ Ibid.

⁴²⁶ Ibid.

⁴²⁷ Statement by Emil Druc, Ministry of Foreign Affairs and European Integration, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009.

⁴²⁸ Email to the CMC from Col. Andrei Sarban, Ministry of Defense, 23 June 2010.

⁴²⁹ Ibid.

⁴³⁰ Ministry of Defense, “Moldova has destroyed all cluster munitions in its arsenal,” Press release, 29 July 2010; and email from Lee Moroney, NPA, 17 August 2010.

⁴³¹ Email to the CMC from Col. Andrei Sarban, Ministry of Defense, 23 June 2010. Average exchange rate for 2009: €1=US\$1.3935. US Federal Reserve, “List of Exchange Rates (Annual),” 4 January 2010.

Simultaneous with the destruction of the stockpile of aviation bombs, National Army engineers planned and developed another project to dismantle and destroy the stockpile of 3-O-13 152mm artillery projectiles. Between 17 March 2010 and 30 April 2010, 822 of the 834 projectiles were destroyed. The remaining 12 projectiles were destroyed at a ceremony on 29 July 2010. This project was accomplished using the resources of the National Army with the assistance of NPA.⁴³²

Nineteen submunitions were made inert (Free From Explosive) and will be used for identification training purposes.⁴³³

Montenegro

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010
Key developments	Ratified on 25 January 2010; stockpile destruction underway

Policy

The Republic of Montenegro signed the Convention on Cluster Munitions in Oslo on 3 December 2008. The Parliament of Montenegro adopted the “Law on Ratification of the Convention on Cluster Munitions,” Law No. 01-66715, on 13 October 2009. After announcing it in the Official Gazette, Montenegro formally deposited its instrument of ratification at the UN in New York on 25 January 2010.⁴³⁴ Montenegro was the 27th nation to ratify, and thus among the first 30 ratifications that triggered entry into force on 1 August 2010.

According to the Ministry of Foreign Affairs, Article 9 of the Constitution of Montenegro stipulates that ratified and announced international treaties and generally accepted rules of international law are an “integral part of the domestic legislation, and have supremacy over domestic legislation and are directly implemented when dealing with issues differently than domestic legislation.” The ministry also cited two articles from the Statute Book of Montenegro as relevant to implementation of the convention.⁴³⁵

Montenegro participated actively in the Oslo Process which led to the creation of the convention and joined the 107 states to adopt the convention text at the conclusion of negotiations in Dublin in May 2008.⁴³⁶ In 2009 and the first half of 2010, Montenegro continued its engagement with the convention, attending the Berlin Conference on the Destruction of Cluster Munitions in June 2009 and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

Montenegro has expressed its views on a number of important issues relating to the interpretation and implementation of the convention. On the issue of the prohibition on assistance with prohibited acts in joint military operations with states not party, Montenegro has elaborated its understanding that “participation in planning or implementation of operations, exercise or other military activities by the armed forces of Monte Negro, performed in joint actions with armed forces of states not parties to the CCM, undertaking in activities prohibited by the CCM, are by itself not assistance, encouragement or initiative [sic] in accordance with Article 1, par (c) of the Convention.” Montenegro has also stated that it “has no plans to invest in cluster munitions.”⁴³⁷

Montenegro is party to the Convention on Conventional Weapons (CCW), but has yet to ratify its Protocol V on explosive remnants of war. Montenegro has not been an active participant in CCW discussions on cluster munitions in 2009 or 2010 through July.

⁴³² Ibid; Ministry of Defense, “Moldova has destroyed all cluster munitions in its arsenal,” Press release, 29 July 2010; and email from Lee Moroney, NPA, 17 August 2010.

⁴³³ Email from Lee Moroney, NPA, 17 August 2010. This included three AO-2.5RT, five PTAB-2.5M, three PTAB-2.5, three PTAB-10-5, and five AO-1Sch. NPA, “NPA certification of Free From Explosive Register—Moldova,” 7 June 2010.

⁴³⁴ Response to Monitor questionnaire by Maja Boskovic, Third Secretary, Department for UN and Other International Organizations, Ministry of Foreign Affairs, 16 April 2010. See also, “Law on the ratification of the Convention on Cluster Munitions,” No. 01-66715, 13 October 2009, skupstina.logate.net.

⁴³⁵ Article 432 (“Use of unlawful means of combat”) and Article 433 (“Illegal production of weapons forbidden to be used”), both of which contain penal sanctions. Response to Monitor questionnaire by Maja Boskovic, Ministry of Foreign Affairs, 16 April 2010.

⁴³⁶ For detail on Montenegro’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 121–122.

⁴³⁷ Response to Monitor questionnaire by Maja Boskovic, Ministry of Foreign Affairs, 16 April 2010.

Use, production, transfer, and stockpiling

Montenegro is not known to have used, produced, or exported cluster munitions, but it inherited a stockpile of 353 BL-755 cluster bombs upon the dissolution of the State of Serbia and Montenegro.⁴³⁸

Montenegro is in the process of destroying its stockpile of cluster munitions, as part of a technical agreement with the United States for the disposal of surplus weapons and ammunition.⁴³⁹ In June 2010, Montenegro provided an update on its progress, stating that it had disposed of 80 cluster munitions and expected to complete the destruction of its remaining 273 cluster munitions by the end of 2010.⁴⁴⁰

According to the Ministry of Foreign Affairs, Montenegro “has no intentions to retain any cluster munitions” for training or research purposes.⁴⁴¹

New Zealand

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
National implementation measures	Cluster Munitions Prohibition Act
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Bali in November 2009
Key developments	Ratified 22 December 2009; national implementation legislation enacted 17 December 2009

Policy

New Zealand signed the Convention on Cluster Munitions on 3 December 2008. In New Zealand, national implementation legislation is required prior to ratification. The Cluster Munitions Prohibition Act was enacted on 17 December 2009, and New Zealand became the 25th state to ratify the convention on 22 December 2009. It was thus among the first 30 ratifications that triggered entry into force on 1 August 2010.

After signature, the Ministry of Foreign Affairs and Trade (MFAT) prepared a ratification package that was submitted to Cabinet in April 2009. Cabinet referred the matter to the parliamentary Foreign Affairs, Defence and Trade Select Committee. The select committee met twice in May 2009 to consider the convention and issued a “treaty examination” report recommending that the Minister of Disarmament “expeditiously” process national implementation legislation.⁴⁴² The report annexed a National Interest Analysis prepared by MFAT that provided some recommendations on content for the proposed Cluster Munitions (Prohibition) Bill.

On 28 July 2009, Minister of Disarmament and Arms Control, Hon. Georgina Te Heuheu, introduced the Cluster Munitions (Prohibition) Bill.⁴⁴³ The bill was unanimously referred back to the select committee for further deliberation, including consultation with interested parties.⁴⁴⁴ A total of 17 submissions were made on the legislation, all supportive. The Aotearoa New Zealand Cluster Munition Coalition (ANZCMC) submission urged that the bill be passed quickly so that New Zealand could complete ratification by the end of 2009. It also suggested a number of measures to strengthen and clarify the proposed legislation (see Implementation legislation section below).

⁴³⁸ During the Berlin Conference on the Destruction of Cluster Munitions, Montenegro confirmed that it had 353 BL-755 CBU in its stockpiles from the former Yugoslav People’s Army. Statement of Montenegro, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009. See also, South Eastern and Eastern Europe Clearinghouse for Control of Small Arms and Light Weapons, “Ammunition Technical Assessment of Montenegro (First Edition),” 4 March 2007, p. 39. The BL-755 cluster bombs were produced by the United Kingdom.

⁴³⁹ Statement of Montenegro, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009.

⁴⁴⁰ At the Berlin conference in June 2009, Montenegro stated it expected to complete stockpile destruction by the end of 2009. At the Santiago conference in June 2010, Montenegro said that it had encountered challenges in choosing the demolition ground, but had identified a new site and said that it expected to complete destruction by the end of 2010. Statement of Montenegro, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010. Notes by AOAV/HRW.

⁴⁴¹ Response to Monitor questionnaire by Maja Boskovic, Ministry of Foreign Affairs, 16 April 2010.

⁴⁴² Government of New Zealand, “International treaty examination of the Diplomatic Conference for the Adoption of a Convention on Cluster Munitions, done at Dublin 19–30 May 2008: Report of the Foreign Affairs, Defence and Trade Committee,” www.parliament.nz.

⁴⁴³ See Hansard, “Cluster Munitions (Prohibition) Bill — First Reading,” Vol. 656, p. 5,181, 28 July 2009, www.parliament.nz; and ANZCMC, “Parliament debates cluster bomb ban,” 28 July 2009, www.stopclusterbombs.org.nz.

⁴⁴⁴ The ANZCMC helped publicize the call for select committee submissions and its coordinator Mary Wareham provided an oral and written submission on behalf of the ANZCMC’s 23 member NGOs. Wareham also undertook a university speaking tour (Canterbury, Auckland, and Victoria) to solicit input on the New Zealand’s proposed cluster bomb ban legislation. See, ANZCMC, “Submissions on the cluster bomb ban,” 5 August 2009; ANZCMC, “Actions in August against cluster bombs,” 18 August 2009; and ANZCMC, “Parliamentary Testimony: Ban ‘em Now!” 24 September 2009, www.stopclusterbombs.org.nz.

On 10 December 2009, the government reintroduced the Cluster Munitions (Prohibition) Bill for expedited passage, and the legislation was unanimously adopted. Several representatives mentioned their pride in New Zealand's role in the achievement of the international ban on cluster munitions and cited the role played by NGOs through the ANZCMC.⁴⁴⁵

On 17 December 2009, New Zealand's Governor-General Sir Anand Satyanand signed the bill into law. New Zealand's Permanent Representative to the UN in New York, Ambassador Jim McLay, deposited the instrument of ratification on 22 December 2009.

Upon ratification, Minister Te Heuheu urged states to "sign and ratify as soon as possible" and said "New Zealand plans to be an active advocate for this convention. The more States that commit to it, the stronger the norm against cluster munitions will become."⁴⁴⁶ The ANZCMC welcomed cross-party support shown for the ratification.

New Zealand was an early supporter of diplomatic efforts to deal with cluster munitions.⁴⁴⁷ A member of the "Core Group" that took responsibility for leading the Oslo Process to its successful outcome, New Zealand played a crucial role in the development of the convention, including hosting a key preparatory meeting in Wellington in February 2008. A group of 23 New Zealand NGOs played an active role under the ANZCMC, an umbrella group.

New Zealand has continued to show strong commitment to the convention. New Zealand is a member of the Lao Support Group, a voluntary grouping of countries tasked with advancing preparations for the First Meeting of States Parties, to be held in Lao PDR in November 2010. In particular, New Zealand serves as "Friend of the Chair" to develop the topic of national implementation measures under Article 9 for consideration at the First Meeting. New Zealand's Permanent Mission to the UN in Geneva hosted a meeting of the Lao Support Group in February 2010.

Universalization

During 2009, New Zealand attended the two UN special events to promote the Convention on Cluster Munitions held at the UN in New York, on 18 March and 21 October.⁴⁴⁸ At the opening of the UN General Assembly, New Zealand Prime Minister John Key welcomed the cluster munition ban in his statement and said, "I am proud of the role New Zealand was able to play."⁴⁴⁹

New Zealand participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in Bali, Indonesia in November 2009, and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010. At the Bali and Santiago conferences, New Zealand officials made presentations on national implementing legislation using the Cluster Munitions (Prohibition) Bill as an example.

In February 2010, New Zealand's Minister of Disarmament and Arms Control issued a media statement welcoming the 30th ratification of the Convention on Cluster Munitions and urging all states to join the agreement.⁴⁵⁰

Implementation legislation

The Cluster Munitions Prohibition Act 2009 provides penal sanctions of up to seven years and fines of up to NZ\$500,000 for violations of the law.⁴⁵¹ These penalties are the same as those contained in the Antipersonnel Mines Prohibition Act 1998, which provided a model for the legislation on cluster munitions.⁴⁵² The Act applies domestically and outside of New Zealand. It applies to all acts by New Zealand citizens, members of the Armed Forces, and companies incorporated in New Zealand. As a result of the select committee review, provisions were clarified to ensure that New Zealanders working abroad for companies engaged in cluster munition clearance are not inadvertently criminalized for humanitarian actions.

⁴⁴⁵ ANZCMC, "Cluster bomb ban law passes," 11 December 2009, www.stopclusterbombs.org.nz.

⁴⁴⁶ Statement by Georgina Te Heuheu, Minister of Disarmament and Arms Control, "NZ ratifies ban on cluster munitions," 23 December 2009, www.beehive.govt.nz.

⁴⁴⁷ For details on New Zealand's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 129–132. In June 2003, New Zealand supported a proposal by Switzerland to negotiate a new protocol on submunitions within the framework of the CCW. Throughout 2004 and 2005 New Zealand joined NGOs and the ICRC in continuing to press for meaningful work on cluster munitions in the CCW.

⁴⁴⁸ See ANZCMC, "Report on Activities: UNGA First Committee on Disarmament and International Security, New York, 12–23 October 2009," www.stopclusterbombs.org.nz.

⁴⁴⁹ CMC, "Productive week at United Nations," 27 September 2009, www.stopclusterbombs.org.nz.

⁴⁵⁰ Hon. Georgina Te Heuheu, Minister for Disarmament and Arms Control, "New Zealanders can be proud of role played in cluster bomb ban," Press Release, 19 February 2010, www.beehive.govt.nz.

⁴⁵¹ See, Cluster Munitions Prohibition Act 2009, Public Act 2009 No. 68, 17 December 2009, www.legislation.govt.nz. This section draws from two main documents: ANZCMC, "Cluster Munitions Prohibition Act of 2009: Review by the Aotearoa New Zealand Cluster Munition Coalition," 22 December 2009, www.stopclusterbombs.org.nz; and Foreign Affairs, Defence and Trade Committee, "Cluster Munitions (Prohibition) Bill: Report from the Foreign Affairs, Defence and Trade Committee," 20 November 2009, www.parliament.nz.

⁴⁵² Anti-Personnel Mines Prohibition Act 1998, Public Act 1998 No. 111, 8 December 1998, www.legislation.govt.nz.

The Act was strengthened after the select committee recommended inclusion of a specific prohibition on investment in cluster munition production.⁴⁵³ Clause 10(2) states, “A person commits an offense who provides or invests funds with the intention that the funds be used, or knowing that they are to be used, in the development or production of cluster munitions.” The Act provides an extensive definition of what a fund is and includes clear sanctions.

The Act prohibits assistance with acts banned by the convention without qualification or limitation, reflecting the nature of the prohibition on assistance as a core and absolute obligation of the convention. The inclusion of the phrase “in any way” is consistent with other international law, including the Mine Ban Treaty. The Act’s addition of “merely” before “engage in operations” suggests that participation in a joint military operation is permitted, but any type of assistance with prohibited acts is not.⁴⁵⁴

The Act’s exemption to allow the development or production of cluster munitions for training purposes was dropped, but Clause 15 of the Act allows the use, acquisition, possession, retention, and transfer of cluster munitions for training. This requires ministerial authorization and the number of cluster munitions should be the “minimum number that is absolutely necessary for the purposes” of training.

The Act’s definition of cluster munitions is consistent with the definitions contained in the Convention on Cluster Munitions. The Act does not explicitly include “transit” in its definition of “transfer.”

The ANZCMC submission recommended that the convention’s positive obligations contained in Article 21 to promote universalization, “make best efforts” to discourage cluster munition use, and notify allies who are not party of New Zealand’s obligations under the convention be inserted into the Act. This did not happen as the government stated that Article 21’s positive obligations “do not need legislative implementation.” Instead, “they will be implemented through mechanisms such as diplomatic representation.”⁴⁵⁵

Issues of interpretation and implementation

New Zealand has not yet made its views known publicly on whether the convention’s prohibitions on assistance and transfer include a prohibition of the transit of cluster munitions across, above, or through national territory. With respect to the Mine Ban Treaty, New Zealand’s position is that transit of antipersonnel mines is banned.⁴⁵⁶

During the Dublin Diplomatic Conference on Cluster Munitions, New Zealand supported the inclusion of a new article on “interoperability” (joint military operations with states not party) and in the end said it viewed the resulting Article 21 as an acceptable compromise.⁴⁵⁷ In July 2008, then-Minister for Disarmament and Arms Control, the Honorable Phil Goff, said that the convention’s provision on interoperability “adds clarity to existing international law, and allowed a larger number of countries to join in endorsing the Convention.”⁴⁵⁸

New Zealand views that the convention’s prohibition on assistance prohibits investment in the production of cluster munitions. It is one of a handful of countries that have passed legislation that specifically prohibits investment in cluster munition production. The government has not yet detailed how it will ensure compliance with the disinvestment provisions, but the Cluster Munitions Prohibition Act 2009 does not require the government to identify and maintain a list of cluster munition producers.⁴⁵⁹

Acceptance of a provision in the convention permitting retention of cluster munitions and submunitions for training and research purposes was a government policy position agreed by Cabinet in 2008 ahead of the Dublin negotiations.⁴⁶⁰ When the Cluster Munitions Prohibition Act 2009 was debated in parliament, Minister Te Heuheu stated, “There is no present intention to bring any cluster munitions into New Zealand. However, the bill does not rule out that possibility, as new types of cluster munitions may be developed and New Zealand Defence Force personnel may need appropriate training to continue our ongoing humanitarian assistance.”⁴⁶¹

⁴⁵³ Two opposition parties (Labour and Green) supported the ANZCMC’s recommendation for a specific disinvestment provision.

⁴⁵⁴ The ANZCMC recommended use of the term “that might engage” in banned acts be used, rather than “that engage,” to cover a wider range of non-states parties and situations and make the Bill more consistent with the convention’s Article 21(3). The select committee however instead proposed insertion of the words “has the capability to engage” which was accepted and incorporated. See, ANZCMC, “Cluster Munitions Prohibition Act of 2009: Review by the Aotearoa New Zealand Cluster Munition Coalition,” 22 December 2009, www.stopclusterbombs.org.nz.

⁴⁵⁵ Hansard, “Cluster Munitions (Prohibition) Bill — Procedure, Second Reading, Third Reading,” Vol. 659, p. 8,482, 10 December 2009, www.parliament.nz.

⁴⁵⁶ In October 2002, the Campaign Against Landmines (CALM) received a letter from the New Zealand Ministry of Foreign Affairs that stated the government’s position that the transit of antipersonnel mines through New Zealand’s territorial waters is prohibited by domestic laws. It also noted that efforts to enforce these laws against a vessel exercising the right of innocent passage were limited. Letter to John Head, Convenor, CALM, from Geoff Randal, Director of the Disarmament Division, Ministry of Foreign Affairs, 15 October 2002.

⁴⁵⁷ CMC, “CMC Dublin Conference Update—Day 7: Waiting,” 27 May 2008, www.stopclusterbombs.ie.

⁴⁵⁸ Letter from Hon. Phil Goff, 25 July 2008.

⁴⁵⁹ During the final debate on the bill, Select Committee Chair John Hayes said “there would... be a reasonable expectation that fund managers and investors would investigate the full portfolio of a company before investing, in case prohibited activities were involved. That provision may also be interpreted by the courts to include retaining an investment after the discovery of its involvement in cluster munitions development or production.” See Hansard, Cluster Munitions (Prohibition) Bill—Second Reading, Third Reading,” Vol. 659, p. 8,482, 10 December 2009, www.parliament.nz; and ANZCMC, “Cluster bomb ban law passes,” 10 December 2009, www.stopclusterbombs.org.nz.

⁴⁶⁰ Email to Mary Wareham, Coordinator, ANZCMC from Jillian Dempster, MFAT, 17 November 2009.

⁴⁶¹ Hansard, “Cluster Munitions (Prohibition) Bill—Procedure, Second Reading, Third Reading,” Vol. 659, p. 8,482, 10 December 2009, www.parliament.nz.

Convention on Conventional Weapons

New Zealand is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. It has participated in the CCW deliberations on cluster munitions in 2009 and 2010, but rarely made statements.

Use, production, transfer, and stockpiling

New Zealand has stated that it “does not possess, will not acquire and will not use cluster munitions.”⁴⁶²

Nicaragua

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional conference in Santiago in September 2009
Key developments	Ratified on 2 November 2009

Policy

The Republic of Nicaragua signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 2 November 2009. Nicaragua became a State Party to the convention on 1 August 2010. Nicaragua was the third country to ratify from Latin America (after Mexico and Uruguay) and the 24th globally. Thus, it was among the first 30 ratifications that triggered entry into force of the convention on 1 August 2010.

According to information provided to Landmine and Cluster Munition Monitor by the Ministry of Foreign Affairs, Decree 5764 to ratify the convention was approved by the legislature on 20 August 2009 and published in the official journal a week later.⁴⁶³ The convention was then ratified by the Executive on 4 September 2009 as Decree 72-2009 and published in the official journal a week later.⁴⁶⁴ The instrument of ratification was then deposited with the UN in New York on 2 November 2009.

Nicaragua is not known to have begun the process of preparing national legislation or other implementation measures.

Nicaragua has continued to show strong interest in the convention. It attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009. It participated in the Regional Conference for Latin America and the Caribbean on Cluster Munitions held in Santiago, Chile on 14 September 2009, where the Vice-President of the Nicaraguan Parliament announced the completion of Nicaragua’s domestic ratification process.⁴⁶⁵ In June 2010, Nicaragua attended the International Conference on the Convention on Cluster Munitions, also held in Santiago.

Nicaragua joined the Oslo Process, that resulted in the negotiation and signing of the convention, in September 2007 and played an active and positive role, including during the Dublin negotiations held in May 2008.⁴⁶⁶

Nicaragua has not yet made known its views on certain important issues related to interpretation and implementation of the convention, including the prohibition on transit, the prohibition on assistance during joint military operations with states not party that may use cluster munitions, the prohibition on foreign stockpiling of cluster munitions, the prohibition on investment in production of cluster munitions, and the need for retention of cluster munitions and submunitions for training and development purposes.

Nicaragua is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. It has not engaged in the CCW deliberations on cluster munitions in recent years.

Nicaragua has stated that it has never used, produced, or stockpiled cluster munitions.⁴⁶⁷

⁴⁶² Statement by Hon. Phil Goff, Minister for Disarmament and Arms Control, Parliamentary Reception, Wellington Conference on Cluster Munitions, 20 February 2008.

⁴⁶³ Response to Monitor questionnaire by Alvaro Miguel Padilla Lacayo, Legal Advisor, Department of Democratic Security, Ministry of Foreign Affairs, 2 March 2010. The response cited *La Gaceta* (Official Gazette), No. 163, 28 August 2009.

⁴⁶⁴ Ibid. The response cited *La Gaceta* (Official Gazette), No. 175, 17 September 2009.

⁴⁶⁵ Statement by Alba Palacios, Vice-President of the Parliament of Nicaragua, Regional Conference for Latin America and the Caribbean on Cluster Munitions, Santiago, 14 September 2009. Notes by the CMC.

⁴⁶⁶ For detail on Nicaragua’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 132–133.

⁴⁶⁷ Statement of Nicaragua, Vienna Conference on Cluster Munitions, 5 December 2007. Notes by the CMC/WILPF.

Niger

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010
Key developments	Ratified on 2 June 2009

Policy

The Republic of Niger signed the Convention on Cluster Munitions in Oslo on 3 December 2008. The Minister of Foreign Affairs and Cooperation reported that Niger initiated the ratification process, which required parliamentary approval, immediately after signing the convention.⁴⁶⁸

Niger deposited its instrument of ratification on 2 June 2009, becoming the eighth signatory to do so, and the second African country to ratify. Thus, Niger was among the first 30 ratifications that triggered entry into force of the convention on 1 August 2010.

Niger is not known to have begun the process of preparing national implementation legislation or other measures.

Niger engaged in the work of the convention in 2009 and 2010 through July. It attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009 and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, where it emphasized the need for political will to universalize the convention.⁴⁶⁹ Niger did not attend the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa in March 2010.

Niger joined the diplomatic Oslo Process that produced the convention in December 2007. Niger was supportive of a comprehensive treaty with an immediate prohibition on cluster munitions without exception. It was one of 107 nations to adopt the convention text at the conclusion of the negotiations in Dublin in May 2008.⁴⁷⁰

Niger has not yet made known its views on certain important issues related to interpretation and implementation of the convention, including the prohibition on transit, the prohibition on assistance during joint military operations with states not party that may use cluster munitions, the prohibition on foreign stockpiling of cluster munitions, and the prohibition on investment in production of cluster munitions.

Niger is party to the Convention on Conventional Weapons (CCW), but has not ratified Protocol V on explosive remnants of war. Niger has not actively participated in CCW deliberations on cluster munitions in 2009 or 2010 through July.

Niger has confirmed that it has never used, produced, transferred, or stockpiled cluster munitions.⁴⁷¹

Norway

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as regional meetings in Santiago in September 2009, Bali in November 2009, and Pretoria in March 2010
Key developments	Sustained leadership role in promoting the convention; completed stockpile destruction on 16 July 2010

Policy

Norway signed the Convention on Cluster Munitions on 3 December 2008 and ratified the convention that same day. Thus, Norway was among the first 30 ratifications that triggered entry into force on 1 August 2010.

⁴⁶⁸ Letter No. 001581 from Aichatou Mindaoudou, Minister of Foreign Affairs and Cooperation, 3 March 2009.

⁴⁶⁹ Statement of Niger, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010. Notes by AOAV/HRW.

⁴⁷⁰ For details on Niger's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 133–134.

⁴⁷¹ Letter No. 001581 from Aichatou Mindaoudou, Minister of Foreign Affairs and Cooperation, 3 March 2009.

On 20 November 2008, Norway adopted national legislation, allowing it to sign and simultaneously deposit its instrument of ratification.⁴⁷² The national legislation prohibits the use, development, production, acquisition, stockpiling, or transfer of cluster munitions.⁴⁷³ The penalty for violating the Act is a fine or imprisonment for up to two years for cases where the perpetrator acts intentionally, and a fine or imprisonment for up to six months for negligent acts. Extra-territorial application of the legislation is provided for, to the extent that it complies with Norwegian domestic law.⁴⁷⁴

Upon signing and ratifying the convention, Norway declared that it would provisionally apply Article 1 (the basic prohibitions) of the convention pending its entry into force.⁴⁷⁵

Norway was an early supporter of action to deal with the harmful effects of cluster munitions and played an unparalleled leadership role in bringing about the Convention on Cluster Munitions. It initiated the Oslo Process in November 2006 in the wake of failed efforts to address cluster munitions within the framework of the Convention on Conventional Weapons (CCW). Norway held the first international diplomatic conference of the process in Oslo in February 2007, and hosted the Convention on Cluster Munitions Signing Conference in Oslo in December 2008. Norway provided crucial support for all of the meetings of the Oslo Process, including the three international conferences to develop the convention text in Lima (May 2007), Vienna (December 2007), and Wellington (February 2008), as well as the formal negotiations in Dublin (May 2008), and regional conferences. Norway was key to ensuring the strongest, most comprehensive convention text possible. It also promoted a prominent and influential role for the CMC and civil society, including cluster munition survivors.⁴⁷⁶

Norway has sustained its leadership engagement in the convention, devoting extensive time and resources to its universalization and implementation. It co-hosted with Germany the Berlin Conference on the Destruction of Cluster Munitions on 25–26 June 2009, where State Secretary of the Ministry of Defense Epsen Barth Eide said Norway's stockpile destruction would be completed in 2010, announced Norway's decision not to retain any cluster munitions for training or research purposes, and urged all states to take the same decision.⁴⁷⁷

Norway provided support to and participated in all of the regional meetings on the convention in 2009 and 2010: Santiago, Chile (September 2009), Bali, Indonesia (November 2009), and Pretoria, South Africa (March 2010).

At the International Conference on the Convention on Cluster Munitions held in Santiago, Chile in June 2010, Norway's State Secretary from the Office of the Prime Minister, Mina Gerhardsen, addressed the meeting.⁴⁷⁸ Norway also gave a presentation on essential elements for effective international cooperation and assistance.

Norway also engaged in a number of smaller events. For example, on 19 February 2010, Norway hosted a reception at the UN in New York to celebrate the 30th ratification of the convention; on 26 May 2009, Norway in cooperation with Lao PDR and Germany, hosted a briefing on the convention on the margins of the Mine Ban Treaty's intersessional Standing Committee meetings in Geneva; and on 17 March 2009, Norway and the NGO Religions for Peace co-hosted a lunch event to engage New York-based diplomatic representatives on the convention.

At the annual debate of the UN General Assembly First Committee in October 2009, Norway urged all states to ratify or accede to the convention as soon as possible.⁴⁷⁹

Norway is a highly active participant in the Lao Support Group, a voluntary group of states informally convened by Lao PDR to assist with advancing preparations for the First Meeting of States Parties that it will host and preside over in November 2010. In particular, Norway serves as a Friend of the President responsible for the development of the draft Vientiane Action Plan to be adopted at the First Meeting of States Parties, laying out the priorities and actions for States Parties for the coming years. It also contributes to work on stockpile destruction, transparency reporting, and other areas. Norwegian officials have visited Vientiane, Lao PDR, to discuss numerous aspects of the First Meeting of States Parties, and the two countries are collaborating extensively to ensure its success.

At the Second Review Conference of the Mine Ban Treaty in December 2009, Norway emphasized the opportunities and need to build synergies between the Mine Ban Treaty, the Convention on Cluster Munitions, and the UN Convention on the Rights of Persons with Disabilities.

⁴⁷² Proposition No. 7 (2008–2009) to the *Odelsting* on a Bill relating to the implementation of the Convention on Cluster Munitions in Norwegian law; and Proposition No. 4 (2008–2009) to the *Storting* on consent to ratification of the Convention on Cluster Munitions.

⁴⁷³ Proposition No. 7 (2008–2009) to the *Odelsting* on a Bill relating to the implementation of the Convention on Cluster Munitions in Norwegian law.

⁴⁷⁴ The Act includes a proposal to amend section 12(3) of the Penal Code (Act No. 10 of 22 May 1902) so that a penalty for contravening the Act may also be imposed on Norwegian nationals and persons domiciled in Norway in cases where the contravention has taken place abroad, notwithstanding the requirement of double criminality.

⁴⁷⁵ Norway included a formal declaration with the deposit of its ratification notifying the UN Secretary-General that it would provisionally apply Article 1. See also, Statement by Jonas Gahr Støre, Minister of Foreign Affairs, Official Opening, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008, www.regjeringen.no.

⁴⁷⁶ For more details on Norway's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 134–140.

⁴⁷⁷ Statement of Norway, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009. Notes by AOAV.

⁴⁷⁸ Statement by Mina Gerhardsen, State Secretary, Office of the Prime Minister, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010.

⁴⁷⁹ Statement by Amb. Steffen Kongstad, Director-General, Department for Security Policy and the High North, Royal Norwegian Ministry of Foreign Affairs, UN General Assembly, First Committee, General Debate, 6 October 2009, www.reachingcriticalwill.org.

Norwegian People's Aid (NPA) continued to play a leadership role in the CMC during 2009 and 2010 and has provided technical support on stockpile destruction to Moldova and other states.⁴⁸⁰

Interpretive issues

Norway has made known its views on certain important issues related to interpretation and implementation of the convention, through both statements and its national implementation legislation.

During the Oslo Process, Norway argued against the inclusion of language on "interoperability" (joint military operations with states not party), stating that it had yet to see any insurmountable difficulties with interoperability in the context of other legal instruments, including the Mine Ban Treaty. As a NATO member, Norway stated that the issue merited discussion, but it was unfounded to automatically assume that a future treaty would be an obstacle to joint military action. Norway noted that it had solved issues regarding criminal liability for its service personnel in its national legislation, which contained "penal provisions regulating issues such as command responsibility, effective control and individual culpability, in relation to international operations."⁴⁸¹

Norway's implementation legislation explicitly states that the prohibitions, including the prohibition on assistance, apply in all circumstances, even during joint military operations. An explanatory annex to the implementation legislation, states that "the exemption for military cooperation does not authorize states parties to engage in activities prohibited by the convention."⁴⁸²

In June 2009, Norway announced its decision not to retain any cluster munitions for training or research purposes, and urged all states to take the same decision.⁴⁸³ Ambassador Steffen Kongstad said, "The minimum number of cluster munitions absolutely necessary is zero."⁴⁸⁴

In 2004, the Ministry of Finance decided to include cluster munitions in a category of inhumane weapons to be excluded from investment under the Norwegian Government Pension Fund's ethical guidelines. In June 2005, eight foreign companies involved in the production of cluster munitions were excluded from the fund's investments. Additional companies were excluded in 2006 and 2008.⁴⁸⁵

Norway has not yet made a clear statement of its views on several other issues, including the prohibition on transit of cluster munitions, and the prohibition on foreign stockpiling of cluster munitions.

Convention on Conventional Weapons

Norway is party to the CCW and its Protocol V on explosive remnants of war (ERW).

In 2009 and 2010, Norway participated in the CCW deliberations on cluster munitions, but expressed concern on several occasions about the need for such work to continue. In October 2009, Norway said, "We seriously doubt the utility of continued deliberations on cluster munitions in the context of the [CCW], and whether this could attract consensus.... We should rather have an in-depth discussion on where the CCW in the future could be relevant and possibly provide any added value."⁴⁸⁶

In April 2010, Norway said that "it seems that there is no agreement on the basis of our work" so "discussing details seems futile." It said, "We cannot justify the continued use of these weapons that we have already prohibited. It is time to have an open minded discussion on the future of the CCW and how it can be relevant."⁴⁸⁷

Use, production, and transfer

Norway has not used, produced, or exported cluster munitions. In the past, it imported cluster munitions. It obtained Rockeye cluster bombs from the United States, but destroyed them some time between 2001 and 2003.⁴⁸⁸ Norway obtained from Germany 155mm artillery projectiles with dual purpose improved conventional munition (DPICM) submunitions.⁴⁸⁹

⁴⁸⁰ For more information, see NPA, www.npaid.org.

⁴⁸¹ Statement of Norway, Session on General Obligations and Scope, Vienna Conference on Cluster Munitions, 6 December 2007. Notes by the CMC/WILPF.

⁴⁸² Proposition No. 4 (2008–2009) to the *Storting*, p. 23.

⁴⁸³ Statement of Norway, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009. Notes by AOAV.

⁴⁸⁴ *Ibid.*, 26 June 2009.

⁴⁸⁵ The fund's Council on Ethics, an independent council of five people, provides advice to the Ministry of Finance, which then makes the exclusion decision. See Ministry of Finance press releases at www.regjeringen.no: "A Further Eight Companies Excluded from the Petroleum Fund," No. 57/2005, 2 September 2005; "South Korean producer of cluster munitions excluded from the Government Pension Fund–Global," No. 89/2006, 6 December 2006; and "One producer of cluster munitions and two producers of nuclear weapons excluded from the Government Pension Fund–Global," No. 3/2008, 11 January 2008.

⁴⁸⁶ Statement by Amb. Steffen Kongstad, Royal Norwegian Ministry of Foreign Affairs, UN General Assembly, First Committee, General Debate, 6 October 2009, www.reachingcriticalwill.org.

⁴⁸⁷ Statement of Norway, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 16 April 2010. Notes by AOAV.

⁴⁸⁸ Norway, "National interpretation and implementation of International Humanitarian Law with regard to the risk of Explosive Remnants of War," CCW GGE on ERW, Geneva, CCW/GGE/VI/WG.1/WP.3, 24 November 2003.

⁴⁸⁹ Leland S. Ness and Anthony G. Williams, eds., *Jane's Ammunition Handbook 2007–2008* (Surrey, UK: Jane's Information Group Limited, 2007), pp. 674–676. This indicates a contract was awarded in late 2006.

Stockpiling and destruction

In November 2003, Norway reported that on the basis of a 2001 parliamentary resolution, “All air-delivered cluster bombs previously in Norwegian stock have been destroyed, because of their low level of precision and high dud-rate.”⁴⁹⁰ According to NPA, Norway had 745 Rockeye bombs, each with 247 bomblets.⁴⁹¹

From 7 May 2009 to 16 July 2010, Norway destroyed its remaining stockpile of 53,000 155mm DPICM artillery projectiles.

In 2006, the Norwegian Armed Forces reported having a stockpile of 53,000 cluster munitions in service, including 36,000 DM-642 155mm artillery projectiles (each with 63 DM-1383 DPICM submunitions) and 17,000 DM-662 155mm artillery projectiles (each with 49 DM-1385 DPICM submunitions).⁴⁹²

In October 2008, the Norwegian Minister of Defense said that Norway had begun the process of destroying its stockpile of cluster munitions, with the goal of having all cluster munitions destroyed sometime in 2009. The Norwegian Armed Forces had already done a preliminary security and environmental assessment and concluded that destroying cluster munitions could have more severe environmental effects compared to other types of munitions. The Armed Forces were deemed not capable of destroying the stockpile and a private contractor had to be found.⁴⁹³

In March 2009, the Norwegian Armed Forces and Nammo Demil Division signed a contract to destroy the stockpile of 155mm DPICM artillery projectiles.⁴⁹⁴

On 7 May 2009, an event was held to initiate the destruction of the cluster munitions. State Secretary for the Ministry of Defense Epsen Barth Eide toured the destruction site and pressed the button to trigger the destruction of the first batch of cluster munitions. On 16 July 2010, the new State Secretary for the Ministry of Defense, Roger Ingebrigtsen, pushed the button to destroy Norway’s last batch of cluster munitions.⁴⁹⁵

The cluster munitions were destroyed 910m below ground in an old copper mine at Løkken Verk in Trøndelag, south of the city of Trondheim. The cluster munitions were destroyed in batches “to filter air and comply with environmental and safety standards.”⁴⁹⁶

Landmine and Cluster Munition Monitor has not seen a citation of the final total cost for destruction, but in February 2008 Norway estimated that the cost of destruction of its 155mm cluster munitions would be €40 (US\$56) per shell.⁴⁹⁷

Norway did not retain any cluster munitions or submunitions for training or other permitted purposes.

Samoa

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 October 2010
Participation in Convention on Cluster Munitions meetings	None in 2009 or 2010 through July
Key developments	Ratified on 28 April 2010

Policy

The Independent State of Samoa signed the Convention on Cluster Munitions on 3 December 2008 and ratified 28 April 2010, becoming the second nation from the Pacific to ratify (after New Zealand). The convention will enter into force for Samoa on 1 October 2010.

Upon approving ratification, the Prime Minister and Cabinet issued a statement that said, “Samoa’s ratification of this international Convention ensures Samoa’s support for the United Nations joint movement to promote global Security.”⁴⁹⁸

⁴⁹⁰ Norway, “National interpretation and implementation of International Humanitarian Law with regard to the risk of Explosive Remnants of War,” CCW/GGE/VI/WG.1/WP.3, CCW GGE on ERW, Geneva, 24 November 2003.

⁴⁹¹ Email from Atle Karlsen, Mine Action Advisor, NPA, 23 April 2009.

⁴⁹² Norwegian Defense Research Establishment, “Cluster and Cargo Munitions,” 15 January 2009, www.mil.no; and email from Atle Karlsen, NPA, 23 April 2009.

⁴⁹³ Ministry of Defense, “Forsvarets klasevåpen skal nå destrueres” (“Armed Forces cluster munitions should now be destroyed”), Press release, 29 October 2008, www.regjeringen.no.

⁴⁹⁴ Ministry of Defense, “Norwegian cluster munitions soon to be history,” Press release, 7 May 2009, www.regjeringen.no.

⁴⁹⁵ Ministry of Defense, “Norwegian stockpiles of cluster munitions are history,” Press release, 16 July 2010, www.regjeringen.no.

⁴⁹⁶ Statement of Norway, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009. Notes by AOA.

⁴⁹⁷ Statement of Norway, Session on Storage and Stockpile Destruction, Wellington Conference on Cluster Munitions, 21 February 2008. Average exchange rate for 2009: €1=US\$1.3935. US Federal Reserve, “List of Exchange Rates (Annual),” 4 January 2010.

⁴⁹⁸ Office of the Prime Minister and Cabinet, “Faamamaluina e Samoa le Feagaiga Faavaomalo e Faasaina ai Aupega e Taape Salalau le Faaagaina/Ratification of the Cluster Munitions Convention,” Press release, 27 April 2010.

In February 2009, the chief executive of Samoa's Ministry of Foreign Affairs and Trade said the government would put in place "relevant legislation that will enable the Convention to be implemented domestically in line with Article 9 of the Convention."⁴⁹⁹ The status of progress toward adopting national implementation legislation is not known.

Samoa joined the Oslo Process in February 2008 and supported the most comprehensive ban possible during the Dublin negotiations.⁵⁰⁰

Samoa did not attend the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in Bali, Indonesia in November 2009, or any other cluster munition meetings in 2009 and 2010 through July.

Samoa has not yet made known its views on certain important issues related to interpretation and implementation of the convention, including the prohibition on transit, the prohibition on assistance during joint military operations with states not party that may use cluster munitions, the prohibition on investment in production of cluster munitions, the prohibition on foreign stockpiling of cluster munitions, and the need to retain cluster munitions for training purposes.

Samoa is not party to the Convention on Conventional Weapons (CCW), but in November 2009, attended as an observer the CCW meetings on Protocol V on explosive remnants of war and CCW Amended Protocol II on landmines.

Samoa has stated on several occasions that it that it "does not produce, use, stockpile or transfer cluster munitions, nor do we plan to produce, use, stockpile or be a transit point for cluster munitions."⁵⁰¹

San Marino

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	None
Key developments	Ratified on 10 July 2009

Policy

The Republic of San Marino signed the Convention on Cluster Munitions in Oslo on 3 December 2008. Parliament ratified the convention on 17 June 2009 and San Marino officially deposited its instrument of ratification with the UN in New York on 10 July 2009.⁵⁰² It was the 13th country to ratify, and thus among the first 30 ratifications that triggered entry into force on 1 August 2010.

San Marino is not known to have begun the process of preparing national implementation legislation or other measures.

San Marino did not attend any of the diplomatic conferences on cluster munitions 2009 or 2010 through July.

San Marino participated in one of the Oslo Process international conferences to develop the convention, in Vienna in December 2007, as well as the formal negotiations in Dublin in May 2008, where it was one of 107 countries that adopted the convention text.⁵⁰³

San Marino has not yet made known its views on certain important issues related to interpretation and implementation of the convention, including the prohibition on transit, the prohibition on assistance during joint military operations with states not party that may use cluster munitions, the prohibition on investment in production of cluster munitions, and the prohibition on foreign stockpiling of cluster munitions.

San Marino is not party to the Convention on Conventional Weapons.

San Marino has stated that it has never used, produced, transferred, or stockpiled cluster munitions.⁵⁰⁴

⁴⁹⁹ Letter Ref. 5/16/45 from Aiono Mose Pouvi Sua, Chief Executive Officer, Ministry of Foreign Affairs and Trade, 16 February 2009.

⁵⁰⁰ For more details, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 148.

⁵⁰¹ Statement of Samoa, Wellington Conference on Cluster Munitions, 19 February 2008, www.mfat.govt.nz. See also letter Ref. 5/16/45 from Aiono Mose Pouvi Sua, Ministry of Foreign Affairs and Trade, 16 February 2009.

⁵⁰² Emails from Ilaria Salicioni, First Secretary, Department of Foreign Affairs, 7 September 2009, 12 March 2010, and 23 July 2010.

⁵⁰³ For details on San Marino's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 148.

⁵⁰⁴ Email from Ilaria Salicioni, Department of Foreign Affairs, 7 September 2009.

Seychelles

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 November 2010
Participation in Convention on Cluster Munitions meetings	Attended a global conference in Santiago in June 2010 and a regional meeting in Pretoria in March 2010
Key developments	Signed on 13 April 2010 and ratified on 20 May 2010

Policy

The Republic of Seychelles signed the Convention on Cluster Munitions on 13 April 2010.⁵⁰⁵ After its approval by the Cabinet of Ministers, a motion on the convention was presented for ratification by the National Assembly on 20 April 2010, where it was unanimously approved.⁵⁰⁶ The ratification instrument was officially deposited with the UN in New York on 20 May 2010.⁵⁰⁷ The convention will enter into force for Seychelles on 1 November 2010.

According to a member of the National Assembly, following ratification, the government of Seychelles will draft appropriate laws to implement the convention domestically.⁵⁰⁸

Seychelles has shown strong interest in the convention. It participated in the International Conference on the Convention on Cluster Munitions in June 2010 in Santiago, Chile and the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa in March 2010. In Pretoria, Seychelles apologized for its delay in signing and declared its intention to both sign and ratify before May 2010.⁵⁰⁹

At the November 2009 Commonwealth Heads of Government Meeting in Trinidad and Tobago, Seychelles associated itself with the Port of Spain Declaration on Cluster Munitions, in support of the universalization and implementation of the convention.⁵¹⁰

Seychelles joined the Oslo Process that created the convention at the Vienna Conference on Cluster Munitions in December 2007, where it made a statement calling for a complete ban on cluster munitions, with the widest possible definition, based on the humanitarian objectives underpinning the Oslo Process rather than the perspectives of the users and producers.⁵¹¹ Seychelles did not attend the Wellington Conference on Cluster Munitions in February 2008, but endorsed the Wellington Declaration on 12 May 2008.⁵¹² Seychelles attended the Livingstone Conference on Cluster Munitions in March–April 2008 and endorsed the Livingstone Declaration calling for a comprehensive convention with an immediate and total prohibition on cluster munitions.⁵¹³

Seychelles participated in the formal negotiations in Dublin in May 2008, where it continued to advocate for a humanitarian rather than technical approach, calling for no exclusions for certain cluster munitions and no transition period.⁵¹⁴ Seychelles joined in the consensus adoption of the convention text. Seychelles subsequently attended the September 2008 Kampala Conference on the Convention on Cluster Munitions, where it endorsed the Kampala Action Plan on the convention.⁵¹⁵

Seychelles has not yet made known its views on certain important issues related to interpretation and implementation of the convention, including the prohibition on transit, the prohibition on assistance during joint military operations with states not party that may use cluster munitions, the prohibition on foreign stockpiling of cluster munitions, and the prohibition on investment in production of cluster munitions.

Seychelles is party to the Convention on Conventional Weapons, but has not ratified Protocol V on explosive remnants of war.

Seychelles is not known to have used, produced, transferred, or stockpiled cluster munitions.

⁵⁰⁵ Amb. Ronald Jean Jumeau, Permanent Mission of Seychelles to the UN in New York, signed the convention. CMC, "Cluster Munition Coalition Newsletter," Issue 21, April 2010, www.stopclustermunitions.org.

⁵⁰⁶ Email from Clifford Andre, Member, Seychelles National Assembly, 29 May 2010.

⁵⁰⁷ CMC, "Seychelles Ratifies International Treaty Banning Cluster Bombs," Press release, 24 May 2010, London, www.stopclustermunitions.org.

⁵⁰⁸ Email from Clifford Andre, Seychelles National Assembly, 29 May 2010.

⁵⁰⁹ Statement of Seychelles, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 25 March 2010. Notes by AOAV.

⁵¹⁰ "Port of Spain Declaration on Cluster Munitions," Commonwealth Heads of Government Meeting, Trinidad and Tobago, 27–29 November 2009, centralcontent.fco.gov.uk.

⁵¹¹ Statement of Seychelles, Vienna Conference on Cluster Munitions, 6 December 2007. Notes by the CMC/WILPF.

⁵¹² Endorsement of the declaration indicated a state's intention to participate in the formal negotiations in May on the basis of the draft convention text emerging from Wellington.

⁵¹³ CMC, "Report on the Livingstone Conference on Cluster Munitions, 31 March and 1 April 2008," www.stopclustermunitions.org.

⁵¹⁴ Statement of Seychelles, Committee of the Whole on Article 2, Dublin Diplomatic Conference, 19 May 2008; and Statement of Seychelles, Committee of the Whole, Dublin Diplomatic Conference, 23 May 2008. Notes by Landmine Action.

⁵¹⁵ CMC, "Report on the Kampala Conference on the Convention on Cluster Munitions," 30 September 2008.

Sierra Leone

Policy

The Republic of Sierra Leone was one of four countries that both signed and ratified the Convention on Cluster Munitions in Oslo on 3 December 2008. Thus, it was among the first 30 ratifications that triggered entry into force of the convention on 1 August 2010.

The status of national measures to implement the convention, such as legislation, is not known.

Sierra Leone has continued to engage in the work of the convention. It attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009 and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, but did not make statements at either meeting. Sierra Leone did not participate in the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa in March 2010.

In December 2007 Sierra Leone joined the Oslo Process that produced the convention. It participated in the formal negotiations in Dublin in May 2008, and advocated for a strong treaty text.⁵¹⁶

Sierra Leone has not yet made known its views on certain important issues related to interpretation and implementation of the convention, including the prohibition on transit, the prohibition on assistance during joint military operations with states not party that may use cluster munitions, the prohibition on foreign stockpiling of cluster munitions, and the prohibition on investment in production of cluster munitions.

Sierra Leone is party to the Mine Ban Treaty. It is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war, but has not participated in CCW discussions on cluster munitions in recent years.

Use, production, transfer, and stockpiling

Sierra Leone is not believed to have used, produced, transferred, or stockpiled cluster munitions.

Sierra Leone has said that Economic Community of West African States Monitoring Group (ECOMOG) peacekeepers from Nigeria used cluster munitions in Sierra Leone.⁵¹⁷ According to sources close to the Sierra Leonean military, in 1997 Nigerian forces operating as ECOMOG peacekeepers dropped two cluster bombs on Lokosama, near Port Loko. ECOMOG Force Commander General Victor Malu denied these reports.⁵¹⁸ According to media reports, Nigerian ECOMOG peacekeepers used French-produced BLG-66 Belouga cluster bombs in an attack on the eastern town of Kenema in Sierra Leone in 1997.⁵¹⁹

Slovenia

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010
Key developments	Ratified on 19 August 2009; national implementation legislation has been introduced; new interpretive statements

Policy

The Republic of Slovenia signed the Convention on Cluster Munitions in Oslo on 3 December 2008. The Parliament approved the “Law on the Ratification of the Convention on Cluster Munitions” on 15 July 2009, and Slovenia formally deposited its instrument of ratification with the UN on 19 August 2009.⁵²⁰ Slovenia was the 17th country to ratify, and thus among the first 30 ratifications that triggered entry into force on 1 August 2010.

⁵¹⁶ For detail on Sierra Leone’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 151.

⁵¹⁷ Statement of Sierra Leone, Vienna Conference on Cluster Munitions, 5 December 2008. Notes by the CMC/WILPF. ECOMOG was established in 1990 to intervene in the war in Liberia.

⁵¹⁸ “IRIN-WA Weekly Roundup, 10/3/97,” *IRIN*, 10 March 1997, www.africa.upenn.edu.

⁵¹⁹ “10 Killed in Nigerian raid in eastern Sierra Leone,” *Agence France-Presse*, 11 December 1997; and Human Rights Watch, “Cluster Munition Information Chart,” March 2009, www.hrw.org.

⁵²⁰ Email from Eva Veble, Head, Humanitarian Mine Action, DanChurchAid (DCA), 16 July 2009; and “Slovenia Deposits Cluster Munition Convention Ratification,” *Slovenska tiskovna agencija* (Slovenian Press Agency) (Ljubljana), 21 August 2009, www.sta.si.

On 15 July 2010, Slovenia's draft national implementation legislation was submitted to Parliament and within two weeks was in the first stage of discussion.⁵²¹

The draft law prohibits the use, production, stockpiling, purchase and sale, import, and export of cluster munitions. It specifically prohibits the transit of cluster munitions across the territory of Slovenia. It requires that existing stocks of cluster munitions must be declared within one month after the entry into force of the law and destroyed within two years. It includes penal sanctions for violations of the law.⁵²²

Slovenia has continued to show its commitment to the convention. At the UN General Assembly in October 2009, Slovenia delivered a strong statement reaffirming its support for the convention, calling it a "historic achievement, a landmark in international humanitarian and disarmament efforts," and expressed its hope that "after entering into force, the Convention will become—on the same way as the Ottawa Convention on anti-personnel mines—a universal norm having a direct impact on the lives of affected people around the world."⁵²³

Slovenia has participated in the work of the Lao Support Group, which is tasked with advancing preparations for the First Meeting of States Parties to be held in Lao PDR in November 2010. In particular, it has been assisting with preparatory work related to implementation of clearance obligations.

Slovenia attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009 and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

Slovenia actively engaged in the Oslo Process that led to the creation of the convention. It was one of a handful of states to enact legislative measures on cluster munitions prior to the conclusion of the process, by adopting, in July 2007, a declaration calling on the government to support all international efforts to conclude an international instrument prohibiting cluster munitions and to consider national measures, including appropriate legislation to ban cluster munitions.⁵²⁴

Slovenia has elaborated its views on several important issues related to interpretation and implementation of the convention. According to the Minister of Foreign Affairs, "[I]n our view, the Convention also contains the prohibition of transit and stockpiling of cluster munitions by third countries on the territory of each State Party. Therefore, such activities are illegal and not allowed on the territory of the Republic of Slovenia."⁵²⁵ In regards to the prohibition on assistance with acts prohibited under the convention during joint military operations, the Minister also underlined "Slovenia's decision not to participate in any military operation using cluster munitions during joint military operations with non-States Parties to the Convention." On the issue of retention of cluster munitions for training or research, Slovenia has indicated its intention to destroy its entire stockpile of cluster munitions.⁵²⁶

Slovenia is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. Slovenia has continued to participate in the CCW deliberations on cluster munitions. In 2009, Slovenia stated that it "sees the efforts in the framework of the CCW process and the Oslo Process [as] complementary" and called on states to strengthen efforts within the CCW "to reach common understanding." Slovenia stated it regretted that there had not been "any significant progress" in the course of the last year, and urged states to try to conclude work by the end of 2010.⁵²⁷

During CCW discussions in 2010, Slovenia said that, in its view, a transition period was not necessary in a future CCW instrument, but in light of the importance placed on a transition period by a number of countries, it was prepared to accept a short, selective transition period in which cluster munitions could continue to be used, but not produced or transferred.⁵²⁸

Use, production, transfer, and stockpiling

Slovenia is not known to have used or exported cluster munitions. It has stated that it does not produce cluster munitions.⁵²⁹

Slovenia has said that it possesses 1,080 cluster munitions, which it has identified as 155mm gun howitzer munition PAT-794 CARGO LR/BB.⁵³⁰ The origin of the PAT-794 projectile is unclear.⁵³¹

⁵²¹ Email from Eva Veble, DCA, 30 July 2010.

⁵²² "Predlog zakona o prepovedi proizvodnje, prodaje in uporabe kasetnega streliva" ("Draft law banning the manufacture, use, and sale of cluster munitions"), No. 213-05/10-001/1175-V, 15 July 2010, www.dz-rs.si; and email from Eva Veble, DCA, 30 July 2010.

⁵²³ Statement by Amb. Sanja Štiglic, Permanent Mission of Slovenia to the UN in New York, UN General Assembly, First Committee, 20 October 2009.

⁵²⁴ For details on Slovenia's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 152–153.

⁵²⁵ Letter from Samuel Žbogar, Minister of Foreign Affairs, 20 April 2010.

⁵²⁶ Ibid.

⁵²⁷ Statement by Amb. Sanja Štiglic, Permanent Mission of Slovenia to the UN in New York, UN General Assembly, First Committee, 20 October 2009.

⁵²⁸ Statement of Slovenia, CCW Group of Governmental Experts on Cluster Munitions, Geneva, 13 April 2010. Notes by AOAV.

⁵²⁹ Letter from Samuel Žbogar, Minister of Foreign Affairs, 20 April 2010.

⁵³⁰ Ibid, 25 February 2009. The letter states, "These munitions, however, are not used by the Slovenian Armed Forces in any activities at home or abroad." The 1,080 figure is also cited in the draft implementation law and in the letter from Samuel Žbogar, Minister of Foreign Affairs, 20 April 2010.

⁵³¹ Knowledgeable sources have speculated that the PAT-794 was produced by the ZVS Company from Slovakia and contains 49 M85 dual purpose improved conventional munition (DPICM) submunitions.

Slovenia has stated that it intends to destroy “all stocks” of cluster munitions and expects to complete destruction “well before the deadline set by the Convention.”⁵³² In October 2009, Slovenia stated that it had initiated its national destruction program.⁵³³ In April 2010, Slovenia said that the Ministry of Defense was in process of drafting instructions.⁵³⁴

Spain

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Santiago in September 2009
Key developments	Ratified on 17 June 2009; completed stockpile destruction on 18 March 2009

Policy

The Kingdom of Spain signed the Convention on Cluster Munitions in Oslo on 3 December 2008. Spain deposited its instrument of ratification with the UN in New York on 17 June 2009, becoming the 10th country to ratify. Thus, Spain was among the first 30 ratifications that triggered entry into force of the convention on 1 August 2010.

Previously, on 18 March 2009, Spain announced that the Lower Chamber of the Spanish Parliament had approved the instrument of ratification and that the Upper Chamber would approve it shortly.⁵³⁵ The ratification instrument was published in the State Official Journal (*Boletín Oficial del Estado*) on 19 March 2010.⁵³⁶

As of April 2010, Spain had not yet begun the process of preparing national implementation legislation or other measures.⁵³⁷ Spanish officials have indicated to Landmine and Cluster Munition Monitor that one option is to amend Spain’s national implementation legislation for the Mine Ban Treaty to also implement the Convention on Cluster Munitions.⁵³⁸

Spain demonstrated strong interest in the convention in 2009 and 2010 through July. It attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Regional Conference for Latin America and the Caribbean on Cluster Munitions, in Santiago, Chile in September 2009, the Special Event on the Convention on Cluster Munitions held at the UN in New York in October 2009, and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

In December 2009, Spain reaffirmed its commitment to the convention, emphasizing that it had prohibited the import and export of cluster munitions and destroyed its stockpiles, all prior to the entry into force of the convention. Spain stated that while its industry and armed forces incurred considerable economic and operational costs to fulfill these commitments, all costs were possible to overcome with true political will.⁵³⁹

At the regional conference to promote the convention in Santiago in September 2009, Spain appealed for the universalization and rapid implementation of the convention, in particular calling on Latin American and Caribbean countries to support the establishment of a cluster munition-free zone in the region. It noted that it had been able to join, even though it had produced, stockpiled, and exported cluster munitions in the past, and had to spend €4.9 million (US\$6.8 million) to destroy its stocks.⁵⁴⁰

⁵³² Letter from Samuel Žbogar, Minister of Foreign Affairs, 20 April 2010.

⁵³³ Statement by Amb. Sanja Štiglic, Permanent Mission of Slovenia to the UN in New York, UN General Assembly, First Committee, 20 October 2009.

⁵³⁴ Letter from Samuel Žbogar, Minister of Foreign Affairs, 20 April 2010.

⁵³⁵ CMC, “Report on the Special Event on the Convention on Cluster Munitions, United Nations, New York, 18 March 2009.”

⁵³⁶ *Boletín Oficial del Estado* (State Official Journal), No. 68, Sec. 1, p. 27026, 19 March 2010, www.boe.es.

⁵³⁷ Email from Maria-Josep Parés, International Program Director, Moviment per la Pau, 8 April 2010. In 2010, the Catalan NGO Moviment per la Pau and several members of the Spanish Parliament were actively working for national measures to tackle the issue of investment in cluster munitions. Email from Maria-Josep Parés, Moviment per la Pau, 10 August 2010.

⁵³⁸ Email from Maria-Josep Parés, Moviment per la Pau, 8 April 2010. However, Spain’s legislation for the Mine Ban Treaty does not include penal sanctions for violations; instead, Spain relies on penal sanctions “in the Ordinary Penal Code, the Military Penal Code and the Constitutional Law 12/95, on the repression of smuggling.” See *Landmine Monitor Report 2002*, pp. 451–452.

⁵³⁹ Statement by Elena Madrazo Hegewisch, Under-secretary of State and Director, Agency for International Development and Cooperation, Second Review Conference of the Mine Ban Treaty, Cartagena, 3 December 2009.

⁵⁴⁰ Statement by Luis Gómez Nogueira, Head, Disarmament, Division for Non-proliferation and Disarmament, Ministry of Foreign Affairs and Cooperation, Regional Conference for Latin America and the Caribbean on Cluster Munitions, Santiago, 14 September 2009. Notes by the CMC. Average exchange rate for 2009: €1=US\$1.3935. US Federal Reserve, “List of Exchange Rates (Annual),” 4 January 2010.

Spain participated throughout the Oslo Process to develop the convention in 2007 and 2008. While Spain was not initially in favor of a comprehensive ban on cluster munitions and sought exclusions for cluster munitions with self-destruct mechanisms, Spain's position evolved during the process to support a comprehensive ban. Following its adoption of the convention at the conclusion of the negotiations in Dublin in May 2008, Spain rapidly began to implement its provisions.⁵⁴¹

Spain declared a unilateral moratorium on use, production, and transfer of cluster munitions in June 2008.⁵⁴² It announced in September 2008 that it would provisionally apply Article 1 of the convention (the basic prohibitions) until its ratification.⁵⁴³ Upon signing the convention, Spain announced that it would destroy its stockpiles of cluster munitions within seven months.⁵⁴⁴ Three months ahead of schedule, in March 2009, Spain announced it had destroyed its stockpile of cluster munitions, the first signatory to do so.⁵⁴⁵

Spain has not yet made known its views on certain important issues related to interpretation and implementation of the convention, including the prohibition on transit, the prohibition on assistance during joint military operations with states not party that may use cluster munitions, the prohibition on foreign stockpiling of cluster munitions, and the prohibition on investment in production of cluster munitions.

Spain is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. Spain participated in the CCW deliberations on cluster munitions in 2009 and 2010 through July. At the conclusion of the 2009 talks, Spain said that it could support a new protocol on cluster munitions in the CCW, but emphasized that it must be complementary to the Convention on Cluster Munitions. It called for the adoption of advanced measures where humanitarian considerations prevail over operational, military, or economic concerns. Spain stated that it did not wish to see a situation where the use of cluster munitions has been prohibited for most, but then only restricted for others.⁵⁴⁶

CMC member organizations continued to be active in promoting the convention. In 2009 and 2010, the youth section of Moviment per la Pau organized several film screenings and discussions on cluster munitions and antipersonnel mines.⁵⁴⁷ In November 2009, a roundtable discussion entitled "Disarmament: victories and challenges" was held in Barcelona, organized by Fundació per la Pau.⁵⁴⁸ During the CMC Global Week of Action in May–June 2009, Fundació per la Pau launched a report called "The Oslo Process: the international campaign to ban cluster bombs."⁵⁴⁹

Use, production, and transfer

Spain has stated that it has never used cluster munitions. It has acknowledged that in the past it produced, stockpiled, and exported cluster munitions. By signing the convention, Spain said it "has assumed a military and economic cost" which was indicative of it placing "humanitarian imperatives over military and industrial interests."⁵⁵⁰

The company Instalaza SA from Zaragoza produced two types of 120mm mortar projectiles which contain submunitions, the ESPIN-21 and MAT-120. The company Explosivos Alaveses SA (EXPAL) produced the BME-330B/AP cluster bomb.⁵⁵¹

According to a standard reference work, EXPAL has produced two other types of BME bombs, both of which are banned under the Convention on Cluster Munitions, but which the Spanish armed forces did not report possessing. The BME-330AT cluster bomb contains 516 bomblets, a mixture of 512 armor-piercing SAC-1 AP antipersonnel bomblets and four MAC-2 anti-tank mines.⁵⁵² The BME-330C (multipurpose) cluster bomb holds 180 bomblets of three different types: the CP fragmentation (antipersonnel), the CH shaped charge (anti-armor), and the SNA area denial bomblets.⁵⁵³

Pursuant to the unilateral moratorium enacted by the Spanish government on 11 June 2008, the Ministry of Industry, Tourism, and Trade and the Inter-Ministerial Board that regulates Foreign Trade on Defense and Double Use were instructed to deny all requests for the export of cluster munitions as of 11 June 2008.⁵⁵⁴ Few details are known on past Spanish exports of cluster munitions, but Peru possesses a BME-330 cluster bomb of Spanish origin.⁵⁵⁵

⁵⁴¹ For details on Spain's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 156–161.

⁵⁴² "España dejará de fabricar bombas de racimo" ("Spain will cease to manufacture cluster bombs"), *El País*, 8 July 2008, www.elpais.com.

⁵⁴³ Statement by Amb. Gerardo Bugallo, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 1 September 2008.

⁵⁴⁴ "Spain to destroy all cluster bombs by June 2009: minister," *Agence France-Presse*, 2 December 2008.

⁵⁴⁵ Ministry of Defense, "Tres meses antes del compromiso de la ministra de la Defensa España se sitúa a la cabeza de países en eliminar todo su arsenal de bombas de racimo" ("Three months ahead of the commitment of the Minister of Defense, Spain is at the head of countries in eliminating all of its arsenals of cluster bombs"), Press release, 18 March 2009, www.mde.es.

⁵⁴⁶ Statement of Spain, CCW Meeting of States Parties, Geneva, 12 November 2009. Notes by Landmine Action.

⁵⁴⁷ CMC, "CMC Newsletter May 2009;" and "CMC Newsletter June 2010."

⁵⁴⁸ CMC, "CMC Newsletter November 2009."

⁵⁴⁹ CMC, "Global Week of Action to Ban Cluster Bombs, 29 May – 4 June 2009," www.stopclustermunitions.org.

⁵⁵⁰ Letter from Miguel Ángel Moratinos, Minister of Foreign Affairs and Cooperation, 12 March 2009.

⁵⁵¹ For more details, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 159–160.

⁵⁵² Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 455.

⁵⁵³ *Ibid.*, p. 456.

⁵⁵⁴ Letter from Miguel Ángel Moratinos, Minister of Foreign Affairs and Cooperation, 12 March 2009.

⁵⁵⁵ Angel Páez, "Peru se suma a iniciativa mundial para prohibir y destruir las 'bombas de racimo'" ("Peru joins global initiative to ban and destroy 'cluster bombs'"), *La República*, 29 May 2007. Human Rights Watch was shown photographs of these cluster munitions by a member of the national media in May 2007. See also, Angel Páez, "Se eliminarán las bombas de racimo" ("Cluster bombs will be eliminated"), *La República*, 29 May 2007.

Spain apparently imported two variants of the Rockeye cluster bomb, the CBU-99B and CBU-100, from the United States.⁵⁵⁶

Stockpiling and destruction

The Ministry of Defense stated that Spain completed the destruction of its stockpiles of cluster munitions on 18 March 2009.⁵⁵⁷ It was the first signatory of the Convention on Cluster Munitions to complete stockpile destruction. Minister of Defense Carme Chacón had announced on 2 December 2008 that Spain would destroy all its cluster bombs in the following seven months. The minister said that over 5,500 cluster munitions would be destroyed.⁵⁵⁸

As of February 2008, Spain had a stockpile of 5,587 cluster munitions of five types that contained 251,836 submunitions. The 11 June 2008 decision of the Spanish government to implement a unilateral moratorium on use, production, transfer, and storage of cluster munitions included “the commitment of Spain to destroy [existing] weapons of the Armed Forces as soon as possible.”⁵⁵⁹

By the end of 2008, Spain had destroyed 4,339 cluster munitions (containing 212,481 submunitions), which constituted over 77% of its stockpile. The remaining 385 cluster bombs were scheduled to be destroyed by June 2009.⁵⁶⁰

The Spanish government paid €4.9 million (\$6.8 million) to the company Fabricaciones Extremas SA (FAEX), of the Maxam Industrial Group, to dismantle and destroy the stockpile of cluster munitions.⁵⁶¹

Spain's stockpile of cluster munitions

	Stockpiled on 12 February 2008	Destroyed by 31 December 2008	Destroyed by 18 March 2009	Retained
120mm mortar projectile ESPIN-21 (contains 21 submunitions)	2,340 (49,140)	1,950 (40,950)	–	390 (8,190)
120mm mortar projectile MAT-120 (contains 21 submunitions)	2,271 (47,691)	1,852 (38,892)	–	419 (8,799)
CBU-100 Rockeye bomb (contains 247 submunitions)	545 (134,615)	537 (132,639)	–	8 (1,976)
CBU-99B Rockeye bomb (contains 247 submunitions)	38 (9,386)	–	–	38 (9,386)
BME-330 B/AP bomb (contains 28 submunitions)	393 (11,004)	–	385 (10,780)	8 (264)
Total munitions (Total submunitions)	5,587 (251,836)	4,339 (212,481)	385 (10,780)	863 (28,615)

Retention

Spain has stated it intends to retain 863 cluster munitions (containing 28,615 submunitions) for training and countermeasures testing purposes permitted under Article 3 of the Convention on Cluster Munitions.⁵⁶² While Spain has stated that this is a “small” number of cluster munitions,⁵⁶³ the CMC is concerned that it may be an excessively large

⁵⁵⁶ Ministry of Defense, “Tres meses antes del compromiso de la ministra de la Defensa España se sitúa a la cabeza de países en eliminar todo su arsenal de bombas de racimo” (“Three months ahead of the commitment of the Minister of Defense, Spain is at the head of countries in eliminating all of its arsenals of cluster bombs”), Press release, 18 March 2009, www.mde.es; and “Spain to destroy all cluster bombs by June 2009: minister,” *Agence France-Presse*, 2 December 2008. Rockeye is a common cluster bomb made by the US in the past. Spain’s Minister of Defense acknowledged that Spain possessed some 600 US-made cluster bombs, but the Ministry of Foreign Affairs and Cooperation’s letter to Human Rights Watch indicated that the Rockeyes were fabricated by EXPAL. Letter from Miguel Ángel Moratinos, Minister of Foreign Affairs and Cooperation, Annex II, 12 March 2009.

⁵⁵⁷ Ministry of Defense, “Tres meses antes del compromiso de la ministra de la Defensa España se sitúa a la cabeza de países en eliminar todo su arsenal de bombas de racimo” (“Three months ahead of the commitment of the Minister of Defense, Spain is at the head of countries in eliminating all of its arsenals of cluster bombs”), Press release, 18 March 2009, www.mde.es. The press release indicates a stockpile of 5,589 cluster munitions, including about 4,600 mortar projectiles, 600 US-produced cluster bombs, and 400 anti-runway bombs. The press release does not mention a number of cluster munitions retained for training purposes.

⁵⁵⁸ “Spain to destroy all cluster bombs by June 2009: minister,” *Agence France-Presse*, 2 December 2008.

⁵⁵⁹ Letter from Miguel Ángel Moratinos, Minister of Foreign Affairs and Cooperation, 12 March 2009.

⁵⁶⁰ Ibid. It is not clear precisely when the destruction began. In September 2008, Spain stated it would begin its stockpile destruction as soon as possible. Statement by Amb. Gerardo Bugallo, CCW GGE on Cluster Munitions, Geneva, 1 September 2008. On 2 December, the Minister of Defense said Spain would destroy all its cluster bombs in the following seven months. “Spain to destroy all cluster bombs by June 2009: minister,” *Agence France-Presse*, 2 December 2008.

⁵⁶¹ Ibid.; and “Chacón dice que no quedarán bombas de racimo en España a partir de junio” (“Chacón says there will be no more cluster munitions in Spain starting June”), *El Día*, 3 December 2008, www.eldia.es. Average exchange rate for 2009: €1=US\$1.3935. US Federal Reserve, “List of Exchange Rates (Annual),” 4 January 2010. Spain will retain an additional 40 SNA submunitions from two BME-330B/AP bombs.

⁵⁶² Letter from Miguel Ángel Moratinos, Minister of Foreign Affairs and Cooperation, Annex II, 12 March 2009.

⁵⁶³ CMC, “Report on the UN Special Event on the Convention on Cluster Munitions,” 21 October 2009.

number. The number of submunitions retained is far greater than the number of antipersonnel mines any state is retaining for similar purposes under the Mine Ban Treaty. Spain has not explained why it is necessary to retain such considerable quantities or provided details on their intended uses or purposes.

United Kingdom

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 November 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010
Key developments	Ratified on 4 May 2010; national implementation law took effect 25 March 2010

Policy

The United Kingdom of Great Britain and Northern Ireland signed the Convention on Cluster Munitions in Oslo on 3 December 2008. The UK deposited its instrument of ratification with the UN on 4 May 2010. It will become a State Party on 1 November 2010.

On 25 March 2010, the Cluster Munitions (Prohibitions) Bill received Royal Assent and entered into force in UK law as the Cluster Munitions (Prohibitions) Act 2010.⁵⁶⁴ The Act creates criminal offenses to enforce the prohibitions set out in Article 1 of the convention.⁵⁶⁵

A Foreign Office Minister welcomed the convention's coming into effect on 1 August 2010, stating that the "Convention is one of the most significant disarmament treaties of recent years.... It sets new standards for disarmament and advances international humanitarian law. The Convention is an excellent example of what can be achieved by the international community working together effectively. With entry into force we are a step closer to a worldwide ban and ending the unacceptable suffering to civilians caused by these weapons." The Minister pledged that the UK would continue its efforts "to promote the globalization of the Convention, working towards the goal of universal adherence," and that the UK would continue to play a "leading role in this area at the first meeting of States Parties in November" in Lao PDR.⁵⁶⁶

In June 2010, the UK stated that its newly elected government was fully committed to an international ban on cluster munitions and reaffirmed its commitment to the universalization of the convention, saying it would work with civil society and seek partnerships with other countries to promote universalization.⁵⁶⁷ In May 2010, the newly elected coalition government's Programme for Government singled out support for a universal ban on cluster munitions under its chapter on defense.⁵⁶⁸

During the Commonwealth Heads of Government meeting in Trinidad and Tobago in November 2009, the UK launched a political initiative to encourage more Commonwealth countries to sign the convention, co-sponsoring with Australia a declaration that invited non-signatories to commit to signing the convention.⁵⁶⁹ The UK government also undertook targeted lobbying work on the convention at the 14th African Union Summit in January 2010. It has instructed its embassies and consulates to lobby their host governments to support the convention.⁵⁷⁰ In addition, the UK has mobilized its defense attachés to promote adherence to the convention in some of the more reluctant countries.⁵⁷¹

⁵⁶⁴ House of Lords, *Hansard* (London: Her Majesty's Stationery Office, HMSO, 25 March 2010), Column 1057, www.publications.parliament.uk.

⁵⁶⁵ "Cluster Munitions (Prohibitions) Act 2010, 2010 Chapter 11," www.opsi.gov.uk. A person guilty of an offense under this section is liable to imprisonment for a term not exceeding 14 years, or a fine, or both.

⁵⁶⁶ Foreign and Commonwealth Office, "Minister welcomes the Convention on Cluster Munitions entering into force," Press release, 30 July 2010, www.fco.gov.uk.

⁵⁶⁷ Statement of the UK, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010. Notes by AOAV/HRW.

⁵⁶⁸ The Coalition, "Our Programme for Government: Defence," undated, programmeforgovernment.hmg.gov.uk.

⁵⁶⁹ "Port of Spain Declaration on Cluster Munitions," Commonwealth Heads of Government Meeting, Trinidad and Tobago, 27–29 November 2009, centralcontent.fco.gov.uk. Three states associated themselves with the Port of Spain Declaration: Belize, Papua New Guinea, and Seychelles (which ratified the Convention on Cluster Munitions soon after).

⁵⁷⁰ Baroness Glenys Kinnock, Written Answers, House of Lords, *Hansard* (London: HMSO, 7 April 2010), Column 427W, www.publications.parliament.uk.

⁵⁷¹ Statement by Chris Bryant, House of Commons Debate, *Hansard* (London: HMSO, 17 March 2010), Column 896, www.publications.parliament.uk.

The UK attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, where it noted that it possessed the largest stockpile of any signatory.⁵⁷² It also participated in the International Conference on the Convention on Cluster Munitions in Santiago, Chile, in June 2010, where it reaffirmed its existing funding commitment of £10 million (US\$15.7 million) per year over 2010–2013 to affected states.⁵⁷³ The UK also affirmed the importance of victim assistance, and stated that the new government was committed to provide funding to build the capacity of national health services in affected countries.⁵⁷⁴

In March 2010, the UK stated that it had “already destroyed nearly 13 million sub-munitions and will have destroyed the vast majority of stocks by 2013, well ahead of the eight-year deadline allowed under the Convention.”⁵⁷⁵

The UK participated actively throughout the Oslo Process, which led to the development of the convention, although it frequently expressed reservations about the process and did not support the notion of an immediate or comprehensive ban on cluster munitions. However, just two days prior to the conclusion of the negotiations in Dublin in May 2008, the UK Prime Minister issued a statement saying, “In order to secure as strong a Convention as possible in the last hours of negotiations we have issued instructions that we should support a ban on all cluster bombs, including those currently in service by the UK.”⁵⁷⁶ This change in the UK position was pivotal in influencing others’ support for the convention text.

The UK’s position on cluster munitions evolved remarkably from 2006 to its adoption and signature of the convention in December 2008.⁵⁷⁷

National implementation legislation

The Cluster Munitions (Prohibitions) Bill was introduced into Parliament in the Queen’s Speech on 18 November 2009.⁵⁷⁸ In the debates that followed, the Bill received support from across all the main political parties, including for the first time strong voices in support of the prohibition of cluster munitions from the benches of the Conservative Party⁵⁷⁹ and from former military personnel in the House of Commons.⁵⁸⁰ The Bill was introduced into the House of Lords for its first reading immediately after the debate on the Queen’s Speech, demonstrating the priority attached to it by the Labour government.

The Bill entered into force on 25 March 2010, as the Cluster Munitions (Prohibitions) Act 2010. The Act prohibits the use, production, acquisition, stockpiling, and transfer of cluster munitions,⁵⁸¹ and applies the prohibitions to both cluster munitions and to explosive bomblets.⁵⁸² The Act establishes extra-territorial jurisdiction to apply its provisions to UK nationals, Scottish partnerships, and companies incorporated under UK law, regardless of whether violations occur on the territory of the UK or outside.⁵⁸³

Interpretive issues

The UK expressed its views on the interpretation and implementation of a number of key provisions in the convention during the process of preparing its national legislation, including the prohibition on foreign stockpiling, the prohibition on transit, the prohibition on investment in cluster munitions producers, and the prohibition on assistance with prohibited acts in joint military operations. A number of Ministerial Statements are on record clarifying the meaning of the UK’s national legislation on these issues and recognizing the positive obligations under the convention.

Foreign stockpiling

In June 2008, immediately after the adoption of the convention, the then-Minister of State for the Foreign and Commonwealth Office, Lord Malloch-Brown, stated that although the UK did not read the prohibition on foreign stockpiling as a legal requirement under the treaty, it would seek the removal of foreign stockpiles of cluster munitions

⁵⁷² Statement of the UK, Berlin Conference on the Destruction of Cluster Munitions, 26 June 2010. Notes by HRW.

⁵⁷³ Statement of the UK, International Conference on the Convention on Cluster Munitions, Santiago, 9 June 2010. Notes by AOAV/HRW. In late November 2008, the UK announced that it had pledged £30 million (US\$55.6 million) for clearance of landmines and other unexploded ordnance, including cluster munitions, from 2010–to 2013, a continuation of the existing annual funding for global mine action. Average exchange rates: 2009, £1=US\$1.5661; 2008: £1=US\$1.8545. US Federal Reserve, “List of Exchange Rates (Annual),” 4 January 2010.

⁵⁷⁴ It gave Cambodia and the Democratic Republic of the Congo as examples of where it was currently undertaking such work. Statement of the UK, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010. Notes by AOAV/HRW.

⁵⁷⁵ Foreign and Commonwealth Office, “Cluster bombs ban moves a step closer,” Press release, 17 March 2010, www.fco.gov.uk.

⁵⁷⁶ Statement by Prime Minister Gordon Brown, “Breakthrough on cluster bombs draws closer,” 28 May 2008, webarchive.nationalarchives.gov.uk.

⁵⁷⁷ For more details on the UK’s cluster munition policy and practice through early 2009, see Human Rights Watch (HRW) and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 173–180.

⁵⁷⁸ “Queen’s Speech,” House of Lords, *Hansard* (London: HMSO, 18 November 2009), Column 1, www.publications.parliament.uk.

⁵⁷⁹ House of Lords Debate, *Hansard* (London: HMSO, 19 November 2009), Column 116; and House of Commons Debate, *Hansard* (London: HMSO, 19 November 2009), Column 210, www.publications.parliament.uk.

⁵⁸⁰ The ban had long been supported by former military personnel in the House of Lords, but now saw significant support voiced from former military personnel in the House of Commons as well.

⁵⁸¹ “Cluster Munitions (Prohibitions) Act 2010, 2010 Chapter 11,” www.opsi.gov.uk.

⁵⁸² *Ibid*, Section 1(3).

⁵⁸³ *Ibid*, Section 4.

from UK territories within the eight year period allowed for stockpile destruction in the convention.⁵⁸⁴ The government later told parliamentarians that the United States had identified the cluster munitions on UK territory as “exceeding operational planning requirements” and that they would be “gone from the UK itself by the end of [2010]” and “gone from other UK territories, including Diego Garcia, by the end of 2013.”⁵⁸⁵

Transit

In March 2010, in debates on the Bill in the House of Commons, parliamentarians questioned whether the “transit” of cluster munitions through UK territory was prohibited under the UK’s legislation. A Minister stated that transit “would not in itself be prohibited, but a direct application would have to be made to the Secretary of State who would have to grant permission before it could happen. We would be reluctant to grant such permission.”⁵⁸⁶

Investment

The UK’s legislation does not explicitly include a prohibition on investment in, or the provision of financial services to, companies involved in the production of cluster munitions. However, in response to parliamentary questions, the government issued a Ministerial Statement on 7 December 2009 confirming that “under the current provisions of the Bill, which have been modelled upon the definitions and requirements of the convention, the direct financing of cluster munitions would be prohibited. The provision of funds directly contributing to the manufacture of these weapons would therefore become illegal.”⁵⁸⁷

While the legislation does not prohibit the indirect financing of cluster munitions, the government stated that it would work to develop a code of conduct for business on investment: “The convention does not prohibit so-called indirect financing of cluster munitions. Indirect financing is therefore not within the scope of the Bill’s provisions. As such, it would not become illegal to provide funds generally to companies that manufacture a range of goods, including cluster munitions. However, aware of the humanitarian suffering caused by cluster munitions and the threat they pose to development in post-conflict areas, the Government are keen to see a complete end to cluster munitions. Due to the complex nature of indirect financing, there is a need for thorough consultation to consider the impact of any measures, and to ensure that we develop the most appropriate and effective measures to end direct financing. The Government intends to work with the financial sector, non-governmental organisations and other interested parties, to promote a voluntary code of conduct to prevent indirect financing, and if necessary would use their right to initiate legislation. We shall also review public investment guidelines to the same end.”⁵⁸⁸

Interoperability

A lengthy debate took place on the issue of joint military operations, dealt with in Clause 9 of the UK’s national legislation,⁵⁸⁹ in both Houses of Parliament during the legislative process. Many concerns were raised by parliamentarians that this clause would provide a loophole which would undermine the purpose of the convention and the UK’s legislation: the elimination of cluster munitions.⁵⁹⁰ When pushed by members of parliament to clarify just exactly what activities this clause would permit UK troops engaged in joint military operations to carry out, the government responded that UK troops “would not be allowed to request use of [cluster] munitions where the choice of munitions was within their exclusive control,” but that “they could facilitate operations where [cluster munitions] might be used by a partner.”⁵⁹¹

Parliamentarians argued that there would likely be situations that, while not illegal under the Bill, would clearly be against the spirit and intention of the legislation and pressed the government on the need to develop proper guidelines and briefings for the UK military.⁵⁹² The government responded that “States Parties have to make sure that any other state with which they are working understands the basis on which their personnel will be engaged.... We have to make sure there is clear guidance for personnel, so they know exactly what they can and cannot do. That is already in hand.”⁵⁹³

⁵⁸⁴ Statement by Lord George Mark Malloch-Brown, Minister of State, Foreign and Commonwealth Office, House of Lords Debate, *Hansard* (London: HMSO, 3 June 2008), Column 79, www.publications.parliament.uk.

⁵⁸⁵ Statement by Baroness Glenys Kinnock, House of Lords Debate, *Hansard* (London: HMSO, 8 December 2009), Column 1020; and statement by Chris Bryant, House of Commons Debate, *Hansard* (London: HMSO, 17 March 2010), Column 925, www.publications.parliament.uk.

⁵⁸⁶ Statement by Chris Bryant, House of Commons Debate, *Hansard* (London: HMSO, 17 March 2010), Column 925, www.publications.parliament.uk.

⁵⁸⁷ Statement by Chris Bryant, House of Commons Debate, *Hansard* (London: HMSO, 7 December 2009), Column 2WS, www.publications.parliament.uk.

⁵⁸⁸ *Ibid.*

⁵⁸⁹ The clause states: “It is a defence for a person charged with an offence specified in any of paragraphs 1 to 6 of Schedule 2 [the prohibitions of the convention] to show that the person’s conduct took place in the course of, or for the purposes of, an international military operation or an international military co-operation activity.” Members in the House of Commons went to great lengths to seek clarification on the scope of this clause.

⁵⁹⁰ See for example, statement by William Cash, House of Commons Debate, *Hansard* (London: HMSO, 23 March 2010), Column 160; Statement by Jo Swinson, House of Commons Debate, *Hansard* (London: HMSO, 17 March 2010), Column 906; and statements by John Redwood and William Cash, House of Commons Debate, *Hansard* (London: HMSO, 17 March 2010), Columns 902–903, www.publications.parliament.uk.

⁵⁹¹ Statements by John Redwood and Chris Bryant, House of Commons Debate, *Hansard* (London: HMSO, 23 March 2010), Column 162, www.publications.parliament.uk.

⁵⁹² Statement by John Redwood, House of Commons Debate, *Hansard* (London: HMSO, 23 March 2010), Column 163, www.publications.parliament.uk.

⁵⁹³ House of Commons Debate, *Hansard* (London: HMSO, 23 March 2010), Columns 161–164, www.publications.parliament.uk.

A significant result of the parliamentary debates on interoperability and Clause 9 was the recognition by the government of the need to promote universal adherence to the convention. The government stated, “[I]f we can achieve a situation in which all our allies are operating without cluster munitions, we will be in a better world,”⁵⁹⁴ and, “We certainly take seriously our obligations to try to persuade all other countries to move towards ratification. Key amongst those countries are those with which we work most closely in military operations—not least the United States of America, but also European Union countries such as Poland. I would refer to two other countries as key: Turkey and Brazil.”⁵⁹⁵

Convention on Conventional Weapons

The UK is party to the Convention on Conventional Weapons (CCW), but has not yet ratified Protocol V on explosive remnants of war. The UK participated in the CCW deliberations on cluster munitions in 2009 and the first half of 2010, but has not made a statement on its position on the process or the draft text under consideration.

NGO activities

In 2009 and 2010, UK NGOs continued to work actively alongside parliamentarians from across the political spectrum to ensure the strongest possible national legislation to implement the convention and to encourage the government to take further measures to ensure the aims of the convention are achieved. UK NGOs have been particularly active on the issue of disinvestment, following the launch of the CMC Stop Explosive Investments campaign in London on 28 October 2009.⁵⁹⁶ As of March 2010, two major banks, HSBC and Royal Bank of Scotland, had strengthened their policies on this issue.⁵⁹⁷

Use, production, transfer, and stockpiling

The UK used cluster munitions extensively in the past. It also produced, exported, and imported the weapon and had a sizable stockpile.

The UK used cluster munitions in the Falkland Islands in 1982, in Iraq and Kuwait in 1991, in the Federal Republic of Yugoslavia (including Kosovo) in 1999, and in Iraq in 2003.⁵⁹⁸

The UK has produced several variants the BL-755 with 147 submunitions, and has also produced the L20A1 artillery projectile with 49 M85 dual purpose improved conventional munition (DPICM) submunitions.

BL-755 cluster bombs have been exported to, or otherwise ended up being possessed by, the following countries: Belgium, Ethiopia, Germany, India, Iran, Italy, Montenegro, the Netherlands, Nigeria, Oman, Pakistan, Saudi Arabia, Switzerland, Thailand, the United Arab Emirates, and the former Federal Republic of Yugoslavia.⁵⁹⁹

In 2009–2010, Amnesty International documented instances of UK registered ships transporting components of cluster munitions between Pakistan and South Korea.⁶⁰⁰ This would appear to be a violation of UK legislation of October 2008 which prohibits UK individuals or corporations, including UK-registered companies, from doing “any act calculated to promote the supply or delivery” of a range of prohibited weapons, including cluster munitions and their components,

⁵⁹⁴ Statement by Chris Bryant, House of Commons Debate, *Hansard* (London: HMSO, 17 March 2010), Column 895, www.publications.parliament.uk.

⁵⁹⁵ Statement by Chris Bryant, House of Commons Debate, *Hansard* (London: HMSO, 23 March 2010), Column 162, www.publications.parliament.uk.

⁵⁹⁶ As part of the campaign efforts, Amnesty International UK targeted UK banks investing in cluster munition producers in an email action in which over 7,000 messages were sent. In May 2010, UK NGOs delivered a written briefing to the newly elected coalition government, which lauded the UK’s ratification and ban on direct financing of cluster munitions production, and urged the government to take further measures on indirect financing. CMC, “Stop Explosive Investments Campaign Update,” 1 February 2010; CMC, “CMC Newsletter May 2010,” www.stopclustermunitions.org.

⁵⁹⁷ Amnesty International UK, “Stop your bank funding cluster bombs,” 3 March 2010, www.amnesty.org.uk.

⁵⁹⁸ HRW, “Ticking Time Bombs: NATO’s Use of Cluster Munitions in Yugoslavia,” vol. 11, no. 6(D), June 1999; HRW, “Civilian Deaths in the NATO Air Campaign,” vol. 12, no. 1(D), February 2000; and HRW, *Off Target: The Conduct of the War and Civilian Casualties in Iraq* (New York: HRW, 2003), www.hrw.org.

⁵⁹⁹ Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), pp. 468–470; Colin King, ed., *Jane’s Explosive Ordnance Disposal 2007–2008*, CD-edition, (Surrey, UK: Jane’s Information Group Limited, 2008), entries for: Germany, 14 December 2007; Iran, 10 January 2008; Italy, 10 January 2008; Netherlands, 10 January 2008; Oman, 10 January 2008; Pakistan, 10 January 2008; Saudi Arabia, 3 December 2007; Thailand, 10 January 2008; and United Arab Emirates, 10 January 2008; and Landmine Action, *Explosive remnants of war: unexploded ordnance and post-conflict communities* (London: Landmine Action, 2002), www.landmineaction.org. During the Berlin Conference on the Destruction of Cluster Munitions, Montenegro confirmed that it had 353 BL-755 in its stockpiles from the former Yugoslav People’s Army (JNA). Statement of Montenegro, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009.

⁶⁰⁰ Amnesty International, “Deadly Movements: Transportation Controls in the Arms Trade Treaty,” July 2010, pp. 9–12. www.amnesty.org. Amnesty International documented a shipment of inert components for 155mm K-130 cluster munition artillery shells exported by South Korea’s Poongsan Corporation to Pakistan Ordnance Factories’ Sanjwal plant, transported on a UK-flagged ship, the MV *Hyundai Baron*, both registered and listed as operated by a UK-registered company, Zodiac Maritime Agencies Ltd., and owned by a related company, Tair Marine (UK) Ltd. Amnesty International contacted Zodiac Maritime Agencies Ltd. in December 2009 with concerns that one of the company’s ships may have transported cluster munitions in possible violation of UK legislation. However, in February 2010, revenue authority documents revealed another shipment of inert components for K-310 artillery shells from Poongsan Corporation transported to Karachi on another UK-flagged ship, MV *Hyundai Emperor*, listed with Zodiac Maritime Agencies Ltd. According to the report, Zodiac Maritime Agencies Ltd. “declined to disclose to Amnesty International further details of ‘cargoes our chartering clients may or may not have carried on our vessels,’ and stated that ‘these vessels were on charter to Hyundai Merchant Marine of South Korea who is obliged as the shippers under the terms of employment to comply with all relevant international law and convention. We have no reason to believe that the applicable laws and conventions were not complied with here.’”

“where that person knows or has reason to believe that such action or actions will, or may, result in the removal of those goods from one third country to another third country.”⁶⁰¹

The UK purchased 59,364 L20A1 projectiles between 1996 and 2004. The L20A1 projectiles, 2,100 of which were used in the 2003 invasion of Iraq, were assembled by BAE Systems Royal Ordnance under license from Israel Military Industries.⁶⁰²

The UK also imported cluster munitions from the US: M483 155mm artillery projectiles; M26 rockets for Multiple Launch Rocket System (MLRS); M261 Multi-Purpose Submunition rockets used in the CRV-7 air-to-surface launchers; and CBU-87 cluster bombs.⁶⁰³

All UK stockpiles of cluster munitions have been removed from service and are now either in the process of being destroyed or contracts have been agreed for their destruction. The UK stockpiled 190,549 cluster munitions of five types that contained 38,757,267 submunitions.

Even prior to the entry into force of the convention, the UK had made substantial progress on the destruction of its stockpiles. As of March 2010, 14 million submunitions—more than one-third—of its original total of nearly 39 million stockpiled submunitions had been destroyed and contracts had been placed for the destruction of all remaining submunitions.⁶⁰⁴ According to a government official, “We are very confident that we will beat by a considerable margin the target period of eight years and that we will have destroyed all our stocks by 2013.”⁶⁰⁵

Types and quantities of cluster munitions stockpiled by the UK as of 2008

Type	Quantity	Submunitions per container	Total submunitions
M26 rocket	43,692*	644	28,137,648
M483 projectile	82,900	88	7,295,200
L20A1 projectile	56,000	49	2,744,000
BL-755 series bombs	3,687	147	541,989
M261 rockets	4,270	9	38,430
Total	190,549	N/A	38,757,267

* In the original source, this was cited as 7,282 M26 rocket pods, each pod contains six rockets; the number of individual rockets is reflected in this table.

N/A = not applicable

UK stockpile by type and quantity, as reported in 2008⁶⁰⁶

The following table provides a breakdown of the timeframe for destruction and associated costs for four of the five cluster munitions stockpiled by the UK. Costs for the ERBS L20A1 are not provided as the contract for its destruction had yet to be agreed upon and officially announced.⁶⁰⁷

⁶⁰¹ Amnesty International, “Deadly Movements: Transportation Controls in the Arms Trade Treaty,” July 2010, p. 11. www.amnesty.org. UK Export Control Order 2008 (S.I. 2008, No. 3231).

⁶⁰² Adam Ingram, Written Answers, House of Commons, *Hansard* (London: HMSO, 17 November 2003), Columns 497W and 498W, www.publications.parliament.uk.

⁶⁰³ The US supplied the UK with 1,008 CBU-87 cluster bombs at some point between 1970 and 1995, but they do not appear to be in service any longer. US Defense Security Cooperation Agency, Department of Defense, “Cluster Bomb Exports under FMS, FY1970–FY1995,” obtained by HRW in a Freedom of Information Act request, 28 November 1995. The NATO Maintenance and Supply Agency (NAMSA) reported in June 2009 that it contracted the destruction 600 CBU-87 bombs for the UK. See, presentation by Peter Courtney-Green, Chief of the Ammunition Support Branch, NAMSA, “Technical Aspects of Cluster Munitions Stockpile Destruction,” Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009, Slide 15.

⁶⁰⁴ Statement by Chris Bryant, House of Commons Debate, *Hansard* (London: HMSO, 23 March 2010), Column 187 www.publications.parliament.uk.

⁶⁰⁵ Ibid.

⁶⁰⁶ House of Commons Debate, *Hansard* (London: HMSO, 6 October 2008), Column 249W, www.publications.parliament.uk.

⁶⁰⁷ Letter 07-04-2010-105556-002 from the Ministry of Defence to Portia Stratton, Advocacy Manager, Action On Armed Violence (AOAV), 28 April 2010.

UK stockpile destruction costs⁶⁰⁸

Munition	Disposal completion date	Destruction costs (million)	Transportation/ storage/ security costs (million)	Total disposal cost (million)
M483 projectile	July 2008	£0.6 (\$1.1)	£1.4 (\$2.6)	£2 (\$3.7)
BL-755 bomb	December 2008	€0.7 (\$1)	€1.5 (\$2.2)	€2.2 (\$3.2)
M261 rocket	July 2009	£0.2 (\$0.4)	£0.3 (\$0.6)	£0.5 (\$0.9)
M26 rocket	End 2013	£26 (\$48.2)	£8 (\$14.8)	£34 (\$63.1)

In June 2010, the company NAMMO announced that it had recently signed a contract with the UK Ministry of Defence for the destruction of its remaining stockpiles of the L20A1 projectiles. The destruction is scheduled to begin in September 2010 at the NAMMO facility outside Berlin and that the contract is scheduled to be completed by 2013.⁶⁰⁹

The “Starstreak” missile

In relation to the Convention on Cluster Munitions, and the UK’s Cluster Munition (Prohibitions) Act, further clarification may be required regarding the “Starstreak” missile manufactured by Thales Air Defence Limited.

The “Starstreak High Velocity Missile” employs three submunitions, each with a “high density penetrating explosive warhead.”⁶¹⁰ Although generally considered an air defense weapon, the manufacturer’s sales literature advertises the weapon’s utility against ground-based targets. Brochures for the Starstreak state that “a variety of threats can be defeated including aerial targets such as Unmanned Aerial Vehicles (UAVs) and helicopters and also surface targets such as Armoured Personnel Carriers (APCs), static installations or terrorist platforms.”⁶¹¹ With respect to “surface threats such as light armoured vehicles (LAVs) and fast inshore attack craft (FIAC)” brochures note that “Starstreak II has been designed to defeat these threats.”⁶¹²

Both the Convention on Cluster Munitions and the UK Cluster Munitions (Prohibitions) Act provide an exclusion from their prohibitions for weapons “designed exclusively for an air defence role.”

When the UK Ministry of Defence was asked, under the Freedom of Information Act, whether it had received any information suggesting that the Starstreak has “a capability” against ground-based targets it replied: “As far as we have been able to ascertain, we have received no information suggesting that the A5 missile, known by Thales Air Defence Ltd (TADL) as Starstreak II, has a capability against ground based targets.... We have, however, seen some articles in the trade press and on the internet reporting a ground based capability. Having discussed the matter with TADL, it is our understanding that confusion may have arisen from a briefing they gave, as it covered several different systems with differing capabilities.”⁶¹³

The Starstreak missile is manufactured in the UK and is in service with UK armed forces.

Cluster Munition Remnants

There are an unknown number of cluster munition remnants on the Falklands Islands/Malvinas as a result of use of BL-755 cluster bombs by the UK against Argentine positions during the 1982 armed conflict.

⁶⁰⁸ Disposal began in April 2005 and was completed in July 2008. Bob Ainsworth, Written Answers, House of Commons, *Hansard* (London: HMSO, 6 October 2008), Column 248W, www.publications.parliament.uk. The contract for this was let under the NAMSA in conjunction with the Dutch Ministry of Defense and was awarded to an Italian company, Esplodenti Sabino. Adam Ingram, Written Answers, House of Commons, *Hansard* (London: HMSO, 12 March 2007), Column 51–52W, www.publications.parliament.uk. The contract for disposal was placed on 22 January 2007. Statement by Adam Ingram, House of Commons, *Hansard* (London: HMSO, 1 February 2007), Column 504W, www.publications.parliament.uk. Stocks were shipped to Germany for destruction, which was expected to be completed in 2009. Bob Ainsworth, Written Answers, House of Commons, *Hansard* (London: HMSO, 6 October 2008), Column 248W, www.publications.parliament.uk. On 6 October 2008 it was stated in Parliament that a contract had been placed for the disposal of the M261 rockets and that it was due to be completed in 2009. Statement by Bob Ainsworth, House of Commons, *Hansard* (London: HMSO, 6 October 2008), Column 248W, www.publications.parliament.uk. In March 2009, the UK said destruction was underway and expected to be completed in 2009. Letter from Nick Packard, Head, Security Policy Group, International Security and Institutions Directorate, Foreign and Commonwealth Office, 11 March 2009. Disposal began in September 2007 at the NAMMO Buck facility in Germany and should be completed by the end of 2013; and statement by Bob Ainsworth, House of Commons, *Hansard* (London: HMSO, 6 October 2008), Column 248W, www.publications.parliament.uk. Average exchange rates for 2008: £1=US\$1.5661; €1=US\$1.3935. US Federal Reserve, “List of Exchange Rates (Annual),” 4 January 2010.

⁶⁰⁹ “Nammo to Demil Cluster Munitions for the UK MOD,” *Defence Professionals*, 23 June 2010, www.defpro.com; and NAMMO AS “Nammo to Demil Cluster Munitions for the UK MOD,” Press release, undated.

⁶¹⁰ TADL, “Starstreak High Velocity Missile (HVM),” May 2005.

⁶¹¹ This is repeated in brochures for “Starstreak Armoured Vehicle System (AVS)” and “Starstreak Lightweight Multiple Launcher (LML).”

⁶¹² TADL, “Next-generation Starstreak provides enhanced force protection,” Press release, 11 September 2007, www.thales-electrondevices.com.

⁶¹³ Letter 29-01-2010-152831-002 from the Ministry of Defence to Richard Moyes, Policy and Research Director, AOV, 29 March 2010.

In February 2009, in a letter to Landmine Action, the Ministry of Defence stated the following: “According to historical records either 106 or 107 Cluster Bomb Units (CBU) were dropped by British Harriers and Sea Harriers during the conflict. Each CBU contains 147 BL755 submunitions and using the higher CBU figure (107), a total of 15,729 submunitions were dropped. Using a 6.4% failure rate assessed during in-service surveillance over 15 years, we would estimate that 1,006 would not explode. Given that 1,378 BL 755s were cleared in the first year after the conflict and that a further 120 have been found and disposed of since (totalling 1,498), clearly there was a slightly higher failure rate. Even if the rate had been closer to 10% and 1,573 had failed, we can only estimate that some 70 remain but that due to the very soft nature of the peat found on the islands, many of these will have been buried well below the surface. We believe that the majority of those remaining are now contained within existing minefields and these will be cleared in due course.”⁶¹⁴

Clearance of cluster munition remnants

The UK’s deadline for clearance of all unexploded submunitions will be 1 November 2020.

One BL-755 unexploded submunition was found and destroyed in the first month of operations. A second submunition was found in 2010.⁶¹⁵ According to information provided by the Ministry of Defence in 2009, no unexploded submunitions were cleared in 2008, but a BL-755 submunition was destroyed in November 2007.⁶¹⁶ At the Second Review Conference of the Mine Ban Treaty, the UK said that the three areas it was clearing contained unexploded submunitions and other ERW.⁶¹⁷ None were, however, found at the Fox Bay site (no. FB-008W) where part of a submunition had been found in 1983.⁶¹⁸

Uruguay

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Santiago in September 2009
Key developments	Ratified on 24 September 2009

Policy

The Eastern Republic of Uruguay signed the Convention on Cluster Munitions on 3 December 2008, and ratified it on 24 September 2009, becoming the 18th nation to do so. Thus, it was among the first 30 ratifications that triggered entry into force on 1 August 2010.

Uruguay was the second state from the western hemisphere to ratify the convention (after Mexico). Uruguay’s then-Minister of Foreign Affairs, Pedro Vaz, deposited the instrument of ratification with the UN during the annual treaty event held at the same time as the opening of the UN General Assembly.⁶¹⁹

It is not known if Uruguay has begun the process of developing national implementation legislation or other domestic measures.

Uruguay has shown strong interest in the convention. It participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Regional Conference for Latin America and the Caribbean on Cluster Munitions in Santiago, Chile in September 2009, and the International Conference on the Convention on Cluster Munitions, also held in Santiago, in June 2010.

Uruguay joined the Oslo Process in September 2007 and participated regularly thereafter. During the formal negotiations in Dublin in May 2008, Uruguay supported a comprehensive ban without exceptions.⁶²⁰ Upon signing the convention in Oslo, Ambassador Julio Moreira said that the convention was one of the government’s “essential priorities” and that it is committed to continuing to work to put the convention into effect.⁶²¹

⁶¹⁴ Letter from Lt.-Col. Scott Malina-Derben, Ministry of Defence, 6 February 2009.

⁶¹⁵ Statement of the UK, Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies, Geneva, 22 June 2010.

⁶¹⁶ Letter from Lt.-Col. Scott Malina-Derben, Ministry of Defence, 6 February 2009.

⁶¹⁷ Statement of the UK, Mine Ban Treaty Second Review Conference, Cartagena, 2 December 2009.

⁶¹⁸ Statement of the UK, Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies, Geneva, 22 June 2010.

⁶¹⁹ In June 2009, Uruguay told other states that ratification was likely to be approved by the National Assembly in a couple of months, and then needed approval by the Senate. Latin American side briefing, Berlin Conference on the Destruction of Cluster Munitions, 26 June 2009. Notes by AOAV.

⁶²⁰ For details on Uruguay’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 180.

⁶²¹ Statement by Amb. Julio Moreira, Deputy Director General for Public Affairs, Ministry of Foreign Affairs, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008. Notes by Landmine Action.

Uruguay has not yet made known its views on certain important issues related to interpretation and implementation of the convention, including the prohibition on transit, the prohibition on assistance during joint military operations with states not party that may use cluster munitions, the prohibition on foreign stockpiling of cluster munitions, and the prohibition on investment in production of cluster munitions.

Uruguay is party to the Mine Ban Treaty and the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. Uruguay has attended some of the CCW deliberations on cluster munitions in recent years, but has rarely made statements.

In February 2008, Uruguay confirmed that it has never used, produced, or stockpiled cluster munitions.⁶²²

Zambia

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Pretoria in March 2010
Key developments	Ratified on 12 August 2009

Policy

The Republic of Zambia signed the Convention on Cluster Munitions in Oslo on 3 December 2008. It formally deposited its instrument of ratification with the UN on 12 August 2009, becoming the 15th country to do so. Thus, it was among the first 30 ratifications that triggered entry into force of the convention on 1 August 2010.

Zambia has yet to adopt national implementation measures. In April 2009, the Minister of Foreign Affairs said, “It is only after the ratification that we can start the process of domesticating and in turn implementing the Convention. This will require extensive consultation and involvement of stakeholders as is the practice in Zambia when we transform international conventions into our national law.” He noted that a Parliamentary instrument to set into motion the steps for implementation was in the Attorney General’s chambers.⁶²³

Zambia actively engaged in the work of the convention in 2009 and the first half of 2010. It attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, where it provided an update on its ratification process.⁶²⁴ It also participated in the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions held in Pretoria in March 2010, where it called on all African states to sign and ratify urgently, as they had pledged in the Kampala Action Plan in September 2008.⁶²⁵

At the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, Zambia said that it will have cleared its contaminated areas by August 2010. It also focused attention on the issue of international cooperation and assistance, noting that all states can assist in some way with clearance or victim assistance activities.⁶²⁶

Zambia has promoted universalization of the convention bilaterally and in regional and international fora. At the Africa regional Livingstone Conference on Cluster Munitions in March–April 2008, the Director of the Zambian Anti-Personnel Mine Action Centre (ZMAC), Sheila Mweemba, was appointed Africa coordinator and she has continued under this mandate to urge states to sign and ratify the convention.

During the Oslo Process that produced the convention in 2007 and 2008, Zambia played a leadership role, including hosting an African regional conference, which was influential in generating the broad and united support of many African states for a comprehensive convention. During the negotiations, Zambia supported strong provisions on victim assistance, international cooperation and assistance, and special obligations for past users of cluster munitions to provide assistance to those they had harmed. It opposed efforts to weaken the convention text in any way.⁶²⁷

⁶²² Statement of Uruguay, Wellington Conference on Cluster Munitions, 22 February 2008. Notes by the CMC.

⁶²³ Letter MFA/104/22/148 from Kabinga J. Pande, Minister of Foreign Affairs, 9 April 2009.

⁶²⁴ Statement of Zambia, Berlin Conference on the Destruction of Cluster Munitions, 26 June 2009. Notes by HRW.

⁶²⁵ Statement of Zambia, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 25 March 2010. Notes by AOAV.

⁶²⁶ Statement of Zambia, International Conference on the Convention on Cluster Munitions, Santiago, 9 June 2010. Notes by AOAV.

⁶²⁷ For details on Zambia’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 181–183.

Zambia has expressed its views on some important matters related to the interpretation and implementation of the convention. In May 2008, during the negotiations, Zambia expressed concern about the proposed article on “interoperability” (joint military operations with states not party) and stated that it understood that the provisions for interoperability in Article 21 did not provide a loophole for States Parties to allow the transit or indefinite stockpiling of cluster munitions in their territories.⁶²⁸ In an April 2009 letter, the Minister of Foreign Affairs stated that Zambia does not believe that States Parties to the convention should “in any way assist the use [or] transfer of cluster bombs within or without their territories in the name of joint operations.”⁶²⁹

In September 2009, ZMAC’s director stated that Zambia believed that the prohibition on assistance prohibits investment in the production of cluster munitions.⁶³⁰

Zambia is a party to the Mine Ban Treaty. Zambia is not party to the Convention on Conventional Weapons (CCW), but has attended some CCW meetings as an observer.

Use, production, transfer, and stockpiling

In September 2009, ZMAC’s director stated that Zambia had never produced and did not possess a stockpile of cluster munitions.⁶³¹

Cluster munitions have been used in the country by unknown parties.⁶³² Deminers with the NGO Norwegian People’s Aid (NPA) encountered unexploded Alpha submunitions.⁶³³ While it is unclear what type of cluster munition was used to deliver the submunitions, who used them, or when, the Alpha submunition is most often associated with the South African-produced CB-470 cluster bomb.⁶³⁴

Cluster Munition Remnants

Zambia is no longer believed to be affected by cluster munition remnants. A nationwide survey by NPA from September 2008 to September 2009 found two areas containing unexploded submunitions.⁶³⁵ One was located in Jifumba, Solwezi district (North-Western province), and the other in Majwa, Shangombo district (Western province).⁶³⁶

Clearance of cluster munition remnants

In July 2009, the Zambian army cleared the area in Shangombo district, destroying 18 unexploded submunitions. In February 2010, ZMAC reported an army clearance team had been deployed to Solwezi district to clear the remaining area.⁶³⁷ Clearance was completed by May 2010.⁶³⁸

⁶²⁸ Statement of Zambia, Committee of the Whole, Dublin Diplomatic Conference on Cluster Munitions, 30 May 2008. Notes by Landmine Action.

⁶²⁹ Letter MFA/104/22/148 from Kabinga J. Pande, Minister of Foreign Affairs, 9 April 2009.

⁶³⁰ Statement by Sheila Mweemba, Director, ZMAC, National Committee on Anti-Personnel Landmines (NCAL) Meeting, Lusaka, 11 September 2009. Notes by Zambia Campaign to Ban Landmines (ZCBL).

⁶³¹ Statement by Sheila Mweemba, ZMAC, NCAL Meeting, Lusaka, 11 September 2009. Notes by ZCBL.

⁶³² Dr. R. Keeley, RK Consulting Ltd, “Evaluation of the Zambia Landmine Survey Project,” August 2009, pp. 6, 13–14, 16.

⁶³³ Email from Dr. Robert E. Mtonga, Coordinator, ZCBL, 10 February 2009.

⁶³⁴ Jane’s Information Group reports that the Alpha bomblet developed for the South African CB-470 cluster bomb was produced by Rhodesia (the predecessor of Zimbabwe). Robert Hewson, ed., *Jane’s Air Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group, 2004), p. 440.

⁶³⁵ Statement of Zambia, Second Review Conference, Cartagena, 4 December 2009.

⁶³⁶ NPA, “Landmine and other ERW Survey in Zambia, Final Report,” 30 September 2009, Annex 3, p. 2.

⁶³⁷ Email from Sheila Mweemba, ZMAC, 18 April 2010.

⁶³⁸ Email from Steinar Essen, Deputy Director, Mine Action Department, NPA, 23 June 2010.



Signatories

Afghanistan

▲
A public
drumming
action in Chile
celebrates
entry into
force of the
convention.

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Bali in November 2009
Key developments	Ratification process underway; Afghanistan has stated it has no stocks of cluster munitions

Policy

The Islamic Republic of Afghanistan signed the Convention on Cluster Munitions in Oslo on 3 December 2008. In June 2010, at the International Conference on the Convention on Cluster Munitions in Santiago, Chile, Afghanistan announced that it had taken “firm steps” toward ratification, and hoped to finish the process prior to the First Meeting of States Parties in November 2010.¹

In December 2008, a Deputy Minister expressed strong support for the convention and early ratification in a meeting with representatives of the CMC, and explained the ratification process.²

Afghanistan has been active in international efforts to promote the convention. In addition to the global meeting in Santiago, it participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009 and the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in Bali, Indonesia, in November 2009.

Afghanistan participated in most of the preparatory meetings of the Oslo Process that created the convention, but it did not attend the formal negotiations in Dublin in May 2008, even as an observer.³ Afghanistan’s signature of the convention came unexpectedly near the end of the Convention on Cluster Munitions Signing Conference in Oslo in December 2008 when the Afghan representative announced that within the past two hours he had received instructions and authorization to sign.⁴

Afghanistan has not yet made known its views on several important issues related to interpretation and implementation of the convention, including the prohibition on transit, the prohibition on assistance during joint military operations with states not party that may use cluster munitions, the prohibition on foreign stockpiling, and the prohibition on investment in production of cluster munitions.

Afghanistan is a State Party to the Mine Ban Treaty. It signed the Convention on Conventional Weapons (CCW) in April 1981, but has never ratified it, and thus is not a party to the CCW or its Protocol V on explosive remnants of war.

¹ Statement of Afghanistan, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010. Notes by AOAV/HRW.

² CMC/ICBL meeting with Suraya Paykan, Deputy Minister for Martyrs and Disabled Affairs, Ministry of Labour, Social Affairs, Martyrs, and Disabled, Second Review Conference of the Mine Ban Treaty, Cartagena, 3 December 2009. She said the Ministry of Foreign Affairs is responsible for the process. The convention must first be translated into Dari and Pashto. Ratification legislation must be approved first by the Ministry of Justice, then the Cabinet, and then the Parliament.

³ For details on Afghanistan’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 27–28.

⁴ Until that morning Afghanistan had not been willing to sign due to a “principled position we had maintained since beginning of the Oslo Process as a reflection of Afghanistan’s current situation. We are effectively at war and any disarmament measure at a time of war requires very cautious treatment.” Statement by Amb. Jawed Ludin, Representative of Afghanistan to Norway, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

Use, production, transfer, and stockpiling

In August 2010, Afghanistan confirmed that it has not used, produced, or transferred cluster munitions.⁵

At the Santiago conference in June 2010, Afghanistan told other states that it has no cluster munition stockpiles.⁶ Upon inquiries from Landmine and Cluster Munition Monitor, the Ministry of Defense confirmed that it has no cluster munitions in its depots, and said that “about 113,196 items containing 29,559 kilograms” of old Soviet stocks had been destroyed.⁷

In 2002, Australian photographer John Rodsted documented an estimated 60,000 tons (60 million kg) of abandoned Soviet-type submunitions, bulk storage containers (cassettes), and other paraphernalia abandoned at an area in Bagram airbase, outside Kabul.⁸

There is no clear accounting of former stockpiles in Afghanistan. Jane’s Information Group has listed Afghanistan as possessing KMGU dispensers and RBK-250/275 cluster bombs.⁹ Standard international reference sources also list it as possessing Grad 122mm and Uragan 220mm surface-to-surface rockets, but it is not known if these included versions with submunition payloads.¹⁰

Some of the International Security Assistance Force (ISAF) troops operating in Afghanistan have been equipped with cluster munitions. The current status of any possible stockpiles is not known. For several years, ISAF has had a policy against using cluster munitions.¹¹

Soviet forces used air-dropped and rocket-delivered cluster munitions during their invasion and occupation of Afghanistan from 1979–1989.¹² A non-state armed group used rocket-delivered cluster munitions during the civil war in the 1990s.¹³ Between October 2001 and early 2002, United States aircraft dropped 1,228 cluster bombs containing 248,056 bomblets in 232 strikes on locations throughout the country.¹⁴ Landmine and Cluster Munition Monitor is not aware of additional cluster strikes since that time.

Cluster Munition Remnants

Afghanistan has a continuing threat from cluster munition remnants. However, most of the contamination is thought to have been removed during clearance operations in 2002–2003 guided by US cluster strike data. Clearance operators say they still encounter both NATO and Soviet unexploded submunitions but only in small numbers.¹⁵

Clearance of cluster munition remnants

The Mine Action Coordination Center of Afghanistan (MACCA) has recorded clearance by HALO Trust and Mine Clearance Planning Agency of 43 cluster munition sites since 2004 covering a total area of 3.2km². Of these, six sites covering a total of 670,276m² were reportedly cleared in 2009.¹⁶

HALO cleared a total of 2,607 unexploded submunitions in 2009, of which 331 were NATO items and 2,276 were Soviet submunitions.¹⁷ G4S also reported clearing areas contaminated with US M-42 submunitions close to Camp Hero, near Kandahar, in 2009.¹⁸

⁵ Response to Monitor questionnaire by MACCA, “Landmine and cluster munitions Monitoring Report 2010,” received by email from Akhshid Javid, Third Secretary, Permanent Mission of Afghanistan to the UN in Geneva, 19 August 2010. The response to a question about government use, production, transfer and stockpiling was, “There is no evidence to suggest this.”

⁶ Statement of Afghanistan, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010. Notes by AOA/HRW.

⁷ Information provided by the Chief of Ammunition Management, Ministry of Defense to MACCA, received by Landmine and Cluster Munition Monitor in an email from MACCA, 9 August 2010.

⁸ See for example, Norwegian People’s Aid, “PTAB,” undated, npaid.websys.no.

⁹ Colin King, ed., *Jane’s Explosive Ordnance Disposal 2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane’s Information Group Limited, 2008).

¹⁰ International Institute for Strategic Studies, *The Military Balance 2005–2006* (London: Routledge, 2005), p. 233; and Colin King, ed., *Jane’s Explosive Ordnance Disposal 2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane’s Information Group Limited, 2008).

¹¹ In July 2010, Poland confirmed to Landmine and Cluster Munition Monitor that the Polish Military Contingent in Afghanistan “has been equipped with 98mm mortars and the appropriate cluster munitions,” while noting, “To date, cluster munitions have never been used in combat in Afghanistan” by Polish forces. Poland also confirmed that the ISAF policy of no use of cluster munitions remains in effect, and stated that this policy has been incorporated into Polish rules of engagement. Letter DPB 2591/16/10/80613 from Marek Szczygiel, Deputy Director, Security Policy Department, Ministry of Foreign Affairs of Poland, 16 July 2010.

¹² CMC, “Cluster Munitions in the Asia-Pacific Region,” October 2008, prepared by Human Rights Watch, www.hrw.org.

¹³ Ibid.

¹⁴ Human Rights Watch, “Fatally Flawed: Cluster Bombs and their Use by the United States in Afghanistan,” Vol. 14, No. 7 (G), December 2002, www.hrw.org.

¹⁵ Interviews with demining operators, Kabul, 12–18 June 2010. HALO, the biggest demining operator in Afghanistan, reported that it continues to find abandoned Soviet cluster munitions but has not cleared a Soviet cluster strike in more than five years. It finds only occasional unexploded Soviet submunitions in the course of demining or battle area clearance operations. HALO reported it cleared 9,000 unexploded US submunitions in 2002–2003 and a further 1,780 unexploded submunitions between 2004 and 2008. In 2009, it cleared 2,607 unexploded submunitions. Email from Ollie Pile, Weapons and Ammunition Disposal Officer, HALO, 30 June 2009; and email from Tom Dibb, Senior Operations Manager, HALO, 3 June 2010.

¹⁶ MACCA records cleared submunitions under UXO, not as a separate item. Email from MACCA, 14 July 2010.

¹⁷ Email from Tom Dibb, HALO, 23 July 2010.

¹⁸ Interview with Gus Melin, Country Operations Manager, G4S, Kabul, 14 June 2010.

Demining organizations continue to find unexploded submunitions used by Soviet forces, usually in small numbers. Hemayatbrothers Demining International, working on a US Army Corps of Engineers contract at Bagram airbase, reported finding substantial numbers of abandoned submunitions, many of them still in packing cases. The Organization for Mine Clearance and Afghan Rehabilitation (OMAR) also reported finding unexploded Russian submunitions on the border with Pakistan, which was bombed by Soviet and Afghan forces.¹⁹

Angola

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Pretoria in March 2010
Key developments	Ratification process underway; stocks have been destroyed

Policy

The Republic of Angola signed the Convention on Cluster Munitions on 3 December 2008. Angolan officials have said on several occasions that ratification of the convention may be completed prior to the First Meeting of States Parties in November 2010.

In June 2009, Angola stated that the Ministry of Foreign Affairs was requesting a report on Angola's inventory of cluster munitions from the Ministry of Defense, and it would then proceed with ratification.²⁰ In March 2010, Angola said the process of ratification was "moving fast" and should be completed in 2010. Consultations were taking place among the ministries of foreign affairs, defense, and interior, the Armed Forces, and others. After the Ministry of Foreign Affairs finishes its consideration of ratification, it must be sent to the National Assembly and the President's Office for approval.²¹

In June 2010, a government official indicated that the Ministry of Foreign Affairs was waiting to receive a formal request from the President that the National Assembly approve ratification. The official believed that ratification could occur before the First Meeting of States Parties in November 2010.²²

Angola has engaged in the work of the convention in 2009 and 2010. It participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions held in Pretoria, South Africa in March 2010, and the International Conference on the Convention on Cluster Munitions held in Santiago, Chile in June 2010. At each meeting, Angola gave updates on the status of ratification.

Angola participated extensively in the Oslo Process from the outset in February 2007, but did not attend the formal negotiations of the convention in Dublin in May 2008.²³

Angola is a State Party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

Use, stockpiling, transfer, and production

Cluster munitions have been used in Angola, although it is unclear when they were used during the various conflicts in Angola or by whom.

An official with the Inter-sectoral Commission on Demining and Humanitarian Assistance (Comissão Nacional Intersectorial de Desminagem e Assistência Humanitária, CNIDAH), who had seen cluster munitions remnants in Huambo province near Caala and Bailundo, probably from the heavy fighting during 1998–1999, said he believed the cluster munitions were used by the Angolan Armed Forces because only they used aircraft during this conflict, not the rebel UNITA forces.²⁴

¹⁹ Interviews with Kefayatullah Eblagh, Director, Afghan Technical Consultants, and Zekra Payab, Deputy Director, OMAR, Kabul, 13 June 2010.

²⁰ Statement of Angola, Berlin Conference on Stockpile Destruction, 26 June 2009. Notes by AOAV.

²¹ Statement of Angola, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 25 March 2010. Notes by AOAV.

²² Meeting with Angola delegation, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010. Notes by the CMC.

²³ For details on Angola's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 29–30.

²⁴ Interview with Jorge Repouso Leonel Maria, Liaison Officer, CNIDAH, Huambo, 21 April 2010.

In June 2010, a CNIDAH official told the CMC that Angola had destroyed its stockpile of cluster munitions between 2003 and 2010 in a joint initiative of the government and HALO Trust, and that the Armed Forces no longer held any stocks.²⁵ She later confirmed this statement, noting that the Air Force headed up a task force responsible for the program.²⁶

HALO reported that it had destroyed 7,215 submunitions (likely from cluster bombs numbering in the hundreds) and 501 submunition dispensers. It noted that all of these came from government stores and almost all were in serviceable condition. It said that it has visited about 16 Air Force bases and destroyed all of the cluster munitions that had been held at each.²⁷

The government itself has not yet provided any details on stockpile destruction, or made an official determination and public announcement that all stocks have been identified and destroyed.

In the past, Jane's Information Group has noted that KMG-U dispensers that deploy submunitions were in service for Angolan aircraft.²⁸ Deminers operating in Angola have documented the presence of casings of RBK 250/275 cluster bombs among abandoned ammunition.²⁹ It is likely the KMG-U's and RBKs were of Soviet origin.

Angola is not believed to have produced or exported cluster munitions.

Cluster Munition Remnants

Whether Angola continues to be affected by cluster munition remnants is unclear. Prior to 2009 at least two types of cluster munitions had been found in Angola: the Russian-made PTAB-2.5 K0 and the AO-2.5 RT. According to data and completion reports from NGO operators in the national database at CNIDAH in February 2008, Norwegian People's Aid (NPA) had reported clearing 13 unexploded submunitions in the municipality of Ebo in Kwanza Sul province; Mines Advisory Group (MAG) had reported clearing 140 unexploded submunitions in Moxico province; and HALO had reported clearing 230 unexploded submunitions in Kunhinga municipality in Bié province.³⁰ As of June 2010, demining NGOs in Angola reported they had not found unexploded submunitions since those reported in February 2008.³¹

Australia

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Bali in November 2009
Key developments	Process for national implementation legislation and ratification underway

Policy

The Commonwealth of Australia signed the Convention on Cluster Munitions in Oslo on 3 December 2008. In March 2009 during a Special Event on the Convention on Cluster Munitions held at the UN in New York, Australia confirmed that it had started its parliamentary process to ratify the convention.³² In Australia, national implementation legislation must be enacted before ratification.

In May 2010, the Office of the Minister for Foreign Affairs and Trade stated that implementation legislation was still being drafted, and once finalized, will be released for public comment and undergo the usual parliamentary procedures.³³ Another official told the CMC that draft instructions have been issued to the Office of Parliamentary Counsel, and once

²⁵ CMC meetings with Maria Madalena Neto, Victim Assistance Coordinator, CNIDAH, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010. Notes by the CMC/HRW.

²⁶ Email from Maria Madalena Neto, CNIDAH, 13 August 2010.

²⁷ Email from Richard Boulter, Weapons and Ammunition Disposal Desk Officer, HALO, 13 August 2010. See also, HALO, "Angola: Weapons and Ammunition Disposal (WAD)," www.halotrust.org.

²⁸ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 835.

²⁹ Landmine Action, "Note on Cluster Munitions in Angola," 10 February 2004.

³⁰ Email from Mohammad Qasim, Acting Chief Technical Advisor and Information Management Advisor, UNDP/CNIDAH, 22 February 2008.

³¹ Emails from Ken O'Connell, Country Director, Stiftung Menschen gegen Minen (MgM), 5 June 2010; Sabrina Brett, Programme Officer, MAG, 7 June 2010; Fatmire Uka, Operations Manager, DanChurchAid, 9 June 2010; and Aubrey Sutherland, Programme Manager, NPA, 21 June 2010.

³² CMC, "Report on the Special Event on the Convention on Cluster Munitions, United Nations, New York, 18 March 2009."

³³ Letter from Frances Adamson, Chief of Staff, Office of the Minister of Foreign Affairs and Trade, to the ICBL Australia Network, 4 May 2010. Australia also stated this in a letter from Peter Hooten, Assistant Secretary, Arms Control and Counter-Proliferation Branch, Department of Foreign Affairs and Trade, 27 April 2010.

finished, legislation will be introduced into the Parliament at the first possible opportunity.³⁴ No timetable has been set for the legislation or ratification, but it does not appear likely before the First Meeting of States Parties in November 2010.

Australia has shown strong interest in promoting the convention. It is a member of the Lao Support Group, a voluntary group of countries tasked with advancing preparations for the First Meeting of States Parties, to be held in Lao PDR in November 2010. In particular, Australia serves as “Friend of the President” to develop the topic of clearance measures under Article 4 for consideration at the First Meeting of States Parties. Australia’s Permanent Mission to the UN in Geneva hosted a meeting of the Lao Support Group in June 2009.

Australia has announced that it will provide A\$730,000 to the new UNDP trust fund for Lao PDR to help set up a new treaty support unit and support the First Meeting of States Parties.³⁵

Australia participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in Bali, Indonesia in November 2009, and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

During the Bali conference, Australia emphasized its commitment to the promotion of universalization of the convention, particularly in the Asia-Pacific region.³⁶ At the Santiago conference, Australia again expressed its focus on universalization in the region. It also made a presentation on clearance obligations, in its role as Lao Support Group Friend of the Chair. It also stressed the need to make linkages among this convention, the Mine Ban Treaty, and the Convention on the Rights of Persons with Disabilities.³⁷

In November 2009, at the Commonwealth Heads of Government Meeting in Trinidad and Tobago, Australia co-sponsored with the United Kingdom the “Port of Spain Declaration on Cluster Munitions” which welcomed the Convention on Cluster Munitions as “an historic achievement in international humanitarian law” and called on all states to join.³⁸

Australia has not yet made known its views on certain important issues related to interpretation and implementation of the convention, including the prohibition on transit, the prohibition on foreign stockpiling, and the prohibition on investment in the production of cluster munitions.

With respect to the prohibition on assistance during joint military operations with states not party that may use cluster munitions, during the negotiations Australia was one of the strongest backers of a provision on “interoperability” and pushed to ensure that the ban on assistance would not unduly affect joint military operations. In a May 2010 response to the Joint Standing Committee on Treaties, the government states that the prohibition on assistance “is subject to the exception contained in Article 21,” noting this provision “allows States Parties to continue to conduct operations with allies not party to the Convention who may be using prohibited cluster munitions, such as the United States. The Convention does not prohibit inadvertent participation in the use, or assistance in the use, of cluster munitions.”³⁹

Australia participated extensively in the Oslo Process that created the convention in 2007 and 2008.⁴⁰ Its policy evolved significantly during that time. It was not an early supporter of any kind of prohibition on cluster munitions, and even after joining the Oslo Process made clear its preference for addressing cluster munitions in the Convention on Conventional Weapons (CCW).

Australia is a party to the CCW and its Protocol V on explosive remnants of war. Australia continued to engage in and be supportive of the CCW deliberations on cluster munitions in 2009 and 2010. At the annual Meeting of States Parties in November 2009, Australia praised the Convention on Cluster Munitions, while still expressing strong support for the work in the CCW. It said that any future CCW instrument on cluster munitions must include a meaningful prohibition with immediate effect and a ban on transfer, and must be consistent with the ban convention.⁴¹

³⁴ Email from Laura Cheeseman, Campaign Manager, CMC, 25 May 2010, reporting on a response from the Permanent Mission of Australia to the UN in Geneva.

³⁵ Statement of Australia, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010, notes by AOAV; and letter from Peter Hooten, Department of Foreign Affairs and Trade, 27 April 2010. In April 2010, the Australian Foreign Minister announced that Australia will provide funding for the First Meeting of States Parties, as part of a A\$2.7 million donation devoted mainly to clearance of submunitions and other UXO in Lao PDR. Minister of Foreign Affairs and Trade, “Reducing the threat of landmines and cluster munitions,” Press release, 4 April 2010, www.foreignminister.gov.au.

³⁶ Statement of Australia, Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions, Bali, 16 November 2009. Notes by AOAV.

³⁷ Statement of Australia, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010. Notes by AOAV.

³⁸ Commonwealth Heads of Government Meeting, “Port of Spain Declaration on Cluster Munitions,” Trinidad and Tobago, 27–29 November 2009.

³⁹ “Government Response to Joint Standing Committee on Treaties Report No 103 on the Convention on Cluster Munitions,” undated but released 13 May 2010.

⁴⁰ For details on Australia’s cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 30–35.

⁴¹ Statement of Australia, CCW Meeting of States Parties, Geneva, 12 November 2009. Notes by AOAV.

Use, production, transfer, and stockpiling

The Australian Department of Foreign Affairs and Trade has previously stated that, “Australia has not developed, produced or used cluster munitions, and does not currently develop, produce or use them.”⁴² In May 2007, the department stated, “Australia does not in fact have a stockpile of cluster munitions; the ADF [Australian Defence Force] holds representative samples of cluster munitions—most of them inert—solely for research and training.”⁴³

Human Rights Watch and Landmine Action reported in 2009 that while Australia no longer uses, produces or stockpiles cluster munitions, parliamentary inquiries and historical records appeared to show that Australia produced and stockpiled cluster munitions in the past and possibly used them as well.⁴⁴

In April 2010, the Department of Foreign Affairs and Trade provided the following information with respect to past practice. It said, “To the best of our knowledge, the ADF has not used cluster munitions as a weapon of war, and has never had operational stocks of cluster munitions to use.”

It stated that in the 1970s and 1980s, Australia produced “limited numbers” of Karinga cluster bombs “for testing purposes,” noting that approximately 10–20 cluster munitions were tested. Australia also acquired and tested “limited numbers” of US CBU-58 cluster bombs “to ‘baseline’ the Karinga’s performance.”⁴⁵

However, “the trials did not result in a decision to order quantity production of the Karinga weapons.” They were never introduced into service and never used in an ADF operation. “Most Karingas and CBU-58s were destroyed in the early 1990s, with some inert samples retained for training and countermeasures purposes.”⁴⁶

The Department of Foreign Affairs and Trade also said that the ADF “does not, and did not previously have a stockpile of Rockeye cluster munitions,” despite the reporting in standard reference works. It notes, “The ADF does have one Rockeye dispenser and some representative samples of inert Rockeye submunitions.”⁴⁷

Australia acknowledges that it “holds some representative samples of inert cluster bombs and inert cluster submunitions for the purposes of developing countermeasures and for clearance training.... They are not part of Defence’s operational weapons inventory, and are not—in either numbers or configuration—suitable for operational use by the ADF.”⁴⁸

Australia has purchased SMARt 155 weapons with submunitions. The Department of Foreign Affairs and Trade has stated, “The SMARt 155 is a 155mm anti-tank artillery round that was procured for the Australian Defence Force in 2007. The SMARt 155 contains two submunitions and it is not defined as a cluster munition in the Convention on Cluster Munitions.... While the ADF does not disclose the numbers of operational stocks of specific weapons, we can advise that the contract is worth approximately AUD\$14 million.”⁴⁹ The weapon is not captured by the definition of a cluster munition in the Convention on Cluster Munitions because it meets the technical criteria set out by negotiators as necessary to avoid the negative effects of cluster munitions.⁵⁰

Benin

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010
Key developments	Ratification process underway

⁴² Letter from Peter Shannon, Assistant Secretary, Arms Control and Counter-Proliferation Branch, Department of Foreign Affairs and Trade, to Pax Christi Netherlands, 25 February 2005. Similar statements were made by Australian delegations at the Oslo Process conferences in Lima, Wellington, and Dublin.

⁴³ Letter from John Sullivan, Department of Foreign Affairs and Trade, 14 May 2007.

⁴⁴ See Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 33–34.

⁴⁵ Letter from Peter Hooten, Department of Foreign Affairs and Trade, 27 April 2010.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid. In October 2007, it was reported that Australia “has finalised the acquisition of SMARt 155 artillery rounds worth AUD14 million (USD12.3 million) for its 36 M198 155mm towed howitzers.” *Jane’s Defence Weekly*, 4 October 2007.

⁵⁰ Article 2.2(c) excludes munitions with submunitions if they have less than 10 submunitions, and each submunition weighs more than four kg, can detect and engage a single target object, and is equipped with electronic self-destruction and self-deactivation features.

Policy

The Republic of Benin signed the Convention on Cluster Munitions in Oslo on 3 December 2008. At the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, Benin said that its ratification process was well advanced and expected to be finished in a matter of weeks.⁵¹

In October 2009, Benin made a statement at the UN General Assembly calling for universal accession to the convention.⁵² It also participated in the Special Event on the Convention on Cluster Munitions held at the UN in New York in October 2009.

Benin attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, but did not participate in the Africa Regional Conference on the Universalization and Implementation of the Convention held in Pretoria, South Africa in March 2010.

Benin joined the Oslo Process that resulted in the negotiation and signing of the convention in December 2007, and was a strong advocate for the most comprehensive convention possible.⁵³

Benin is party to the Convention on Conventional Weapons (CCW), but not its Amended Protocol II on landmines or Protocol V on explosive remnants of war. Benin has not been actively engaged in CCW discussions on cluster munitions in recent years.⁵⁴ It is party to the Mine Ban Treaty.

Benin is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

Bolivia

Policy

The Republic of Bolivia signed the Convention on Cluster Munitions on 3 December 2008. In June 2010, a government representative informed the CMC that the Legislative Assembly had referred ratification to the Defense Committee, which was still considering the matter.⁵⁵

Bolivia attended the Regional Conference for Latin America and the Caribbean on Cluster Munitions held in Santiago, Chile in September 2009, as well as the International Conference on the Convention on Cluster Munitions, also held in Santiago, in June 2010.

Bolivia participated in some of the Oslo Process diplomatic conferences to develop the convention, as well as the formal negotiations in May 2008, where it adopted the convention text.⁵⁶

Bolivia is a State Party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), but has not ratified Protocol V on explosive remnants of war. Bolivia has not actively engaged in the CCW deliberations on cluster munitions in recent years.

Bolivia is not known to have used, produced, transferred, or stockpiled cluster munitions.

⁵¹ Benin also reminded participants that while it is not a country affected by cluster munitions, its regional demining center, supported by France, is open to all African countries and groups for demining and technical training. Statement of Benin, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010. Notes by AOAV/HRW.

⁵² Statement of Benin, UN General Assembly, First Committee, New York, 9 October 2009.

⁵³ For details on cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 42–43.

⁵⁴ Benin has attended most of the CCW meetings on cluster munitions in 2009 and 2010, but has not made any statements. At a CCW meeting in November 2008, Benin was one of 26 states that issued a joint statement expressing their opposition to the weak draft text on a possible CCW Protocol on cluster munitions, indicating it was an unacceptable step back from the standards set by the Convention on Cluster Munitions.

⁵⁵ CMC meeting with Col. Victor Quisberth and Lt.-Col. Ramiro Calderón de la Riva, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010. Notes by the CMC.

⁵⁶ For details on Bolivia's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 43.

Bulgaria

Policy

The Republic of Bulgaria signed the Convention on Cluster Munitions in Oslo on 3 December 2008. In June 2010, at the International Conference on the Convention on Cluster Munitions in Santiago, Chile, Bulgaria stated that it hoped to ratify before the First Meeting of States Parties in November 2010.⁵⁷

In a letter dated 28 April 2010, the Ministry of Foreign Affairs stated that “the competent authorities have decided to postpone the ratification of the Convention on cluster munitions until the end of the current year rather than ratify this important humanitarian agreement without being able to begin the implementation of all of its provisions after its entering into force.” It cited the impact of the world economic and financial crisis on the state budget, and expressed concerns about the Ministry of Defense being able to allocate resources for stockpile destruction. The letter stated that “given the financial forecasts for 2011 we believe that we could continue with the ratification procedure in the beginning of the next year.”⁵⁸

In January 2010, a Bulgarian official indicated that ratification was expected to be completed by March 2010, and noted that the process had been delayed by a change in government officials.⁵⁹ The ratification process started in early 2009.⁶⁰

Bulgaria played a notable role in the Oslo Process that created the convention by hosting the Sofia Regional Conference on the Convention on Cluster Munitions in September 2008 to generate regional support for the convention. It was among a handful of states to announce a unilateral moratorium on the use of cluster munitions prior to the negotiation, adoption, and signature of the convention.⁶¹

Bulgaria has elaborated its views on a number of important issues related to the interpretation and implementation of the convention. In a February 2009 letter, Bulgaria stated that it has interpreted Article 1 of the convention to mean that “transit” of cluster munitions across the territory of States Parties is prohibited, as is the stockpiling of foreign-owned cluster munitions.⁶² It also noted that while a ban on investment in cluster munition production is not explicit in the text, it would need to be “considered in light of the general prohibition on the development and production of cluster munitions.”⁶³

With respect to “interoperability” and the prohibition on assistance during joint military operations with states not party, Bulgaria stated that it “will fully observe the regulations of Article 21 of the Convention.... Par.4 of Article 21 stipulates that participation in such military operations ‘shall not authorize a State Party’ to engage in acts prohibited under the terms of the Convention and contains an exhaustive list of such acts.”⁶⁴

Bulgaria is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war.

At the end of CCW discussions on cluster munitions in November 2009, Bulgaria reiterated its support for a future CCW protocol on cluster munitions that would be compatible with the Convention on Cluster Munitions. Bulgaria stated that improvements had been made in the CCW draft text, but noted that key articles could be strengthened. It expressed its support for continuing work in the CCW in 2010 to achieve a meaningful outcome which would address the humanitarian concerns on cluster munitions and reinforce the relevancy of the CCW.⁶⁵ Ambassador Gancho Ganev of Bulgaria will preside over the Fourth Review Conference of the CCW in 2011.

⁵⁷ Statement of Bulgaria, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010. Notes by AOAV/HRW.

⁵⁸ Letter from Milen Lyutskanov, Deputy Minister, Ministry of Foreign Affairs, 28 April 2010.

⁵⁹ Email from Lachezara Stoeva, Second Secretary, Permanent Mission of Bulgaria to the UN in New York, 28 January 2010. The previous Minister of Defense, Nikolay Mladenov, had assumed the position of Minister of Foreign Affairs.

⁶⁰ Letter from Dr. Petio Petev, Director, Security Policy Directorate, Ministry of Foreign Affairs, 25 February 2009.

⁶¹ For details on Bulgaria’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 46–48.

⁶² Letter from Dr. Petio Petev, Ministry of Foreign Affairs, 25 February 2009. It said, “The prohibitions stipulated in Article 1 of the Convention create an obligation for the States Parties not to allow the transit, transfer or stockpiling on their territories of cluster munitions... regardless of whether these munitions are foreign or nationally owned.”

⁶³ Letter from Dr. Petio Petev, Ministry of Foreign Affairs, 25 February 2009.

⁶⁴ Ibid.

⁶⁵ Statement of Bulgaria, CCW Meeting of States Parties, Geneva, 12 November 2009. Notes by Landmine Action. See also, Statement by Amb. Elena Poptodorova, Embassy of Bulgaria to the United States, UN General Assembly, First Committee, New York, 6 October 2009.

Use, production, transfer, and stockpiling

According to the Ministry of Foreign Affairs, “Cluster munitions have never been used by the Bulgarian Armed Forces.”⁶⁶ In response to Human Rights Watch and the CMC listing Bulgaria as a state that has produced cluster munitions, the Ministry of Foreign Affairs stated in May 2008 that, “Bulgaria does not and has not produced any type of cluster munitions.”⁶⁷ The Foreign Ministry officially confirmed this denial in February 2009.⁶⁸

Bulgaria possesses a stockpile of cluster munitions. In April 2010, the Deputy Minister of Foreign Affairs stated that detailed information with regard to the size and composition of the stockpile would be made available after Bulgaria completes its ratification procedure.⁶⁹

In February 2009, Bulgaria said, “The size and composition of the Bulgarian stockpile are among the issues currently studied by experts of the Bulgarian Ministry of Defence and General Staff as an integral part and an important element of the launched ratification procedure.” At the same time, it described the amount stockpiled as “limited” and noted that “the majority of these are deemed to be outdated and unreliable.”⁷⁰

In 2008, the Ministry of Foreign Affairs stated, “There are limited amounts of cluster munitions of the type RBK-250 and RBK-500 which are currently held by the Bulgarian Armed Forces.”⁷¹

In September 2008, a representative from the Bulgarian Armed Forces General Staff stated that Bulgaria planned to destroy its stockpiles of cluster munitions as soon as possible and that planning for its stockpile destruction would begin shortly after Bulgaria signed the convention in December. He stated that Bulgaria was working on the creation of systems and capacity necessary to fulfill its future obligation under Article 3 (stockpile destruction).⁷²

Botswana

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Pretoria in March 2010
Key developments	Ratification process underway

Policy

The Republic of Botswana signed the Convention on Cluster Munitions on 3 December 2008. In June 2010, Botswana stated that the ratification process was underway and that it hoped to ratify by the First Meeting of States Parties in November 2010.⁷³

In October 2009, Botswana’s ambassador to the UN in New York stated that recent elections had delayed the process, but he expressed his hope that Botswana would soon ratify.⁷⁴ Ratification must be approved by the Cabinet and must be “noted” by Parliament, but parliamentary debate and vote is not required.⁷⁵

⁶⁶ Letter from Dr. Petio Petev, Ministry of Foreign Affairs, 25 February 2009.

⁶⁷ Email from Lachezara Stoeva, Chief Expert, Arms Control and International Security Department, NATO and International Security Directorate, Ministry of Foreign Affairs, 17 May 2008. According to Jane’s Information Group, the Vazov Engineering Plant was associated with the production of 122mm Grad rockets, which included a variant that contains 15 dual purpose improved conventional munitions (DPICM) submunitions. See Terry J. Gander and Charles Q. Cutshaw, eds., *Jane’s Ammunition Handbook 2001–2002* (Surrey, UK: Jane’s Information Group Limited, 2001), p. 625.

⁶⁸ Letter from Dr. Petio Petev, Ministry of Foreign Affairs, 25 February 2009.

⁶⁹ Letter from Milen Lyutskanov, Ministry of Foreign Affairs, 28 April 2010.

⁷⁰ Letter from Dr. Petio Petev, Ministry of Foreign Affairs, 25 February 2009.

⁷¹ Email from Lachezara Stoeva, Ministry of Foreign Affairs, 17 May 2008.

⁷² Statement by Lt.-Col. Valentin Ferdinandov, General Staff of the Bulgarian Armed Forces, Sofia Regional Conference on Cluster Munitions, 18–19 September 2008. Notes by Landmine Action.

⁷³ Statement by O. Rhee Hetanang, Counsellor, Permanent Mission of Botswana to the UN in Geneva, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010.

⁷⁴ CMC meeting with Amb. Charles Thembanani Ntwaagae, Permanent Mission of Botswana to the UN in New York, 20 October 2009. Notes by the CMC.

⁷⁵ Ibid; and CMC meeting with the delegation of Botswana to the International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010. Notes by the CMC.

Botswana joined the Oslo Process that produced the convention in February 2008, and actively engaged in the formal negotiations in Dublin in May 2008, advocating for a comprehensive and immediate ban.⁷⁶

Botswana has continued to show a strong interest in the convention. It attended the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, where it expressed support for an initiative proposed by Lao PDR for a special envoy to be appointed to promote the convention with countries that have not yet joined.⁷⁷ In March 2010, Botswana participated in the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions held in Pretoria, South Africa, where it stated that it was not in a position to make an announcement on ratification, but affirmed its readiness to complete the process.⁷⁸ Botswana also attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, where its officials indicated that ratification was being discussed by the Ministry of Foreign Affairs and Ministry of Defense.⁷⁹

Botswana is a State Party to the Mine Ban Treaty, but it is not party to the Convention on Conventional Weapons.

Botswana stated in June 2010 that it has not used, produced, transferred, or stockpiled cluster munitions, and is not “directly affected.”⁸⁰

Cameroon

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended a global conference in Santiago in June 2010
Key developments	Signed on 15 December 2009

Policy

The Republic of Cameroon signed the Convention on Cluster Munitions at UN Headquarters in New York on 15 December 2009.⁸¹ In June 2010, a Ministry of Foreign Affairs representative informed the CMC that ratification was in progress and had been authorized by the Council of Ministers. The representative stated that the ratification would require parliamentary approval, but indicated that due to the limited number of parliamentary sessions and their full agendas, ratification at the next parliamentary session in September would be unlikely. He said it could possibly occur during the subsequent session in December 2010.⁸²

Cameroon attended the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, but did not make a statement. It did not attend the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa in March 2010.

Cameroon first participated in a meeting of the Oslo Process that led to the creation of the convention in December 2007, in Vienna. It did not attend the subsequent international conference in Wellington in February 2008, but later endorsed the Wellington Declaration on 17 April 2008, enabling it to be a full participant in the formal negotiations on the convention text in Dublin in May 2008. Cameroon attended the Livingstone Conference on Cluster Munitions in March–April 2008 and endorsed the Livingstone Declaration calling for a comprehensive convention with an immediate and total prohibition on cluster munitions.⁸³

Upon the adoption of the convention at the outcome of the Dublin conference, Cameroon stated that it welcomed the text as achieving a fair balance between military consideration and humanitarian concerns and would ensure that Cameroon would be a signatory to the convention in December.⁸⁴ In September 2008, Cameroon attended the Kampala Conference on the Convention on Cluster Munitions, and endorsed the Kampala Action Plan, which declared that states should sign

⁷⁶ For details on Botswana’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 45–46.

⁷⁷ Statement of Botswana, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010. Notes by AOAV.

⁷⁸ Statement of Botswana, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 25 March 2010. Notes by AOAV.

⁷⁹ CMC meeting with the delegation of Botswana to the International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010. Notes by the CMC.

⁸⁰ Statement by O. Rhee Hetanang, Permanent Mission of Botswana to the UN in Geneva, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010.

⁸¹ Amb. Michel Tommo Monthe, Permanent Mission of Cameroon to the UN in New York, signed the convention on behalf of Cameroon.

⁸² CMC meeting with Yves Alexandre Chouala, Head of Agreements and Conventions Unit, Division of Legal Affairs, Ministry of Foreign Affairs, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010.

⁸³ CMC, “Report on the Livingstone Conference on Cluster Munitions, 31 March – 1 April 2008,” www.stopclustermunitions.org.

⁸⁴ Statement of Cameroon, Dublin Diplomatic Conference on Cluster Munitions, Closing Plenary, 30 May 2008. Notes by Landmine Action.

and “take all necessary measures to ratify the convention as soon as possible.”⁸⁵ Cameroon attended the Convention on Cluster Munitions Signing Conference in Oslo in December 2008, but was unable to sign due to difficulties with proper paperwork and authorization.⁸⁶

One year later, on 4 December 2009, the Minister of Foreign Affairs stated that internal procedures for signing had been completed on 17 November 2009, and that Head of State, Paul Biya, had signed the full powers document to enable Cameroon’s Ambassador to the UN in New York to sign the convention on behalf of the government.⁸⁷

Cameroon is a State Party to the Mine Ban Treaty and is party to the Convention on Conventional Weapons (CCW), although it has yet to ratify its Protocol V on explosive remnants of war. Cameroon attended the CCW deliberations on cluster munitions in 2009 and first half of 2010, but did not make any statements.

Cameroon has stated that it has not used or produced cluster munitions and is not affected by them.⁸⁸ Cameroon is not believed to stockpile cluster munitions.

Canada

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Santiago in September 2009
Key developments	Ratification in progress; stockpile destruction process underway

Policy

Canada signed the Convention on Cluster Munitions on 3 December 2008. It has not yet ratified the convention. In Canada, it “is a requirement...that necessary domestic legislation be enacted to ensure full compliance with any new international treaty, prior to ratification.”⁸⁹ The Cabinet must approve ratification before draft legislation can be introduced into Parliament.

On 27 April 2010, Canada’s Minister of Foreign Affairs, Lawrence Cannon, said that, “Cabinet is expected to consider ratification of the Convention over the next few months.”⁹⁰ As of August 2010, Cabinet had not yet approved ratification. Following Cabinet approval, it could take approximately three months to draft legislation.⁹¹

Internal consultations have been held between the Department of Foreign Affairs and International Trade (DFAIT) and other government departments on the ratification and legislation package. In September 2009, an official said that “months of inter-departmental discussions” on the convention were necessary “to be really clear about all requirements for full compliance.”⁹²

In April 2010, a DFAIT official said he was “hopeful that Canada can ratify before the First Meeting of States Parties” to be held in November 2010.⁹³ In July 2010, another official said, “We are working toward ratification as quickly as possible, while proceeding to destroy the remainder of Canada’s stockpile of cluster munitions and encouraging non-signatory states to become party to the Convention.”⁹⁴

⁸⁵ CMC, “Report on the Kampala Conference on the Convention on Cluster Munitions,” 30 September 2008; and Kampala Action Plan, Kampala Conference on the Convention on Cluster Munitions, 30 September 2008.

⁸⁶ Email from Laura Cheeseman, Campaigning Officer, CMC, 12 December 2008.

⁸⁷ Statement by Henri Eyebé Ayissi, Minister of Foreign Affairs, Second Review Conference of the Mine Ban Treaty, Cartagena, 4 December 2009.

⁸⁸ Statement of Cameroon, Dublin Diplomatic Conference on Cluster Munitions, Closing Plenary, 30 May 2008. Notes by Landmine Action.

⁸⁹ Letter from Earl Turcotte, Senior Coordinator for Mine Action, DFAIT, to Human Rights Watch (HRW), 17 June 2010.

⁹⁰ Letter from Lawrence Cannon, Minister of Foreign Affairs, to HRW, 27 April 2010.

⁹¹ Email from John MacBride, Senior Defence Advisor, Non-Proliferation and Disarmament Division, DFAIT, 8 April 2010.

⁹² Statement of Canada, Regional Conference for Latin America and the Caribbean on Cluster Munitions, Santiago, 14 September 2009. Notes by the CMC.

⁹³ Email from John MacBride, DFAIT, 8 April 2010.

⁹⁴ Letter from Earl Turcotte, DFAIT, 17 June 2010.

Promotion of the convention

Since adopting the convention at the conclusion of negotiations in May 2008, Canada has played an active leadership role in promoting the convention, its universalization, and its implementation. It is a member of the Lao Support Group, a voluntary group of states tasked with advancing preparations for the First Meeting of States Parties to be held in Lao PDR in November 2010. In particular, Canada serves as Friend of the President on the key issues of the architecture (institutional structures and mechanisms) and work program for implementing the convention. It was also contributing on the issues of universalization and international cooperation and assistance, and drafted substantive documents for consideration at the First Meeting of States Parties.

As of July 2010, Canada was one of four countries that had contributed to a new Cluster Munitions Trust Fund in Lao PDR, established to encourage strong support for the convention and the First Meeting of States Parties.⁹⁵

Canada attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, where it gave a presentation on international cooperation and assistance in stockpile destruction. Canada participated in the Regional Conference for Latin America and the Caribbean on Cluster Munitions in Santiago, Chile in September 2009, where it gave an update on the status of ratification. In June 2010, Canada attended the International Conference on the Convention on Cluster Munitions, also held in Santiago, where it made a presentation on the convention's proposed 2011 work plan and possible architecture.

In October 2009, at the UN General Assembly First Committee, Canada called the convention "a 'state of the art,' legally-binding instrument that establishes the right balance between humanitarian and military considerations" and encouraged all states to join.⁹⁶

In March 2010, Minister of National Defence Peter MacKay wrote, "I share your interest in increasing the number of States Parties to these important arms-control treaties [Convention on Cluster Munitions and Mine Ban Treaty]. Having the United States ratify one or both of these agreements would indeed be an important achievement. You should know that the Department of National Defence and the Canadian Forces remain regularly engaged with their US counterparts at various staff and executive levels regarding many issues of mutual concern, including arms control."⁹⁷

Oslo Process

Canada participated in the Oslo Process that produced the convention from the outset in February 2007 and successfully advocated for strong provisions on victim assistance and on international cooperation and assistance during the formal negotiations in Dublin in May 2008.⁹⁸ When invited to respond to the description of Canada's role in the Oslo Process in a May 2009 report published by Landmine Monitor,⁹⁹ Canada replied on several points.

It stressed that "Canada sought no exceptions to the prohibition on cluster munitions; nor did we seek or support a transition period of any kind." It stated, "In the end, we agreed on an appropriate definition [of "cluster munition"] and we are extremely pleased that all cluster munitions, as defined, have been banned." With respect to being associated with the positions of a group of states that were often sharply criticized by the CMC, Canada said that "it should be noted that the so-called 'like-minded group' was an extremely loose association of states that was far from like-minded on many issues.... Please note that throughout the Oslo Process, Canada consulted at least as closely with several 'core group' states and with civil society, including the Cluster Munition Coalition, with whom we believe we agreed on almost all issues."¹⁰⁰

Interpretive issues

Canada has not yet made known its views on certain important issues related to interpretation and implementation of the convention, including the prohibition on transit, the prohibition on foreign stockpiling of cluster munitions, and the prohibition on investment in production of cluster munitions.

Canada has also not made a formal statement regarding its interpretation of the convention's provisions dealing with the prohibition on assistance with prohibited acts, and with relations with states not party (Articles 1 and 21). However, during the negotiations, Canada prioritized "interoperability" (joint military operations with states not party), describing the need for a provision on interoperability as "most critical" and "a red-line issue" for whether it could join the convention.¹⁰¹

⁹⁵ The others were Australia, France, and Ireland. UNDP, "First States Parties Meeting launched together with the Cluster Munitions Trust Fund," Press release, 7 July 2010, www.undplao.org.

⁹⁶ Statement of Canada, 64th Session, UN General Assembly, First Committee, New York, 19 October 2009.

⁹⁷ Letter from Peter MacKay, Minister of National Defence, to MAC, 20 March 2010.

⁹⁸ For detail on Canada's policy and practice regarding cluster munitions through early 2009, see HRW and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 50–54.

⁹⁹ Ibid.

¹⁰⁰ Letter from Earl Turcotte, DFAIT, 17 June 2010. See Landmine and Cluster Munition Monitor, "Comments Received by Landmine Monitor: Canada," www.the-monitor.org.

¹⁰¹ Statement of Canada, Informal Discussions on Interoperability, Dublin Diplomatic Conference on Cluster Munitions, 22 May 2008. Notes by Landmine Action. Although the relevant language in the draft text was virtually identical to the Mine Ban Treaty, Canada said that the proposed prohibition on assistance "presents substantial and legitimate concerns for any state participating, or planning to participate, in multinational military operations involving a non-party state." At the end of the negotiations, Canada stated that the right balance had been struck in the convention, and the provisions on interoperability were not a loophole, but instead an essential element of legal protection to accommodate situations in combined operations which may be beyond their control.

Convention on Conventional Weapons

Canada is party to the Convention on Conventional Weapons (CCW), and ratified Protocol V on explosive remnants of war on 19 May 2009.

Canada participated in the CCW deliberations on cluster munitions in 2009 and the first half of 2010. In November 2009, Canada said that it “continues to believe that a Protocol of substance within the CCW that addresses cluster munitions is desirable, as it would engage states that are not currently signatory or party to the Convention on Cluster Munitions. We also believe, however, that achieving this result in this forum, though possible, is highly unlikely.... Canada regrets that after two years of work, we have so little to show for our efforts.... [W]e have arrived once again at the ‘lowest common denominator’ with respect to quality of product.”¹⁰²

In April 2010, Canada told other states, “There are limits to how far one will compromise just to get a deal. The compromise can’t weaken existing International Humanitarian Law or what we’ve accomplished in other fora,” a reference to the Convention on Cluster Munitions.¹⁰³ With respect to the draft text, Canada has spoken out forcefully against a transition period, and for a stockpile destruction deadline and a broad definition of cluster munition victim.¹⁰⁴

NGO activities

In June 2009, Mines Action Canada (MAC) launched a call for swift Canadian ratification of the Convention on Cluster Munitions, including a letter-writing campaign to Canadian Members of Parliament (MPs) and meetings with ten parliamentary “champions” from all parties. In December 2009, as part of MAC’s annual campaign, the monthly theme was dedicated to ratification of the convention.

MAC’s theme in January 2010 was disinvestment; the public was asked to contact their banks, their MPs, and the Prime Minister to insist on immediate ratification and a proactive policy on disinvesting from cluster munitions. ICBL Youth Ambassador Song Kosal and Roos Boer of IKV Pax Christi visited Canada to participate in a disinvestment event convened with the Canadian financial community by MAC. Also in January, MAC released its report on disinvestment and Canadian financial institutions.¹⁰⁵

In March 2010, Mines Action Canada published an open letter to Canadian financial institutions and pension funds urging them to disinvest and/or create a proactive policy banning all investments in companies that produce cluster munitions or their components.¹⁰⁶

Use, production, transfer, and stockpiling

Canada is not believed to have ever used or exported cluster munitions. The company Bristol Aerospace Limited was once listed as a producer of the CRV-7 70mm unguided air-to-surface rocket containing nine M73 submunitions. However, the company provided information to the Department of National Defence that it has only produced the rocket, and never produced the cluster warhead (which contains the submunitions) for the CRV-7, indicating this warhead is only produced by General Dynamics, a company from the United States.¹⁰⁷

Canada has stockpiled two types of cluster munitions. It imported Rockeye cluster bombs from the US. Canada started destroying the Rockeye cluster bombs prior to 2005 and had destroyed the entire stock by early 2007.¹⁰⁸ It has not reported the number of Rockeye cluster bombs it destroyed.

Canadian Forces also obtained from the US M483A1 155mm artillery projectiles containing 88 M42/M46 dual purpose improved conventional munition (DPICM) submunitions.¹⁰⁹ These projectiles were removed from service (though when is not known) and await destruction. Canada has not reported the number of M483A1 cluster munitions it possesses.

Canada stated in February 2007 that the 155mm projectiles are “in the process of being destroyed.”¹¹⁰ In January 2008, the Minister of National Defence said that the destruction task “is currently beyond the capability of the Department of National Defence and the Canadian Forces. Accordingly, the Government is seeking a commercial company that has the

¹⁰² Statement of Canada, CCW Meeting of States Parties, Geneva, 12 November 2009.

¹⁰³ Statement of Canada, CCW Group of Governmental Experts (GGE) on Cluster Munitions, 12 April 2010. Notes by AOAV.

¹⁰⁴ Statements of Canada, CCW GGE on Cluster Munitions, 12, 13, and 14 April 2010. Notes by AOAV.

¹⁰⁵ MAC, “When Your Investment Bombs,” January 2010, www.minesactioncanada.org.

¹⁰⁶ MAC, “An Open Letter to the Presidents of all Canadian Financial Institutions and Pension Funds,” 24 March 2010, www.minesactioncanada.org.

¹⁰⁷ Information provided to HRW by Department of National Defence representatives, Canadian Delegation, CCW GGE on Cluster Munitions, Geneva, November 2007.

¹⁰⁸ Letter from Peter MacKay, Minister of Foreign Affairs, to MAC, 13 February 2007. The Minister of National Defence said on 15 February 2007, “We have recently destroyed our entire stockpile” of Rockeye cluster bombs. Email from Gordon J. O’Connor, Minister of National Defence, to Joanna Santa Barbara, 15 February 2007. In January 2005, an official wrote that “the Canadian Forces [CF] have determined that, for operational and financial reasons, its inventory of Rockeye bombs should be reduced. As a result, the CF has destroyed 80 per cent of its total inventory of the weapon.... The decision to retain a residual stock is currently under review.” Facsimile from Ann Pollack, Counsellor, Canadian Delegation to the Conference on Disarmament, Geneva, to Pax Christi Netherlands, 13 January 2005.

¹⁰⁹ Ibid.

¹¹⁰ Email from Gordon J. O’Connor, Minister of National Defence, to Joanna Santa Barbara, 15 February 2007. Minister O’Connor said the same thing in a letter to MAC dated 19 July 2007.

technical expertise to do the work. I would add that achieving this is a priority under our demilitarization program.”¹¹¹ In February 2009, Canada said that it “is committed to destroying its complete stockpile of cluster munitions” and “is in the process of destroying stocks” of the M483A1 projectiles.¹¹²

In March 2010, a Department of National Defence official said, “Canada remains committed to disposing its remaining inventory of cluster munitions consisting of 155 mm DPICM Projectiles.” He said the process of seeking tenders for the stockpile destruction had been “slower than expected due to the complexities of the due diligence requirements of Canadian environmental regulations.”¹¹³

In May 2010, the Department of National Defence informed Landmine and Cluster Munition Monitor that a Request for Proposals, as well as a Statement of Work, seeking tenders for stockpile destruction were currently being drafted. Due to the complexities of this task—dealing with intellectual property, controlled goods, and environmental regulations—a specific timeline for the process could not be identified. It said the process of selecting a successful applicant for the job will be a joint effort between the Department of National Defence and Public Works and Government Services Canada.¹¹⁴

Cape Verde

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended a global conference in Berlin in June 2009
Key developments	National Assembly approved ratification of the convention in June 2010

Policy

The Republic of Cape Verde signed the Convention on Cluster Munitions in Oslo on 3 December 2008. At the end of June 2010, the National Assembly approved ratification of the convention with Resolution No. 137/VII/2010. The President then signed the ratification, and it was published in the Official Gazette on 26 July 2010.¹¹⁵

Earlier, in March 2010, officials informed the CMC that the Minister of Foreign Affairs had issued instructions to begin the ratification process. They said a report on the convention was under preparation and would be presented to the National Assembly. The officials indicated the ratification process was delayed due to difficulties in obtaining a Portuguese translation of the convention text.¹¹⁶

Cape Verde attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, but not the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions held in Pretoria, South Africa in March 2010 or the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010. Before signing in Oslo, Cape Verde had not participated in any of the Oslo Process meetings to develop and negotiate the convention.

Cape Verde is party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), but has yet to ratify its Protocol V on explosive remnants of war. Cape Verde has not actively participated in the CCW discussions on cluster munitions that have taken place in recent years.

Cape Verde is not known to have ever used, produced, transferred, or stockpiled cluster munitions.

¹¹¹ Letter from Peter MacKay, Minister of National Defence, 25 January 2008.

¹¹² Letter from Paul Hong, Director of Policy, Office of the Minister of Foreign Affairs, to HRW, 20 February 2009.

¹¹³ Email from Lt.-Col. Norman Polenz, Directorate of Arms and Proliferation Control Policy, Department of National Defence, 30 March 2010.

¹¹⁴ Ibid, 13 May 2010.

¹¹⁵ Telephone interview with Elias Lopes Andrade, Counselor, Coordinator of Legal and Treaty Affairs, Ministry of Foreign Affairs, 30 July 2010.

¹¹⁶ Email from Ministry of Foreign Affairs, 19 March 2010.

Central African Republic

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010
Key developments	Ratification process underway

Policy

The Central African Republic signed the Convention on Cluster Munitions in Oslo on 3 December 2008.¹¹⁷ In March 2010, the Ministry of Defense confirmed the government's intention to ratify the convention, indicating that it could occur during the first parliamentary session following the elections.¹¹⁸ The elections, which were planned for April, were postponed until October 2010.¹¹⁹

Earlier, an official informed the CMC that discussions on ratification could not take place during the fourth session of the National Assembly at the end of 2009, and that ratification efforts had not since proceeded due to upcoming elections.¹²⁰

The Central African Republic participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, but did not make any statements. It did not attend the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions held in Pretoria, South Africa in March 2010.

The Central African Republic did not participate in any of the international diplomatic preparatory conferences for the Convention on Cluster Munitions, or the formal negotiations in May 2008, but did attend one African regional meeting.¹²¹

The Central African Republic is party to the Mine Ban Treaty, but not the Convention on Conventional Weapons.

The Central African Republic has stated that it has never used, produced, transferred, or stockpiled cluster munitions, and has not been affected by their use.¹²²

Chad

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended a global conference in Santiago in June 2010 and a regional meeting in Pretoria in March 2010
Key developments	Ratification process underway

Policy

The Republic of Chad signed the Convention on Cluster Munitions in Oslo on 3 December 2008.

In June 2010, Chad stated that the ratification law had been adopted by the Council of Ministers and was with the National Assembly for approval.¹²³

¹¹⁷ Upon signing the convention in Oslo, the Central African Republic stated that it was committed to the struggle against cluster munitions and would spare no effort to ensure the ratification of the convention by its parliament at the earliest possible opportunity. Statement by Antoine Gambi, Ministry of Defense, Convention on Cluster Munitions Signing Conference, Oslo, 4 December 2008. Notes by Landmine Action.

¹¹⁸ Email from Ministry of Defense official to Handicap International (HI) France, 30 March 2010.

¹¹⁹ International Foundation for Electoral Systems, "Election Guide, Country Profile: Central African Republic," United States Agency for International Development, 2 April 2010, www.electionguide.org.

¹²⁰ Email from Ministry of Defense official to HI France, 9 March 2010. In March 2009, the Central African Republic had indicated that ratification could be examined in the first half of 2009. Email from HI France, 20 March 2009.

¹²¹ For details on the Central African Republic's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 55.

¹²² Statement by Antoine Gambi, Ministry of Defense, Convention on Cluster Munitions Signing Conference, Oslo, 4 December 2008. Notes by Landmine Action.

¹²³ CMC meeting with Assane Nguedoum, Ministry of Economy, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010; and statement of Chad, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010. Notes by AOA/HRW.

Chad attended the Africa Regional Conference on the Universalization and Implementation on the Convention on Cluster Munitions in Pretoria, South Africa in March 2010 and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

Chad actively engaged in the Oslo Process to develop the convention and was supportive of a comprehensive ban on cluster munitions. It participated in the formal negotiations and was among the 107 countries that adopted the convention text in May 2008. As a state affected by cluster munitions, landmines, and other explosive remnants of war, Chad emphasized in particular the importance of international cooperation and assistance, noting it would need support for its efforts to clear its territory of munitions.¹²⁴

Chad is a State Party to the Mine Ban Treaty, but is not party to the Convention on Conventional Weapons.

Chad is not believed to have used, produced, transferred, or stockpiled cluster munitions.

French aircraft dropped cluster munitions on a Libyan airfield inside Chad at Wadi Doum during the 1986–1987 conflict. Libyan forces used AO-1SCh and PTAB-2.5 submunitions.

Cluster Munition Remnants

There is likely to be some contamination from cluster munition remnants, although the location and extent are not known. Following the end of the conflict with Libya in 1987, unexploded submunitions and cluster munition containers were found in the three northern provinces, in Biltine department in Wadi Fira region (northeastern Chad), and east of the capital, N'Djamena.¹²⁵ In December 2008, at the Convention on Cluster Munitions Signing Conference, the representative of Chad spoke of “vast swathes of territory” contaminated with “mines and UXO (munitions and submunitions).”¹²⁶ In 2009, however, no submunitions were cleared in the east of the country by MineTech, the demining contractor of the UN Mission in the Central African Republic and Chad (MINURCAT).¹²⁷

Chile

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Santiago in September 2009
Key developments	Hosted regional and international conferences in September 2009 and June 2010; ratification process underway

Policy

The Republic of Chile signed the Convention on Cluster Munitions on 3 December 2008. It had expected to complete ratification before the international meeting on the convention it hosted in June 2010,¹²⁸ but was unable to do so. At an Organization of American States meeting held in Lima in June 2010, Chile's Minister of Foreign Affairs invited Peru to deposit its instrument of ratification jointly with Chile.¹²⁹ It now appears that Chile intends to wait until Peru is ready in order to jointly deposit both instruments of ratification.¹³⁰

¹²⁴ For details on Chad's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 55–56.

¹²⁵ *Fatal Footprint: The Global Human Impact of Cluster Munitions* (Brussels: Handicap International, November 2006), p. 17; *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: Handicap International, May 2007), p. 48; and SAC, “Landmine Impact Survey, Republic of Chad,” Washington, DC, p. 59.

¹²⁶ Statement of Chad, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

¹²⁷ Email from Mark Frankish, Chief, Mine Action Unit, MINURCAT, 9 July 2010.

¹²⁸ Statement by Angel Flisfisch Fernández, Vice-Minister of Foreign Affairs, Second Review Conference of the Mine Ban Treaty, Cartagena, 3 December 2009.

¹²⁹ CMC meeting with Chilean delegation, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010. Notes by the CMC.

¹³⁰ Email from Yasmin Espinoza Goecke, Arms Control Campaign Coordinator, Amnesty International-Chile, 10 August 2010, in reference to a meeting of Amnesty International-Chile and the Instituto de Ecología Política with officials from the Ministry of Foreign Affairs.

In February 2009, the Ministry of Foreign Affairs sent a request to the President recommending ratification of the convention.¹³¹ In December 2009, Chile announced that its Chamber of Deputies had unanimously approved ratification of the convention.¹³² On 5 May 2010, the Senate Foreign Relations Committee unanimously approved ratification.¹³³ The next steps required are approval by the Senate Finance Committee, approval by the full Senate, and finally promulgation by the President.

Chile has continued to play an active leadership role in the convention. It attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, where it made a presentation on transparency measures and national reporting. In Berlin, Chile also announced its intention to host a regional meeting in September 2009 to encourage signature and promote ratification in Latin America, as well as an international conference in 2010 to build support for the convention in the lead-up to its First Meeting of States Parties in November 2010.¹³⁴

On 14–15 September 2009, Chile hosted the Regional Conference for Latin America and the Caribbean on Cluster Munitions, which was attended by all states from the region that have joined the convention except except Honduras, and by non-signatories Argentina, Dominican Republic, Saint Kitts and Nevis, Suriname, Trinidad and Tobago, and Venezuela.¹³⁵ The Dominican Republic subsequently joined the convention on 10 November 2009. Chile's Minister of Defense, Francisco Vidal, opened the conference with a statement that emphasized the need for full universalization and implementation of the convention in the region.¹³⁶ Chile also gave a presentation on transparency reporting and national implementation measures.

On 7–9 June 2010, Chile hosted the International Conference on the Convention on Cluster Munitions in Santiago, which was attended by some 99 countries, including 13 non-signatory states, and a delegation of more than 120 CMC campaigners.¹³⁷ Chile's Deputy Minister of Defense, Alfonso Vargas, opened the conference¹³⁸ and the Minister of Foreign Affairs, Alfredo Moreno, closed the conference with a statement that reiterated Chile's commitment to the convention and called for support for the initiative to create a cluster munition-free zone in Latin America.¹³⁹

Chile is a member of the Lao Support Group, a voluntary group of countries tasked with advancing preparations for the First Meeting of States Parties to be held in Lao PDR in November 2010. In particular, Chile is focusing on efforts related to transparency reporting and universalization.

Chile participated in the Oslo Process that produced the convention from its launch in February 2007. During the formal negotiations in Dublin in May 2008 it was a strong advocate for the most comprehensive convention possible.¹⁴⁰

Chile is a State Party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW) and ratified CCW Protocol V on explosive remnants of war on 18 August 2009. Chile has not been actively engaged in CCW deliberations on cluster munitions in recent years.

Use, production, transfer, and stockpiling

Chile is not known to have used cluster munitions other than possibly in training exercises. It produced and exported cluster munitions in the past and has stockpiled the weapon.

In September 2007, Chile stated that it no longer produced cluster munitions and did not intend to produce the weapon in the future.¹⁴¹ In the past, Industrias Cardeon SA and Los Conquistadores 1700 were reported to have produced at least eight types of air-dropped cluster bombs (CB-130 bomb, CB-250K bomb, CB-500 bomb, CB-500K bomb, CB-500K2 bomb, CB-770 bomb, WB-250F bomb, and WB-500F bomb).¹⁴²

¹³¹ As of mid-April 2009, a legal team was reviewing the convention. It then had to go to the ministries of foreign affairs and defense for approval, and then to the Congress. Interview with Pamela Velasquez Guzman, Coordinator, Chilean Campaign to Ban Landmines and Cluster Munitions, Instituto de Ecología Política, in Managua, 24 February 2009; and email from Pamela Velasquez Guzman, Instituto de Ecología Política, 13 April 2009.

¹³² Statement by Angel Flisfisch Fernández, Second Review Conference of the Mine Ban Treaty, Cartagena, 3 December 2009.

¹³³ Email from Elir Rojas Calderón, Director, Zona Minada, 5 May 2010; and "Comisión de R.R.E.E. del Senado aprueba Convención internacional contra municiones de racimo" ("Senate Foreign Relations Committee approves Convention on Cluster Munitions"), *Noticias 123.cl* (Chile), 7 May 2010, noticias.123.cl.

¹³⁴ Statement of Chile, Berlin Conference on the Destruction of Cluster Munitions, 26 June 2009. Notes by AOA.

¹³⁵ See CMC, www.stopclustermunitions.org.

¹³⁶ CMC, "Update on the Fourth Regional Conference for Latin America and the Caribbean on Cluster Munitions, Chile, 14–15 September 2009."

¹³⁷ See CMC, www.stopclustermunitions.org.

¹³⁸ Statement by Alfonso Vargas, Deputy Minister of Defense, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010. Notes by AOA.

¹³⁹ Statement by Alfredo Moreno, Minister of Foreign Affairs, International Conference on the Convention on Cluster Munitions, Santiago, 9 June 2010. Notes by AOA.

¹⁴⁰ For detail on Chile's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 56–58.

¹⁴¹ Statement of Chile, Latin American Regional Conference on Cluster Munitions, San José, 4 September 2007. Notes by the CMC. Chile clarified that two companies used to produce cluster munitions, but no longer did so.

¹⁴² Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), pp. 306–311.

In April 2008, Chile stated that it had stockpiles of two types of cluster munitions that would have to be destroyed under the proposed convention.¹⁴³ The precise status and composition of the current stockpile is not known. In August 2010, General Antonio Cordero said that the Chilean army intends to demilitarize 249 LARS rockets equipped with cluster munitions.¹⁴⁴

A complete accounting of transfers of cluster munitions by Chile is not available. The PM-1 combined effects submunitions delivered by bombs produced in Chile have been found in Eritrea, Ethiopia, Iraq, and Sudan.¹⁴⁵ Colombia reported the destruction of its stockpile of 41 Chilean CB-250K bombs in March 2009.¹⁴⁶ A number of CB-250 bombs were found in the arsenal of Iraq by UN weapons inspectors. The bombs had been modified by the Iraqis to deliver chemical weapons in submunitions.¹⁴⁷

Cluster Munition Remnants

It is not known if Chile has a problem of cluster munition remnants. According to one source, geography experts have seen unexploded submunitions while conducting research at training sites of the Chilean army and air force.¹⁴⁸

Colombia

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Santiago in September 2009
Key developments	Ratification process underway; completed stockpile destruction in November 2009

Policy

The Republic of Colombia signed the Convention on Cluster Munitions on 3 December 2008.

The ratification process is underway. As of August 2010, the ratification of the convention had been analyzed by a Colombian Senate Committee and was due to be considered by the full Senate later in the year.¹⁴⁹ In June 2010, a government official informed the CMC that ratification of the convention had been delayed by congressional elections held in March 2010 and the presidential elections held in May–June 2010.¹⁵⁰

The Ministry of Foreign Affairs said that it had worked in cooperation with the Ministry of Defense during 2009 to prepare documentation for congressional approval of the convention, but due to the busy legislative schedule in 2009, Senate consideration of ratification was postponed until 2010.¹⁵¹ In June 2009, Colombia had told other states that it was in the initial stages of its ratification process, which was “lengthy due to internal procedures.”¹⁵²

Since signing the convention, Colombia has shown strong interest in its implementation and universalization. Colombia participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, where it gave a presentation on national planning of stockpile destruction. Colombia also gave a presentation on stockpile destruction at the Regional Conference for Latin America and the Caribbean on Cluster Munitions held in Santiago, Chile in September 2009,

¹⁴³ Statement of Chile, Regional Conference for Latin America and the Caribbean on Cluster Munitions, Mexico City, 16 April 2008. Notes by the CMC.

¹⁴⁴ Email from Elir Rojas Calderón, Zona Minada, 5 August 2010.

¹⁴⁵ Rae McGrath, “Cluster Bombs: The Military Effectiveness and Impact on Civilians of Cluster Munitions,” *Landmine Action*, 2000, p. 38. The “Iraq Ordnance Identification Guide” produced by the US military documents the presence of the PM-1 submunition in Iraq. Mine Action Information Center, James Madison University, “Iraq Ordnance Identification Guide,” 31 July 2006, maic.jmu.edu.

¹⁴⁶ Email from the Campaña Colombiana contra Minas, 17 March 2009.

¹⁴⁷ UN Monitoring, Verification and Inspection Commission, “Sixteenth quarterly report on the activities of the United Nations Monitoring, Verification and Inspection Commission in accordance with paragraph 12 of Security Council resolution 1284 (1999) S/2004/160,” Annex 1, p. 10.

¹⁴⁸ Email from Elir Rojas Calderón, Zona Minada, 27 May 2010.

¹⁴⁹ Email from Camilo Serna Villegas, Operations Coordinator, CCCM, 11 August 2010.

¹⁵⁰ Meeting with delegation of Colombia, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010. Notes by the CMC.

¹⁵¹ Response to Monitor questionnaire by the Ministry of Foreign Affairs, 26 March 2010. In March 2009, Ministry of Defense officials stated that the documentation required for Congress to ratify the treaty was being prepared. ICBL/CCCM meeting with the Ministry of Defense, Bogotá, 6 March 2009. Notes by CCCM.

¹⁵² Statement of Colombia, Berlin Conference on the Destruction of Cluster Munitions, 26 June 2010. Notes by AOA.

where it urged states to start their stockpile destruction early. Colombia also attended the International Conference on the Convention on Cluster Munitions held in Santiago, Chile in June 2010.

On 2 December 2009, Colombia co-hosted an event with Lao PDR during the Second Review Conference of the Mine Ban Treaty in Cartagena, Colombia to promote the Convention on Cluster Munitions. Colombia's Deputy Minister of Multilateral Affairs Dr. Adriana Mejía Hernández spoke at the event.¹⁵³

Colombia is a member of the Lao Support Group, a voluntary group of states which is tasked with advancing preparations for the First Meeting of States Parties to be held in Lao PDR in November 2010. In particular, Colombia is assisting with matters related to international cooperation and assistance.

In a March 2010 response to a Landmine and Cluster Munition Monitor questionnaire, Colombia made known its views on certain important issues related to interpretation and implementation of the convention.¹⁵⁴ The government "absolutely rejects and prohibits any manner of transfer or storage of foreign cluster bombs in Colombian territory," as well as "military operations with states not party to the convention in which they carry out exercises or actions prohibited by the Convention." It also prohibits investment in production of cluster munitions. In addition, "Colombia considers that the countries that are still not a part of this convention can take steps toward honoring the spirit of the convention."

Colombia was not an early supporter of a ban on cluster munitions, and did not participate much in the Oslo Process that produced the convention. It did not attend the formal negotiations in Dublin in May 2008. However, Colombia signed the convention when it first opened for signature in Oslo in December 2008, saying that it was the "humanitarian impact" of cluster munitions that led to Colombia's decision to sign.¹⁵⁵

Colombia is a party to the Convention on Conventional Weapons (CCW), but has not ratified Protocol V on explosive remnants of war. In 2009, Colombia stated its view that the Convention on Cluster Munitions represents "significant progress in international humanitarian law" and cautioned that CCW work on cluster munitions not "run counter to international standards" set by the ban convention.¹⁵⁶ Colombia did not make any statements during the CCW deliberations on cluster munitions in 2010 through July.

Use, production, and transfer

In March 2010, Colombia confirmed that its armed forces had used and stored cluster munitions in the past, namely CB-250K and ARC-32 cluster munitions, prior to signing the convention. However, it declined to specify the quantity or time period when these weapons were used.¹⁵⁷

In May 2009, during an event to destroy the last of Colombia's stockpile of CB-250K cluster munitions, Colombia's Minister of Defense Juan Manuel Santos said the weapon had been used in the past "to destroy clandestine airstrips and camps held by illegal armed groups," but sometimes the submunitions did not explode and "became a danger to the civilian population."¹⁵⁸

Colombia is not known to have produced cluster munitions. It imported them from Chile and Israel. In March 2010, Colombia stated that it "has not transferred Cluster Bombs to a third state."¹⁵⁹

Stockpile destruction

On 24 November 2009, Colombia announced the completion of the destruction of its stockpile of cluster munitions. The commander of the Colombian armed forces, Freddy Padilla de León, said, "Now we can declare with great satisfaction, and in compliance with the Oslo Convention [on Cluster Munitions], that there are no cluster bombs of any type left under the control of the Armed Forces of Colombia."¹⁶⁰

On that day, Colombia finished destruction of its stock of 31 ARC-32 cluster bombs. Earlier, on 7 May 2009, it finished destruction of its stock of 41 CB-250K cluster bombs.¹⁶¹ In total, it destroyed 72 cluster munitions containing 10,832 submunitions.

The CB-250K bombs were produced by Chile, each contains 240 submunitions. The ARC-32 bomb is apparently a 350kg weapon containing 32 antirunway submunitions produced by Israel.¹⁶²

¹⁵³ Response to Monitor questionnaire by the Ministry of Foreign Affairs, 26 March 2010.

¹⁵⁴ Ibid.

¹⁵⁵ For detail on Colombia's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 58–59.

¹⁵⁶ Statement of Colombia, CCW Group of Governmental Experts on Cluster Munitions, Geneva, 16 February 2009. Notes by AOA.

¹⁵⁷ Response to Monitor questionnaire by the Ministry of Foreign Affairs, 26 March 2010.

¹⁵⁸ Carlos Osorio, "Colombia destruye sus últimas bombas de tipo racimo" ("Colombia destroys its last cluster bombs"), *Agence France-Presse*, 7 May 2009.

¹⁵⁹ Response to Monitor questionnaire by the Ministry of Foreign Affairs, 26 March 2010.

¹⁶⁰ Ibid.

¹⁶¹ Ibid. This document refers in some places to 41 bombs and in other places to 42 bombs. In the past, Colombia has indicated 41.

¹⁶² Landmine and Cluster Munition Monitor is unfamiliar with the ARC-32 bomb and its technical details. The information provided here came from a CMC meeting with the Colombian delegation to the Quito Regional Conference on the Convention on Cluster Munitions on 7 November 2008.

Colombia destroyed all 41 CB-250K cluster munitions in April and May 2009 at the Marandúa Air Force Base in Terecay municipality, Vichada department. On 7 May 2010, a destruction event was held at Marandúa, with participation by Minister of Defense Juan Manuel Santos, diplomats from 14 countries, and civil society representatives including the Campaña Colombiana contra Minas (CCCM).¹⁶³

Colombia destroyed its stock of 31 ARC-32 cluster bombs in October and November 2009. On 24 November 2009, the last ARC-32 cluster bombs were destroyed Marandúa Air Force Base in an event witnessed by CCCM and others. As noted above, the Commander of the Colombian armed forces declared that Colombia had fulfilled its Convention on Cluster Munition stockpile destruction obligation.¹⁶⁴

In response to inquiries since then about the possible existence of other stocks of cluster munitions, Colombia stressed that the military forces “currently do not have any type of cluster munitions; the different types of cluster munitions that were under the control of the Military Forces have been destroyed.”¹⁶⁵

In November 2008, the CMC received information from Colombian military sources that in addition to the CB-250K and ARC-32 cluster bombs, Colombia also possessed M971 120mm mortar projectiles produced by Israel which contain 24 dual purpose improved conventional munitions (DPICM) self-destructing submunitions, as well as AN-M41 “cluster adapters.”¹⁶⁶

In May 2010, the army’s Director of Artillery replied to a Human Rights Watch inquiry about the M971 mortars that “currently the Tactical Artillery Units do not have the type of munitions mentioned in your letter.”¹⁶⁷ In August 2010, an official stated, “With respect to the M971 munitions, the Army had these in the past, but currently the Tactical Artillery Units do not have this or any type” of cluster munition.¹⁶⁸ It is not known when the mortars were destroyed.

In another May 2010 letter, the commander of the Air Force wrote, “With respect to the AN-M41 bombs, the Air Force currently does not have a stock” and has “abandoned the acquisition” of such bombs. He also noted that “this type of armament is not considered a cluster munition by the Oslo Convention.”¹⁶⁹

In keeping with its June 2009 declaration, Colombia has decided not to retain any cluster munitions or submunitions for training or development purposes.¹⁷⁰

Democratic Republic of the Congo

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Pretoria in March 2010
Key developments	Ratification process underway

Policy

The Democratic Republic of the Congo (DRC) signed the Convention on Cluster Munitions at the UN in New York on 18 March 2009.¹⁷¹

¹⁶³ Presentation by Maj. Arnaud Penent d’Izarn, Group Coordinator of Doctrine and Legal Counsel, Ministry of Defense, Regional Conference for Latin America and the Caribbean on Cluster Munitions, Santiago, 14 September 2009. Notes by the CMC. See also, “Colombia destruye sus últimas bombas de tipo racimo” (“Colombia destroys its last cluster bombs”), *AFP*, 7 May 2009; and Luis Alberto Miño Rueda, “Ejército detonó armamento en Marandúa” (“Army explodes weapons in Marandúa”), *El Tiempo*, 8 May 2009.

¹⁶⁴ Response to Monitor questionnaire by the Ministry of Foreign Affairs, 26 March 2010.

¹⁶⁵ Letter No. 48260 from Maj. Arnaud Penent d’Izarn, Ministry of Defense, 3 June 2010.

¹⁶⁶ CMC meeting with the Colombian delegation to the Quito Regional Conference on the Convention on Cluster Munitions, 7 November 2008. Notes by the CMC.

¹⁶⁷ Letter No. 20104300429131 from Lt.-Col. Juan Manuel Sanchez Rosas, Director of Artillery, 31 May 2010.

¹⁶⁸ Email from Diana Rodríguez Uribe, Human Rights and International Humanitarian Law Department, Ministry of Defense, 12 August 2010.

¹⁶⁹ Letter No. 20102300506963 from Maj.-Gen. Julio Alberto Gonzalez Ruiz, Commander, Colombian Air Force, 31 May 2010.

¹⁷⁰ Statement of Colombia, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009. Notes by AOAV.

¹⁷¹ Amb. Atoki Ileka signed the convention for the DRC at the UN in New York on 18 March 2009 at a special event attended by more than 70 countries, high-level UN officials, and representatives of the CMC and the ICRC. CMC, “Report on the Special Event on the Convention on Cluster Munitions—United Nations, New York, 18 March 2009.”

That same month, in March 2009, the Ministry of Foreign Affairs stated that ratification was being examined by its legal department.¹⁷² A year later, on 25 March 2010, the Ministry of Foreign Affairs said that it was ready to approve ratification of the convention and would send it to the Council of Ministers the following week.¹⁷³ In June 2010, a Foreign Ministry official once again said that the ratification would be sent to the Council of Ministers the following week.¹⁷⁴

In May 2010, the National Director of the National Focal Point for Mine/ERW Action (Point Focal National pour la Lutte Antimines, PFNLAM) stated that both the ratification and the creation of national legislation to implement the convention were priority issues for the DRC prior to the First Meeting of States Parties in November 2010. According to the official, draft implementation legislation for the Mine Ban Treaty, which has yet to be adopted by the National Assembly, might be modified to serve as the implementing legislation for both conventions.¹⁷⁵

The DRC engaged in the work of the convention in 2009 and 2010 through July. It attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Africa Regional Conference on Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa in March 2010, and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

The DRC was actively involved in the Oslo Process that led to the creation of the convention, after joining the process at the Belgrade Conference for States Affected by Cluster Munitions in October 2007. It was a strong supporter of a comprehensive ban on cluster munitions and advocated in particular for the inclusion of concrete provisions on international cooperation and assistance. The DRC adopted the convention at the conclusion of the formal negotiations in Dublin in May 2008.¹⁷⁶

The DRC intended to sign the convention at the Convention on Cluster Munitions Signing Conference in Oslo in December 2008, but had difficulties with proper paperwork and authorization.¹⁷⁷ It then signed at the UN in New York in March 2009.

The DRC is a State Party to the Mine Ban Treaty, but is not party to the Convention on Conventional Weapons.

On 28 May 2010, the Congolese Campaign to Ban Landmines (Campagne congolaise pour interdire les mines, CCIM) organized a workshop in Kinshasa to promote awareness on the convention and the issue of cluster munitions in both the DRC and the Republic of the Congo. During the workshop, attended by the Chief of Staff of the Ministry of Foreign Affairs of the DRC, participants provided updates on the ratification processes in both countries and identified priorities for implementation of the convention in 2010.¹⁷⁸

Use, production, transfer, and stockpiling

Officials have stated that the DRC has never used, produced, or transferred cluster munitions and does not stockpile them.¹⁷⁹ In March 2010, a DRC official stated that at least five types of cluster munition remnants had been discovered by humanitarian demining organizations on the territory of the DRC. The official stated that investigations were ongoing into the origins and users of the munitions.¹⁸⁰ It is not known which party to the various conflicts in the DRC used the weapons or when.

Cluster Munition Remnants

Unexploded submunitions have been found in the provinces of Katanga, Maniema, and Province Orientale. The scale of residual contamination from cluster munition remnants has not, however, been quantified.

¹⁷² Statement by Nzuzi Manzambi, Director, Directorate of International Organizations, Ministry of Foreign Affairs, Event on the Celebration of the 10th Anniversary of the Ottawa Convention in DRC, Kinshasa, 6 March 2009. Notes by the CCIM.

¹⁷³ Statement of the DRC, Africa Regional Conference on Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 25 March 2010. Notes by AOAV.

¹⁷⁴ Statement of the DRC, International Conference on Cluster Munitions, Santiago, 7 June 2010. Notes by AOAV/HRW.

¹⁷⁵ Statement by Sudi Kimputu, National Director, PFNLAM, Workshop on the Oslo Convention and action against cluster munitions in the two Congos, Kinshasa, 28 May 2010. Notes by the CCIM. The official also stated that other priorities in relation to the convention for the DRC prior to the First Meeting of States Parties included expanding the role of the PFNLAM to cover cluster munitions and preparations for the submission of the first Convention on Cluster Munitions transparency report.

¹⁷⁶ For details on the DRC's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 60–61.

¹⁷⁷ The "Full Powers" document necessary for the DRC to sign the convention was assigned to a diplomat who was not able to be in Oslo. Email from Laura Cheeseman, Campaigning Officer, CMC, 12 December 2008.

¹⁷⁸ CMC, "CMC Newsletter," May 2010.

¹⁷⁹ Response to Monitor questionnaire by Capt. Roger Bokwango, Deputy Coordinator, PFNLAM, 30 March 2010; and statement by Nzuzi Manzambi, Director, Directorate of International Organizations, Ministry of Foreign Affairs, 6 March 2009. Notes by the CCIM.

¹⁸⁰ Response to Monitor questionnaire by Capt. Roger Bokwango, PFNLAM, 30 March 2010.

Deminers from the NGO DanChurchAid (DCA) have documented the presence of submunitions from BL-755 cluster bombs in Kasu village in Kabalo, Katanga province.¹⁸¹ Mines Advisory Group (MAG) deminers have reported the presence of submunitions in Muela and Pweto, also in Katanga province.¹⁸²

In 2009, DCA destroyed four unexploded submunitions in Manono and a fifth in Kabalo.¹⁸³ Handicap International destroyed a total of 10 PM-1 submunitions in 2009.¹⁸⁴

Republic of the Congo

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended a global conference in Santiago in June 2010 and a regional meeting in Pretoria in March 2010
Key developments	Ratification process underway

Policy

The Republic of the Congo (Congo-Brazzaville) signed the Convention on Cluster Munitions in Oslo on 3 December 2008. In May 2010, a Congolese official stated that the ratification process was underway and was expected to be completed before the First Meeting of States Parties in November 2010. After discussion by the Government Council (cabinet), the ratification law would be sent to parliament for approval.¹⁸⁵

Congo participated in both the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa in March 2010 and the International Conference on the Convention on Cluster Munitions in June 2010 in Santiago, Chile.

On 28 May 2010, the Congolese Campaign to Ban Landmines organized a workshop in Kinshasa, Democratic Republic of the Congo (DRC), to promote awareness on the convention and the issue of cluster munitions in both Congo and the DRC. During the workshop, participants provided updates on the ratification processes in both countries and identified priorities for implementation of the convention in 2010.¹⁸⁶

Congo attended several meetings of the Oslo Process that created the convention, and participated in the formal negotiations in Dublin in May 2008.¹⁸⁷

Congo is party to the Mine Ban Treaty, but is not party to the Convention on Conventional Weapons.

Congo is not believed to have used, produced, or transferred cluster munitions. Congo has reported having stockpiles of cluster munitions of Russian origin before its 1997–1998 civil war.¹⁸⁸ According to a Ministry of Defense official, during the civil war stockpile depots were burned and stocks of cluster munitions presenting a danger were destroyed for the most part in 2000 during a project to collect and destroy damaged weapons and ammunition stockpiles.

¹⁸¹ CMC, “Africa and the Oslo Process to Ban Cluster Munitions,” September 2008, prepared by Human Rights Watch, www.hrw.org. The United Kingdom produces the BL-755 cluster bomb. One source has said Zimbabwean and/or Congolese aircraft dropped the cluster bombs in 1998. Tom Cooper and Pete Weinert, “Complex Backgrounds,” Air Combat Information Group website, 2 September 2003, www.acig.org.

¹⁸² MAG showed photographs of submunitions at a roundtable on mines and cluster munitions convened by the Congolese Campaign to Ban Landmines in Kinshasa in February 2008. Email from Francky Miantuala, CCIM, 10 August 2010.

¹⁸³ Email from Signe Noermose, Programme Officer, Humanitarian Mine Action, DCA, 3 March 2010.

¹⁸⁴ Email from Stephan Jooris, Desk Officer, Handicap International, 7 June 2010.

¹⁸⁵ Statement by Commandant Kissambou Mangana during the Congolese Campaign to Ban Landmines Workshop on the Convention on Cluster Munitions, Kinshasa, 28 May 2010. See also, CMC, “CMC Newsletter,” May 2010; and email from Lt. Col. André Pampile Serge Oyobe, Ministry of Defense, 13 July 2010.

¹⁸⁶ CMC, “CMC Newsletter,” May 2010. Participants included the Chief of Staff of the Ministry of Foreign Affairs of the DRC; the director and members of UN Mine Action Coordination Centre/DRC; two delegates from the government of Congo; the coordinator and member of the National Focal Point of the Struggle Against Mines; members of national NGOs in the DRC; and members of international organizations (MAG, ICRC, and the Japan International Coordination Committee).

¹⁸⁷ For details on cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 61–62.

¹⁸⁸ Email from Lt.-Col. André Pampile Serge Oyobe, Ministry of Defense, 13 July 2010.

Cluster Munition Remnants

The explosive threat has included cluster munition remnants,¹⁸⁹ although the extent of any residual contamination is not known.¹⁹⁰ Between December 2007 and May 2008, the UK-based NGO Mines Advisory Group (MAG) destroyed 18 cluster munitions, containing submunitions, during stockpile destruction activities.¹⁹¹ In July 2010, the Ministry of Defense informed Landmine and Cluster Munition Monitor that some of its stockpiles of Russian cluster munitions exploded during the 1997–1998 civil conflict. In 2009, at an ammunition storage area in Maya-Maya, a member of the armed forces was killed after he detonated a submunition.¹⁹²

Cook Islands

Policy

The Cook Islands signed the Convention on Cluster Munitions on 3 December 2008. The current status of ratification is not known. In August 2009, a Foreign Ministry official said that the Cook Islands “envisage reviewing our position with respect to ratification of the Cluster Munitions Convention in the new year, nevertheless, we wish to indicate our strong support for the global movement toward ratification.”¹⁹³

The Cook Islands joined the Oslo Process in February 2008, and actively supported efforts to create a strong treaty text during the Dublin negotiations.¹⁹⁴

The Cook Islands did not attend the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in Bali, Indonesia in November 2009, or the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

The Cook Islands is party to the Mine Ban Treaty, but not the Convention on Conventional Weapons.

The Cook Islands confirmed in August 2009 that it does not use, produce, or stockpile cluster munitions.¹⁹⁵

Costa Rica

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Santiago in September 2009
Key developments	Ratification process underway

Policy

The Republic of Costa Rica signed the Convention on Cluster Munitions on 3 December 2008.

In June 2010, Costa Rica announced that its new President, Laura Chinchilla, had requested that Congress ratify the convention as a “priority.”¹⁹⁶ Government officials informed the CMC that ratification was expected by the time of the First Meeting of States Parties in November 2010.¹⁹⁷

¹⁸⁹ MAG, “Where we work: MAG ROC in depth,” November 2009, www.maginternational.org.

¹⁹⁰ Email from Frédéric Martin, Programme Manager, MAG, 1 February 2010.

¹⁹¹ Email from Anna Kilkenny, Programme Manager, MAG, 27 June 2008.

¹⁹² Email from Lt.-Col. André Pamphile Serge Oyobe, Head of Information Division, Ministry of Defense, 13 July 2010.

¹⁹³ Email from Myra Moekaa, Director, International Organizations and Treaties, Ministry of Foreign Affairs and Immigration, 28 August 2009. The official noted that internationally, the Cook Islands was focused on climate change negotiations.

¹⁹⁴ For more details, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 62.

¹⁹⁵ Email from Myra Moekaa, Ministry of Foreign Affairs and Immigration, 28 August 2009.

¹⁹⁶ Statement of Costa Rica, International Conference on the Convention on Cluster Munitions, Santiago, 9 June 2010. Notes by AOAV.

¹⁹⁷ Interview with Carlos Cordero, Head of Disarmament, and Mabel Segura Fernandez, Ministry of Foreign Affairs, in Santiago, 9 June 2010.

In May 2009, the Convention on Cluster Munitions was first submitted to Congress for ratification, as part of a package of 10 treaties being considered.¹⁹⁸ In October 2009, a government representative indicated that ratification was a top legislative priority, but could be delayed by presidential elections held in February 2010.¹⁹⁹ Officials later said that the ratification package had been sent to Congress for a second time.²⁰⁰

Costa Rica has continued to show strong interest in the convention. It participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Regional Conference for Latin America and the Caribbean on Cluster Munitions in Santiago, Chile in September 2009, and the International Conference on the Convention on Cluster Munitions, also held in Santiago, in June 2010.

On 27–29 July 2009, Costa Rica hosted the 11th Summit of Heads of State and Government of the Tuxtla Mechanism, a grouping of 10 Latin American and Caribbean states.²⁰¹ The Summit issued the Guanacaste Declaration, calling on all states to sign and/or ratify the Convention on Cluster Munitions “in order for this instrument to come into effect as soon as possible.”²⁰²

Costa Rica played an important role in the Oslo Process that produced the convention, including hosting a regional conference in San José in September 2007. It participated extensively in all of the preparatory meetings in 2007 and 2008, and worked hard during the Dublin negotiations to achieve a comprehensive and strong treaty text, particularly on victim assistance.²⁰³

Costa Rica is party to the Convention on Conventional Weapons (CCW) and ratified Protocol V on explosive remnants of war on 27 April 2009. Costa Rica has continued to participate in the CCW deliberations on cluster munitions in 2009 and 2010 through July.

Costa Rica has stated that it has never used, produced, transferred, or stockpiled cluster munitions.²⁰⁴

Côte d’Ivoire

Policy

The Republic of Côte d’Ivoire signed the Convention on Cluster Munitions in Oslo on 4 December 2008. The current status of ratification efforts is unknown.

In 2009, representatives of Côte d’Ivoire informed the CMC that ratification would be completed by the end of that year.²⁰⁵ In March 2010, officials in the Ministry of Foreign Affairs said that due to a change in the Minister of Foreign Affairs, ratification had been delayed.²⁰⁶

Côte d’Ivoire attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, but did not attend the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions held in Pretoria, South Africa in March 2010, or the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

Côte d’Ivoire participated in the formal negotiations of the convention in May 2008, as well as some of the related Oslo Process meetings.²⁰⁷

¹⁹⁸ Statement of Costa Rica, Latin American side briefing, Berlin Conference on the Destruction of Cluster Munitions, 26 June 2009. Notes by AOAV.

¹⁹⁹ CMC meeting with Ana Marcela Calderón, Minister Counsellor, Permanent Mission of Costa Rica to the UN in New York, 16 October 2009. Notes by the CMC.

²⁰⁰ Interview with Carlos Cordero and Mabel Segura Fernandez, Ministry of Foreign Affairs, Santiago, 9 June 2010.

²⁰¹ The Tuxtla Mechanism was created in 1991 and includes Belize, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, and Panama. “Clausura de la XI Cumbre de Jefes de Estado y de Gobierno del Mecanismo de Diálogo y Concertación de Tuxtla” (“Closing of the XI Summit of Heads of State and Government of the Mechanism of Tuxtla Dialogue and Agreement”), 29 July 2009, xicumbretuxtla.blogspot.com.

²⁰² Paragraph 19 of the Guanacaste Declaration, XI Cumbre de Jefes de Estado y de Gobierno del Mecanismo de Diálogo y Concertación de Tuxtla (XI Summit of Heads of State and Government to the Tuxtla Mechanism), Guanacaste, Costa Rica, 27–29 July 2009, www.rree.go.cr. Original text: “Recibir con satisfacción el llamado Proceso de Oslo, que negoció la Convención sobre Municiones de Racimo. La negociación y firma de este instrumento en diciembre de 2008 por más de noventa países, constituye un gran paso hacia la proscripción de estas armas de efecto indiscriminado, que causan daños inaceptables a la población civil. Con base en lo anterior, hacer un llamado a todos los Estados para que la firmen y/o ratifiquen a la brevedad dicha Convención, a fin de que este instrumento entre en vigor lo más pronto posible.”

²⁰³ For detail on Costa Rica’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 62–63.

²⁰⁴ Statement of Costa Rica, CCW Group of Governmental Experts on Cluster Munitions, Geneva, 14 January 2008. Notes by Landmine Action.

²⁰⁵ Email from Handicap International France, 30 June 2009.

²⁰⁶ Email from Ministry of Foreign Affairs official to Handicap International France, 19 March 2010.

²⁰⁷ For details on cluster munition policy and practice see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 64.

Côte d'Ivoire is party to the Mine Ban Treaty, but not the Convention on Conventional Weapons (CCW). In recent years, it has sometimes attended as an observer sessions of the CCW on cluster munitions.

According to a Ministry of Defense official, Cote d'Ivoire has never used, produced, transferred, or stockpiled cluster munitions.²⁰⁸

Cyprus

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	None in 2009 or 2010 through July
Key developments	Signed on 23 September 2009

Policy

The Republic of Cyprus signed the Convention on Cluster Munitions on 23 September 2009, becoming the 100th signatory to the convention.

In May 2010, a representative of the Ministry of Foreign Affairs told Landmine and Cluster Munition Monitor that ratification could be completed by the end of 2010.²⁰⁹ The ratification process requires the convention text to be translated into Greek, submitted to the House of Representatives, and then signed by the President.²¹⁰

Cyprus attended the special events on the Convention on Cluster Munitions held at the UN in New York in March 2009 and October 2009. Cyprus did not, however, attend any of the regional or international diplomatic conferences on cluster munitions in 2009 or 2010 through July.

Cyprus participated in only one of the Oslo Process international conferences to develop the convention text, in Vienna in December 2007. Cyprus attended the formal negotiations of the convention in Dublin in May 2008 only as an observer.

Cyprus has not yet made known its views on several important issues pertaining to the implementation and interpretation, including the prohibition on transit, the prohibition on assistance during joint military operations with states not party that might use cluster munitions, or the prohibition on investment in the production of cluster munitions.

A Ministry of Foreign Affairs official in 2010 emphasized the importance of universalizing the convention, noting in particular that Turkey has not joined. The official asserted that Turkish Armed Forces “have stocked considerable quantities of cluster bombs in the occupied territory of the Republic [of Cyprus].”²¹¹

Cyprus is party to the Mine Ban Treaty and the Convention on Conventional Weapons (CCW), and ratified CCW Protocol V on explosive remnants of war on 11 March 2010. Cyprus has regularly attended the CCW sessions on cluster munitions, but has not actively engaged in the discussions on the text of a potential future instrument.

Cyprus is not believed to have used, produced, or transferred cluster munitions. Cyprus possesses 122mm BM-21 Grad multiple launch rockets, but it is not known if these weapons have cluster munition warheads.²¹²

²⁰⁸ Interview with Patrick-Alexandre M'Bahia, Officer, Ministry of Defense, in Geneva, 23 June 2010.

²⁰⁹ Response to Monitor questionnaire by Panayiotis Papadopoulos, Counsellor, Political Affairs Division, Ministry of Foreign Affairs, 22 June 2010. Cyprus publicly announced that its ratification process was underway in April 2010. Statement of Cyprus, CCW Group of Governmental Experts on Cluster Munitions, Geneva, 12 April 2010. Notes by AOAV.

²¹⁰ Response to Monitor questionnaire by Panayiotis Papadopoulos, Ministry of Foreign Affairs, 22 June 2010.

²¹¹ Ibid.

²¹² International Institute for Strategic Studies, *The Military Balance 2005–2006* (London: Routledge, 2005), p. 117; and Colin King, ed., *Jane's Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008, (Surrey, UK: Jane's Information Group Limited, 2008).

Czech Republic

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended a global conference in Berlin in June 2009
Key developments	Ratification process underway

Policy

The Czech Republic signed the Convention on Cluster Munitions on 3 December 2008 in Oslo.

In April 2010, the Ministry of Foreign Affairs reported that a law “implementing all the provisions of the Convention internally” had been prepared by the Ministry of Defense and was before the Parliament. It was expected to be passed after the May 2010 parliamentary elections.²¹³

The ministry stated, “After the law is passed, the process of ratification will start. We expect the ratification to take place during the second half of 2010.” The ministry said that the Czech Republic “has no practical issues that would stand in [the] way to ratifying the Convention. On the contrary, the political support to the aims and to the letter of the Convention is permanently strong.”²¹⁴

Earlier, in March 2009, the Ministry of Foreign Affairs reported that a draft implementation law was in preparation, and stated that it would be submitted to the government by October 2009, allowing the ratification process to begin.²¹⁵

The Czech Republic participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, but did not attend the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010. The Ministry of Foreign Affairs has stated that the Czech Republic intends to actively participate in the First Meeting of States Parties to the convention, to be held in November 2010.²¹⁶

The Czech Republic was fully engaged throughout the work of the Oslo Process to develop the convention. Although it was not initially supportive of a comprehensive prohibition on cluster munitions, it joined the 107 countries to adopt the convention text at the conclusion of negotiations in Dublin in May 2008.²¹⁷

The Czech Republic has not yet made known its views on certain important issues related to interpretation and implementation of the convention, including the prohibition on assistance during joint military operations with states not party that may use cluster munitions, the prohibition on transit of cluster munitions, the prohibition on foreign stockpiling of cluster munitions, the prohibition on investment in production of cluster munitions, and the need for retention of cluster munitions and submunitions for training and development purposes. However, during the Oslo Process, the issue of joint military operations with states not party (interoperability) was a central concern of the Czech Republic. The Czech Republic stated it could only join the convention if it was sure that its NATO responsibilities would not be hindered.²¹⁸

The Czech Republic is a State Party to the Mine Ban Treaty.

It is also party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. The Czech Republic attended the CCW deliberations on cluster munitions in 2009 and 2010 through July, but did not make a statement on its views on the process and the draft text.

Use, production, stockpiling, and transfer

According to the Ministry of Foreign Affairs, “The Army of the Czech Republic has never used any cluster munitions in military operations,” and the “Czech Republic never produced cluster munitions.”²¹⁹

²¹³ Letter No. 101781/2010-OSN from Kateřina Sequešová, Director, UN Department, Ministry of Foreign Affairs, to Judith Majlath, CMC-Austria, 30 April 2010.

²¹⁴ Ibid.

²¹⁵ Letter from Jan Michal, Director, UN Department, Ministry of Foreign Affairs, 17 March 2009.

²¹⁶ Letter No. 101781/2010-OSN from Kateřina Sequešová, Ministry of Foreign Affairs, to Judith Majlath, CMC-Austria, 30 April 2010.

²¹⁷ For details on the Czech Republic’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 66–68.

²¹⁸ Statement of the Czech Republic, Session on General Scope of Obligations, Vienna Conference on Cluster Munitions, 6 December 2007. Notes by the CMC/WILPF.

²¹⁹ Letter from Jan Michal, Ministry of Foreign Affairs, 17 March 2009.

In April 2010, the Ministry of Foreign Affairs stated the Czech Republic would provide information on the fulfillment of its obligations under the convention, including stockpile destruction, at the First Meeting of States Parties in November 2010.²²⁰

The Czech Republic disclosed in March 2009 that it “owned the RBK-500 and the KMGU BKF PTAB types of cluster munitions, but they have already been removed from Army equipment. The Ministry of Defence currently holds, in storage, 67 containers and 5,377 pieces of RBK-500 and KMGU BKF PTAB sub-munitions, which will be environmentally disposed of in accordance with the Convention on Cluster Munitions.”²²¹

The Ministry of Foreign Affairs also revealed that, “In the past, the Ministry of Defence sold part of its cluster munitions stocks to Czech private firms.”²²²

The Ministry of Defense reported to Human Rights Watch in 2006, “There are no cluster munitions included in the armaments of the Czech Armed Forces” and all cluster munitions “have been excluded from service.” It went on to note that the Czech Republic has a limited number of stockpiled RBK-250, RBK-500, and KMG-U cluster munitions that are intended for “complete liquidation eventually.” It stated that, contrary to previous information, the Czech Armed Forces has no stockpiles of RBK-275 bombs, PROSAB-250 bombs, AGAT/JRKK-G rockets, or TRNOVNIK rockets.²²³

In May 2007, the Czech Republic stated that it had destroyed “a number of RBK bombs and KMGU aerial dispensers,” and reiterated that its remaining stockpile of cluster munitions had been removed from service and are “intended for complete disposal.”²²⁴

Djibouti

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	None in 2009 or 2010 through July
Key developments	Signed on 30 July 2010

Policy

The Republic of Djibouti signed the Convention on Cluster Munitions on 30 July 2010.

On several occasions in previous years, officials conveyed Djibouti’s intention to sign and said that joining the convention would not be problematic for Djibouti as it is not affected by cluster munitions and does not possess a stockpile. Officials emphasized the importance of the convention as a means to stigmatize cluster munitions in their region and noted the importance of its broad universalization.²²⁵

The ratification process will reportedly initiate with the Council of Ministers, and then pass to the Parliament.²²⁶

Djibouti did not attend any of the international or regional meetings on the convention in 2009 or 2010 through July.

Djibouti first attended an Oslo Process conference in Vienna in December 2007, where it made a statement in support of a legally-binding instrument on cluster munitions, noting in particular its support for provisions on victim assistance.²²⁷ Djibouti endorsed the Wellington Declaration on 21 May 2008, enabling it to be a full participant in the diplomatic negotiations of the convention.

However, Djibouti did not attend the negotiations in Dublin in May 2008. At the Kampala Conference on the Convention on Cluster Munitions in September 2008, Djibouti announced its intention to sign and ratify the convention and endorsed the Kampala Action Plan, which called on states to sign and “take all necessary measures to ratify the convention as soon as possible.”²²⁸

²²⁰ Letter No. 101781/2010-OSN from Kateřina Sequensová, Ministry of Foreign Affairs, to Judith Majlath, CMC-Austria, 30 April 2010.

²²¹ Letter from Jan Michal, Ministry of Foreign Affairs, 17 March 2009.

²²² Ibid.

²²³ Email from Jakub Cimoradsky, International Law Department, Ministry of Defense, 25 August 2006. It stated that only Nb 122-JROF RM-70 cargo rockets are used for Grad multiple rocket launchers produced by Czechoslovakia.

²²⁴ Statement of the Czech Republic, Lima Conference on Cluster Munitions, 23–25 May 2007.

²²⁵ Interview with Amb. Mohamed Siad Douale, Permanent Mission of Djibouti to the UN in Geneva, 13 April 2010; and CMC meeting with Isse Abdillahi Assoweh, Deputy Director, Ministry of Foreign Affairs and International Cooperation, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010.

²²⁶ Interview with Amb. Mohamed Siad Douale, Permanent Mission of Djibouti to the UN in Geneva, 13 April 2010.

²²⁷ Statement of Djibouti, Vienna Conference on Cluster Munitions, 6 December 2007. Notes by the CMC/WILPF.

²²⁸ CMC, “Report on the Kampala Conference on the Convention on Cluster Munitions, 29–30 September 2008.”

The Minister of Defense was scheduled to sign the convention in Oslo in December 2008.²²⁹ However, Djibouti did not ultimately attend the signing conference due to coordination issues related to the signature and authorization process.²³⁰

Djibouti is a State Party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), but has yet to ratify its Protocol V on explosive remnants of war. Djibouti has not participated in CCW discussions on cluster munitions in 2009 or 2010 through July.

Djibouti has stated that it has not used, produced, or stockpiled cluster munitions.²³¹

Dominican Republic

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended a global conference in Santiago in June 2010 and a regional meeting in Santiago in September 2009
Key developments	Signed on 10 November 2009; ratification underway

Policy

The Dominican Republic signed the Convention on Cluster Munitions on 10 November 2009. Its Permanent Representative to the UN in New York, Ambassador Federico Alberto Cuello Camilo, signed on behalf of the Dominican Republic.

On 23 February 2010, ratification of the convention was referred to the Senate Committee on Foreign Affairs and International Cooperation.²³² The timeframe for completion of ratification is not known.

The Dominican Republic attended the Regional Conference for Latin America and the Caribbean on Cluster Munitions, held in Santiago, Chile in September 2009, as well as the International Conference on the Convention on Cluster Munitions, also held in Santiago, in June 2010.

The Dominican Republic joined the Oslo Process shortly after its launch, when it attended the Lima Conference on Cluster Munitions in May 2007 and stated its support for the creation of a legally-binding instrument to ban cluster munitions.²³³ It also attended a regional meeting held in Costa Rica in September 2007, and the international meetings to develop the convention text held in Vienna in December 2007 and Wellington in February 2008. In Wellington, the Dominican Republic reconfirmed its commitment to ban cluster munitions and endorsed the Wellington Declaration committing it to participate in the formal negotiations of an instrument prohibiting cluster munitions.²³⁴

During the Dublin negotiations, the Dominican Republic supported a strong treaty text, including on victim assistance.²³⁵ It was one of the 107 states that adopted the Convention on Cluster Munitions in Dublin on 30 May 2008.

Yet, the Dominican Republic did not sign the convention in Oslo in December 2008. In October 2009, a government representative told the CMC that the Dominican Republic had intended to sign in Oslo, but did not receive its “full powers” from capital in time.²³⁶

The Dominican Republic is party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), but it has not ratified Protocol V on explosive remnants of war. The Dominican Republic has not actively participated in CCW deliberations on cluster munitions in recent years.

In February 2008, the Dominican Republic stated that it “does not use, stockpile, produce, or have anything to do with cluster munitions.”²³⁷

²²⁹ Interview with Amb. Mohamed Siad Douale, Permanent Mission of Djibouti to the UN in Geneva, 13 April 2010.

²³⁰ Email from Laura Cheeseman, Campaigning Officer, CMC, 12 December 2008.

²³¹ Interview with Amb. Mohamed Siad Douale, Permanent Mission of Djibouti to the UN in Geneva, 13 April 2010.

²³² Order No. 00139, Bill 07293-2010-PLO-SE, Secretariat General of the First Extraordinary Period of Sessions of 2010 of the Dominican Senate, 23 June 2010, www.senado.gov.do. See also, “Senado aprueba emisión de bonos a ser utilizados en construcción de obras políticas” (“Senate approves issue of bonds to be used in policy construction”), *Listin Digital* (Santo Domingo), 3 March 2010, www2.listindiario.com.

²³³ Statement of the Dominican Republic, Lima Conference on Cluster Munitions, 24 May 2007. Notes by the CMC.

²³⁴ Statement of the Dominican Republic, Wellington Conference on Cluster Munitions, 18 February 2008. Notes by the CMC.

²³⁵ Summary Record of the Committee of the Whole, Eighth Session: 23 May 2008, Dublin Diplomatic Conference, CCM/CW/SR/8, 18 June 2008; and Summary Record of the Committee of the Whole, Sixth Session: 22 May 2008, Dublin Diplomatic Conference, CCM/CW/SR/6, 18 June 2008.

²³⁶ CMC meeting with Joan Margarita Cedano, Minister Counsellor, Permanent Mission of the Dominican Republic to the UN in New York, 23 October 2009.

²³⁷ Statement of the Dominican Republic, Wellington Conference on Cluster Munitions, 22 February 2008. Notes by the CMC.

El Salvador

Policy

The Republic of El Salvador signed the Convention on Cluster Munitions in Oslo on 3 December 2008. In June 2010, a government representative informed the CMC that the ratification process was still with the executive branch.²³⁸ The timeframe for ratification is not known.

El Salvador has continued to show strong interest in the convention. It participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Regional Conference for Latin America and the Caribbean on Cluster Munitions in Santiago, Chile in September 2009, and the International Conference on the Convention on Cluster Munitions, also held in Santiago in June 2010.

El Salvador participated actively in the Oslo Process to develop and negotiate the Convention on Cluster Munitions, frequently aligning itself with the views of many Latin American states in favor of the strongest, most comprehensive convention possible.²³⁹

El Salvador is a State Party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. It has not participated actively in the CCW deliberations on cluster munitions in recent years.

In March 2010, El Salvador confirmed that it has not used, transferred, or stockpiled cluster munitions.²⁴⁰ It is not believed to have ever produced the weapon.

Gambia

Policy

The Gambia signed the Convention on Cluster Munitions in Oslo on 3 December 2008.

Shortly after signing, following a recommendation from the Attorney General that the government ratify the convention, ratification documents were forwarded to the Cabinet.²⁴¹ In June 2009, the Gambia announced that the Cabinet had approved ratification, and it would be tabled in Parliament during its next session.²⁴² The Gambia has not provided additional information since that time.²⁴³

The Gambia participated in two meetings of the Oslo Process (the international conference in Vienna in December 2007 and the regional conference in Kampala in September 2008), but did not attend the formal negotiations in Dublin in May 2008.²⁴⁴

The Gambia attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, where its representative made a statement calling on countries to “intensify our concerted efforts to eliminate these weapons.”²⁴⁵ The Gambia also participated in the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, but did not make a statement. It did not attend the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munition in Pretoria, South Africa in March 2010.

The Gambia is a State Party to the Mine Ban Treaty. It is not party to the Convention on Conventional Weapons.

The Gambia has stated that it has never used, produced, or stockpiled cluster munitions.²⁴⁶

²³⁸ CMC meeting with Mauricio A. Peñate Guzman, Advisor, Embassy of El Salvador to Chile, Santiago, 9 June 2010. Notes by the CMC.

²³⁹ For details on El Salvador’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 73.

²⁴⁰ Interview with Francisco González, Security and Defense Policy, and Gustavo Argueta, Multilateral Issues, Ministry of Foreign Affairs, San Salvador, 24 March 2010.

²⁴¹ Email from Pamela Kehinde Cole, National Network Coordinator, West Africa Network for Peacebuilding, 24 March 2009.

²⁴² Statement by Ousman Sonko, Minister of the Interior and NGO Affairs, Berlin Conference on the Destruction of Cluster Munitions, 26 June 2009.

²⁴³ The Gambia’s representative at the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010 did not provide an update on the ratification process.

²⁴⁴ For detail on The Gambia’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 77–78.

²⁴⁵ Statement of The Gambia, Berlin Conference on the Destruction of Cluster Munitions, 26 June 2009. Notes by AOAV.

²⁴⁶ Statement by Ousman Sonko, then-Secretary of State for the Interior, Convention on Cluster Munitions Signing Conference, Oslo, 4 December 2008; and statement by Ousman Sonko, Minister of the Interior and NGO Affairs, Berlin Conference on the Destruction of Cluster Munitions, 26 June 2009.

Ghana

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Pretoria in March 2010
Key developments	Parliament approved ratification on 3 August 2010

Policy

The Republic of Ghana signed the Convention on Cluster Munitions on 3 December 2008. Parliament approved ratification on 3 August 2010.²⁴⁷

Upon signing the convention, Ghana had stated its intent to ratify and urged “all countries to ratify the convention as soon as possible so that we can start implementation and stigmatize any future use of cluster munitions.”²⁴⁸ In June 2009, Ghana said that the “government on her part has submitted the request for ratification to our Parliament and will be depositing the instrument of ratification with the UN very shortly.”²⁴⁹ In March 2010, Ghana informed other African states that ratification was being considered by Parliament.²⁵⁰

Ghana engaged in the work of the convention in 2009 and 2010 through July. It attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa in March 2010, and the International Conference on the Convention on Cluster Munitions held in Santiago, Chile in June 2010.

Ghana participated in the diplomatic Oslo Process that produced the convention from December 2007 onwards and worked to achieve a strong treaty during the negotiations in Dublin in May 2008.²⁵¹

During the Oslo Process, Ghana provided its views on several important matters related to the interpretation and implementation of the convention. In September 2008, the Minister of State at the Ministry of Interior, Nana Obiri Boahen, expressed Ghana’s view that States Parties must not intentionally assist other states in using cluster munitions and in other acts prohibited by the convention, should not allow other states to transport cluster munitions through their territory, should remove stockpiles of foreign cluster munitions from their territory, and should retain only the minimum number of cluster munitions required for training purposes, which could be in the hundreds or thousands but not the tens of thousands.²⁵²

Ghana is a State Party to the Mine Ban Treaty. It is not party to the Convention on Conventional Weapons.

In August 2010, an official stated that Ghana had not manufactured, purchased, or stockpiled cluster munitions.²⁵³

Guatemala

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Santiago in September 2009
Key developments	Ratification process underway; new interpretive statements

²⁴⁷ Emails from Theodora Williams, Research Officer, Foundation for Security and Development in Africa, 4 and 6 August 2010.

²⁴⁸ Statement by Nana Obiri Boahen, Minister of State, Ministry of Interior, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

²⁴⁹ Statement by Hon. Dr. Kwasi Apea-Kubi, Deputy Minister, Ministry of Interior, Berlin Conference on the Destruction of Cluster Munitions, 25–26 June 2009.

²⁵⁰ Statement of Ghana, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 25 March 2010. Notes by AOAV.

²⁵¹ For detail on Ghana’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 84.

²⁵² CMC, “Report on the Kampala Conference on the Convention on Cluster Munitions,” 29–30 September 2008.

²⁵³ An article cites Col. Seth Ohene Asare, Chair of the National Commission of Small Arms, “Ghana and Canada to commemorate ban of cluster munitions,” *Ghana Web* (Accra), 3 August 2010, www.ghanaweb.com.

Policy

The Republic of Guatemala signed the Convention on Cluster Munitions in Oslo on 3 December 2008.

In June 2010, a representative of the Foreign Affairs Committee of the Congress announced that Guatemala expected to ratify before the First Meeting of States Parties in November 2010. He said that the committee had approved ratification of the convention on 13 May and sent it for consideration and approval by the full Congress.²⁵⁴ Guatemala wrote to Landmine and Cluster Munition Monitor in May 2010 that, “We hope that the Convention will be approved without delay in the following months....”²⁵⁵

After the convention was signed in December 2008, the legal department of the Ministry of Foreign Affairs prepared an analysis of the convention and consulted with the Ministry of Defense and other relevant ministries. In November 2009, the Ministry of Foreign Affairs sent ratification of the convention to the Executive Branch for its consideration. On 4 November 2009, the convention was presented to Congress for approval as Law 4123.²⁵⁶ The ratification decree was then sent to the Foreign Affairs Committee of the Congress for further review. In March 2010, President of the Foreign Affairs Committee Zury Ríos said that the convention could be ratified in the next few months, as it is not a sensitive issue among the political parties.²⁵⁷

Asked about possible implementation measures, Guatemala noted that on 31 March 2009, Congress passed Decree 15-2009, the “Law on Firearms and Munitions,” that prohibits the use of weapons prohibited by international treaties that Guatemala has joined. It said, “At the moment that Guatemala ratifies the Convention on Cluster Munitions, the use of this category of arms will be banned in its territory and outside of it.”²⁵⁸

Guatemala also said, “Additionally to the mentioned Article, Guatemala is still evaluating the possibility to adopt specific measures to meet with the Convention’s dispositions.” It noted the possibility of adopting legislative measures similar to the ones adopted in the framework of the Mine Ban Treaty.²⁵⁹

Guatemala actively participated in the Oslo Process that produced the convention in 2007 and 2008 from the outset, expressed its support for a comprehensive ban on cluster munitions without exceptions, and opposed efforts to dilute the treaty in any way.²⁶⁰

Guatemala has continued to show strong interest in the convention. It participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Regional Conference for Latin America and the Caribbean on Cluster Munitions in Santiago, Chile in September 2009, and the International Conference on the Convention on Cluster Munitions, also held in Santiago, in June 2010.

On interpretative matters relating to the convention, Guatemala stated in May 2010, “Guatemala considers that the stockpiling of cluster munitions of other countries in the territory of a State Party to the Convention, as well as the investment in its production is prohibited according to Article 1 of the Convention.”²⁶¹

Guatemala said in March 2009, “Even though the Convention is not explicit...Guatemala agrees that the transit of cluster munitions in the territory of the States Parties should not be permitted.” It also noted its opposition to the convention’s provision on interoperability, and stated, “Guatemala would not participate in any military operation with States that use cluster munitions.”²⁶²

Guatemala is party to the Convention on Conventional Weapons (CCW) and ratified Protocol V on explosive remnants of war on 28 February 2008. Guatemala has engaged in the CCW deliberations on cluster munitions in recent years. During the April 2010 session of the CCW Group of Governmental Experts (GGE), Guatemala stated that it could only support a new protocol on cluster munitions that, at the very minimum, is as restrictive as possible, includes better respect for standards of international humanitarian law, and contains victim assistance and international cooperation and assistance provisions.²⁶³ In November 2009, Guatemala was clear in its support of the Convention on Cluster Munitions as the only truly effective solution to the harm caused by cluster munitions.²⁶⁴

Guatemala has stated that it has never used, produced, transferred, or stockpiled cluster munitions.²⁶⁵

²⁵⁴ Statement of Guatemala, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010. Notes by AOAV.

²⁵⁵ Letter No. 580/MRAC/2010 from the Permanent Mission of Guatemala to the UN in Geneva, 14 May 2010.

²⁵⁶ Interview with Carlos Hugo Avila Martinez, Director, International Humanitarian Law Office, Ministry of Foreign Affairs, Guatemala City, 22 January 2010.

²⁵⁷ CMC meetings with Zury Ríos, President, Foreign Affairs Committee, Guatemala City, 15 March 2010 and 8 April 2010.

²⁵⁸ Letter No. 580/MRAC/2010 from the Permanent Mission of Guatemala to the UN in Geneva, 14 May 2010. The text of the decree can be found at www.congreso.gob.gt.

²⁵⁹ Ibid. Guatemala also noted the Mine Ban Treaty precedent in a March 2009 letter, citing Decree No. 106-7, “Law on the Prohibition of Production, Purchase, Selling, Importation, Exportation, Transit, Use, Possession, and Transfer of Antipersonnel Land Mines and Antidetonator Detonators or parts of these Devices.” Letter No. 136/ONU/09 from the Permanent Mission of Guatemala to the UN in Geneva, 19 March 2009.

²⁶⁰ For detail on Guatemala’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 85.

²⁶¹ Letter No. 580/MRAC/2010 from the Permanent Mission of Guatemala to the UN in Geneva, 14 May 2010.

²⁶² Letter No. 136/ONU/09 from the Permanent Mission of Guatemala to the UN in Geneva, 19 March 2009.

²⁶³ Statement of Guatemala, CCW GGE on Cluster Munitions, Geneva, 12 April 2010. Notes by AOAV.

²⁶⁴ Statement of Guatemala, CCW Meeting of States Parties, 12–13 November 2009. Notes by AOAV.

²⁶⁵ Letter No. 136/ONU/09 from the Permanent Mission of Guatemala to the UN in Geneva, 19 March 2009.

Guinea

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010
Key developments	Ratification process underway

Policy

The Republic of Guinea signed the Convention on Cluster Munitions in Oslo on 3 December 2008.²⁶⁶

At the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, Guinea stated that it has been unable to complete ratification due to the exceptional political situation in its country. It said that the elections scheduled for 27 June 2010 should allow Guinea to reestablish its National Assembly and soon after it will continue with the ratification of the convention. It promised ratification would take place in the shortest time possible.²⁶⁷ The new constitution requires that ratification must be approved by the Guinean parliament.²⁶⁸

Guinea participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009. However, it did not attend the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa in March 2010.

Guinea participated in the formal negotiations of the convention in May 2008, as well as several of the other Oslo Process meetings.²⁶⁹

Guinea is party to the Mine Ban Treaty, but not the Convention on Conventional Weapons.

Guinea is not believed to have used, produced, or exported cluster munitions, but it is thought to have a stockpile. Moldova reported the transfer to Guinea in 2000 of 860 9M27K rockets, each containing 30 submunitions, for Guinea's 220mm Uragan multiple launch rocket system.²⁷⁰ The size and content of Guinea's current stockpile of cluster munitions is not known.

Guinea-Bissau

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010
Key developments	Ratification process underway

Policy

The Republic of Guinea-Bissau signed the Convention on Cluster Munitions in Oslo on 4 December 2008.

In June 2010, Guinea-Bissau stated that the Council of Ministers, the Parliament, and the President had all approved ratification of the convention, and it had been published in the official journal. Guinea-Bissau said the ratification instrument would be deposited with the UN shortly, prior to the 1 August 2010 entry into force of the convention.²⁷¹

²⁶⁶ Upon signing the convention in Oslo, Guinea's ambassador said Guinea would make every effort to ensure the provisions of the convention are translated into legally-binding domestic prohibitions. Statement by Amb. Alexandre Cécé Loua, Representative of Guinea to Germany, Convention on Cluster Munitions Signing Conference, Oslo, 4 December 2008.

²⁶⁷ Statement of Guinea, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010. Notes by AOAV/HRW.

²⁶⁸ CMC meeting with the delegation of Guinea, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010.

²⁶⁹ For details on cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 86.

²⁷⁰ Submission of the Republic of Moldova, UN Register of Conventional Arms, Report for Calendar Year 2000, 30 May 2001.

²⁷¹ Statement of Guinea-Bissau, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010. Notes by AOAV. See also, CMC meeting with the Guinea-Bissau delegation, International Conference on the Convention on Cluster Munitions, 7–9 June 2010. Notes by the CMC.

Guinea-Bissau participated in the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010 and the Berlin Conference on the Destruction of Cluster Munitions in June 2009. It did not attend the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions held in Pretoria, South Africa in March 2010.

Guinea-Bissau participated in some of the Oslo Process diplomatic conferences that produced the convention, including the formal negotiations in Dublin in May 2008, where it joined many other African states in opposing efforts to weaken the convention text.²⁷²

Guinea-Bissau is party to the Mine Ban Treaty and to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. Guinea-Bissau has not engaged in the CCW deliberations on cluster munitions in recent years.

Use, production, transfer, and stockpiling

Guinea-Bissau has stated that it does not use or produce cluster munitions.²⁷³ However, it is believed to possess a stockpile. RBK air-dropped cluster bombs and PTAB 2.5 bomblets were among munitions ejected by an explosion at the Paiol de Bra ammunition storage facility, located in the outskirts of Bissau City, sometime in 2000.²⁷⁴ The size and content of Guinea-Bissau's current stockpile of clusters munitions is not known.

Cluster Munition Remnants

It is not known to what extent Guinea-Bissau is still contaminated with cluster munition remnants. The last known unexploded submunitions were said to have been destroyed by Cleared Ground Demining (CGD) in August 2008,²⁷⁵ although Guinea-Bissau submitted an Article 7 transparency report in 2009 which referred to “some clusters” at the Paiol da Bra ammunition storage area (ASA).²⁷⁶ Subsequently, CGD reported clearing 73 PTAB 2.5M submunitions at Paiol da Bra in 2009.²⁷⁷ In June 2010, the general director of the National Mine Action Coordination Center (Centro Nacional de Coordenação da Accção Anti-Minas, CAAMI) acknowledged the existence of a cluster munition problem but stated that survey was needed to identify its extent.²⁷⁸

Haiti

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	None
Key developments	Signed on 28 October 2009

Policy

The Republic of Haiti signed the Convention on Cluster Munitions on 28 October 2009.²⁷⁹ Ratification of the convention requires parliamentary approval, which could be delayed by the earthquake that devastated the country on 12 January 2010. Haiti is not known to have begun the process of preparing national legislation or other implementation measures.

Haiti did not participate in the Oslo Process that created the Convention on Cluster Munitions. It did not attend the Regional Conference for Latin America and the Caribbean on Cluster Munitions in Santiago, Chile in September 2009, or the International Conference on the Convention on Cluster Munitions, also held in Santiago, in June 2010.

²⁷² For detail on Guinea-Bissau's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 86–87.

²⁷³ Statement by Amb. Augusto Artur António Silva, Secretary of State and International Cooperation, Convention on Cluster Munitions Signing Conference, Oslo, 4 December 2008.

²⁷⁴ CGD, “Guinea Bissau Project Update,” undated, www.clearedground.org. Some RBK cluster bombs contain PTAB submunitions. These were likely of Soviet/Russian origin.

²⁷⁵ Email from Cassandra McKeown, Finance Director, CGD, 22 April 2009.

²⁷⁶ See Article 7 Report (for the period 30 April 2008 to 30 April 2009), Form C.

²⁷⁷ Email from Cassandra McKeown, CGD, 21 June 2010.

²⁷⁸ Interview with César de Carvalho, General Director, CAAMI, in Geneva, 23 June 2010.

²⁷⁹ After outreach by Handicap International (HI), a Haitian diplomat in New York informed the CMC on 21 October 2009 that government approval to sign the convention had been given and he was awaiting full powers in order to sign for Haiti. Meeting with Frisnel Azor, Counselor, Permanent Mission of Haiti to the UN in New York, New York, 21 October 2009. Notes by the CMC/HI.

Haiti is party to the Mine Ban Treaty. Haiti has not joined the Convention on Conventional Weapons (CCW), but attended as an observer the annual conferences on CCW Protocol V on explosive remnants of war and Amended Protocol II on landmines in November 2009 in Geneva.

Haiti is not believed to have used, produced, transferred, or stockpiled cluster munitions.

Honduras

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended a global conference in Santiago in June 2010
Key developments	Ratification process underway

Policy

The Republic of Honduras signed the Convention on Cluster Munitions in Oslo on 3 December 2008.

Upon signing the convention, Honduras said it hoped to be “among the first to ratify.”²⁸⁰ Ratification was delayed by the 28 June 2009 ousting of Honduran President Manuel Zelaya, who, after general elections held in November 2009, was replaced by Porfirio Lobo Sosa, who was sworn in on 27 January 2010.

In February 2010, a Ministry of Foreign Affairs official informed Landmine and Cluster Munition Monitor that a consultation process with other related ministries and institutions had found no objection to ratification of the convention. It would be presented to the Executive Branch for approval and then submitted to Congress for its consent.²⁸¹

The official also indicated that some aspects of the convention are already covered by domestic law, noting that in October 2004, Congress passed the Law on Firearms, Munitions, Explosives and other Similar Objects Control (Decree 30-2000) to regulate the trade and possession of firearms and explosives.²⁸²

Honduras participated in the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, but did not make any statements. It did not attend the Regional Conference for Latin America and the Caribbean on Cluster Munitions also held in Santiago, in September 2009.

Honduras joined the Oslo Process, that resulted in the negotiation and signing of the convention, in September 2007 and played an active role during the Dublin negotiations in May 2008, emphasizing that the spirit of the convention should be total prohibition, like the Mine Ban Treaty.²⁸³

Honduras is party to the Convention on Conventional Weapons (CCW) and ratified Protocol V on explosive remnants of war on 28 February 2008. Honduras has not actively engaged in the CCW deliberations on cluster munitions in recent years.

Honduras is not believed to have used or produced cluster munitions. In December 2007, Honduras officially stated that does not possess cluster munitions.²⁸⁴ Officials have said that Honduras destroyed its stockpile of air-dropped Rockeye cluster bombs as well as an unidentified type of artillery-delivered cluster munition in previous years.²⁸⁵ According to United States export records, Honduras imported 120 Rockeye cluster bombs at some point between 1970 and 1995.²⁸⁶

²⁸⁰ Statement by Amb. J. Delmer Urbizo Panting, Permanent Mission of Honduras to the UN in Geneva, Convention on Cluster Munitions Signing Conference, Oslo, 4 December 2008.

²⁸¹ Telephone interview with Ivon Bonilla, Director of the Treaties Department, Ministry of Foreign Affairs, 27 February 2010.

²⁸² Ibid, 10 March 2010.

²⁸³ For more information on Honduras' policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 89.

²⁸⁴ Statement of Honduras, Vienna Conference on Cluster Munitions, 5 December 2007. Notes by the CMC/WILPF.

²⁸⁵ Human Rights Watch meetings with Honduran officials, in San José, 5 September 2007, and in Vienna, 3–5 December 2007.

²⁸⁶ US Defense Security Cooperation Agency, Department of Defense, “Cluster Bomb Exports under FMS, FY1970–FY1995,” obtained by Human Rights Watch in a Freedom of Information Act request, 28 November 1995.

Hungary

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	None in 2009 or 2010 through July
Key developments	Ratification process underway

Policy

The Republic of Hungary signed the Convention on Cluster Munitions in Oslo on 3 December 2008.²⁸⁷ In 2010, Hungarian officials confirmed that the ratification process was ongoing but had been put on hold due to elections in April 2010. They indicated that with the formation of a new parliament in June 2010, other issues had priority on the legislative agenda.²⁸⁸ Upon signing the convention, the Minister of Foreign Affairs of Hungary said that “the necessary domestic legal procedure for parliamentary approval” of the convention was already in process.²⁸⁹

A government official informed Landmine and Cluster Munition Monitor in July 2010 that the national moratorium on the use of cluster munitions by the Hungarian armed forces will remain valid until the ratification and entry into force of the convention.²⁹⁰ The moratorium was enacted in November 2007.²⁹¹

Hungary did not attend any of the diplomatic meetings on cluster munitions in 2009 or 2010 through July. Hungary actively participated throughout the Oslo Process that resulted in the convention, beginning with its initial conference in Oslo in February 2007.

Hungary has not yet made known its views on a number of important matters relating to the interpretation and implementation of the convention, such as the prohibition on assistance during joint military operations with states not party that may use cluster munitions,²⁹² the prohibition on transit, the prohibition on foreign stockpiling of cluster munitions, the prohibition on investment in cluster munition production, and the need for retention of cluster munitions and submunitions for training and development purposes.

Hungary is a State Party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. In 2010, Hungary stated that as an active member of the CCW, it continues to support the negotiation of a legally-binding protocol on cluster munitions in the framework of the CCW.²⁹³ Hungary attended CCW Group of Governmental Experts (GGE) sessions on cluster munitions in 2009 and 2010 through July, but has not made an official statement on its position on the draft text under consideration.

Use, production, transfer, and stockpiling

Hungary is not believed to have used or produced cluster munitions, but does stockpile them. In July 2010, Hungary stated that the Ministry of Defense had launched an internal study regarding the destruction of its stockpiles of cluster munitions.²⁹⁴

In 2006, officials acknowledged Hungary possessed Soviet-era air-dropped cluster bombs and said that their status was under review.²⁹⁵ At the Lima Conference on Cluster Munitions in May 2007, Hungary stated that its armed forces were developing plans to destroy the cluster munitions in its stockpiles.²⁹⁶ In August 2010, Hungary informed Landmine and

²⁸⁷ For more details on Hungary’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 90.

²⁸⁸ CMC-Austria telephone interview with Mihály Toth, Alternate Permanent Representative of Hungary to the UN in Vienna, 22 July 2010; and email from Gyula Somogyi, Third Secretary, Disarmament Affairs, Permanent Mission of the Hungary to the UN and Conference on Disarmament, Ministry of Foreign Affairs, 23 July 2010.

²⁸⁹ Statement of Hungary, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

²⁹⁰ Email from Gyula Somogyi, Ministry of Foreign Affairs, 23 July 2010.

²⁹¹ Ministry of Foreign Affairs, “The Hungarian Government Introduced a National Ban on the Use of Cluster Munitions,” www.mfa.gov.hu.

²⁹² During the negotiation of the convention, Hungary supported the inclusion of provisions on interoperability (joint military operations), stating that the safety of its forces contributing to peacekeeping missions necessitated such provisions. Statement of Hungary, Closing Plenary, Dublin Diplomatic Conference, 30 May 2008. Notes by Landmine Action.

²⁹³ Email from Gyula Somogyi, Ministry of Foreign Affairs, 23 July 2010.

²⁹⁴ Ibid.

²⁹⁵ Human Rights Watch interviews with Hungary’s delegation to the CCW GGE on Cluster Munitions, Geneva, 19 June 2006 and 31 August 2006.

²⁹⁶ Statement of Hungary, Lima Conference on Cluster Munitions, 24 May 2007. Notes by WILPF.

Cluster Munition Monitor that it possesses KMG-U dispensers with BKF-PTAB-2.5M submunitions and BKF-AO-2.5 submunitions, as well as RBK-250 cluster bombs with PTAB-2.5M submunitions.²⁹⁷

Iceland

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended a global conference in Berlin in June 2009
Key developments	Ratification process underway

Policy

The Republic of Iceland signed the Convention on Cluster Munitions in Oslo on 3 December 2008. In March 2010, the Ministry of Foreign Affairs stated that it expects that the bill allowing Iceland to ratify the convention will be passed during the fall 2010 session of its national parliament, the Althingi. The draft ratification bill was under review by the Penal Law Committee of the Ministry of Justice and Human Rights in March 2010 and is expected to be put forward for acceptance by the national parliament in October 2010.²⁹⁸

In June 2009, Iceland participated in the Berlin Conference on the Destruction of Cluster Munitions, but did not attend the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

Iceland engaged in the Oslo Process that created the convention from its first conference in February 2007. It was among the 107 states that adopted the convention text at the conclusion of the negotiations in Dublin in May 2008.²⁹⁹

Iceland has not yet formally made known its views on a number of important issues related to the interpretation and implementation of the convention, such as the prohibition on transit, the prohibition on investment in the production of cluster munitions, or the prohibition on foreign stockpiling of cluster munitions.

It has made a strong statement on “interoperability” and the prohibition on assistance. Iceland has said that Article 21 (on relations with states not party) should not be seen as undercutting the obligation in Article 1 not to assist with any activity prohibited by the convention, even during joint military operations with states not party to the convention. Specifically, upon adopting the convention text in Dublin, Iceland stated, “While the article [21] sets out an appeal to States which are not parties to join the regime of the Convention, it recognizes the need for continuing cooperation in what is hoped will be a short transition period. This intention is captured clearly in paragraph 3 of the Article which should not be read as entitling States Parties to avoid their specific obligations under the Convention for this limited purpose. The decision to reinforce this position by listing some examples in paragraph 4 cannot therefore be interpreted to allow departures in other respects.”³⁰⁰

Iceland is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. Iceland has not been an active participant in the CCW process on cluster munitions in 2009 or 2010 through July. Iceland is a State Party to the Mine Ban Treaty.

According to the Ministry of Foreign Affairs, “Iceland has never stockpiled, used, produced, or transferred cluster munitions.”³⁰¹

²⁹⁷ Email from Gyula Somogyi, Ministry of Foreign Affairs, 16 August 2010. Jane’s Information Group has listed Hungary as also possessing RBK-275 and RBK-500 cluster bombs. Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), p. 840.

²⁹⁸ Email from Pétur G. Thorsteinsson, Minister-Counsellor, Office of the Legal Adviser, Ministry for Foreign Affairs, 16 March 2010. In March 2009, the same official said that ratification was in progress, but a timeframe could not be established for its completion due to national elections. Email from Pétur G. Thorsteinsson, then-Head, Arms Control and Disarmament, Ministry for Foreign Affairs, 5 March 2009.

²⁹⁹ For details on Iceland’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 91.

³⁰⁰ Statement of Iceland, Dublin Diplomatic Conference on Cluster Munitions, 30 May 2008.

³⁰¹ Email from Pétur G. Thorsteinsson, Ministry for Foreign Affairs, 5 March 2009.

Indonesia

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Bali in November 2009
Key developments	Hosted a regional meeting in Bali in November 2009

Policy

The Republic of Indonesia signed the Convention on Cluster Munitions in Oslo on 3 December 2008. It has not yet ratified. In June 2010, a Foreign Affairs official said that there was no timeline for ratifying the convention, noting that there was an ongoing process of engagement with national stakeholders.³⁰²

Indonesia first informed Landmine and Cluster Munition Monitor in March 2009 that it was “in the process of carrying out socialization and dissemination about the Convention to the relevant stakeholders such as the Department of Defense, Indonesian Armed Forces, the parliament and defense industry. We believe that the comprehensive understanding of the [convention] is pertinent to expedite the ratification process right after the [convention] has entered into force.”³⁰³ On 14 October 2009, the Ministry of Defense organized the first such session for its staff.³⁰⁴

Indonesia participated from the beginning in the Oslo Process that led to the development, negotiation, and signing of the convention. Throughout the process, it was one of the strongest supporters of a comprehensive ban on the weapon.³⁰⁵

Indonesia has continued to play an active role in advancing the convention. In June 2010, it stated that it has championed the convention “because we believe that the use of cluster munitions has inflicted grievous harm on civilians in many parts of the world. Our deep involvement in this endeavour is in line with our constitutional mandate to actively participate in a world order based on freedom, durable peace and social justice. Indonesia is among the first to sign the Convention because we strongly believe in its importance as a tool of disarmament and as a way of addressing a serious and widespread humanitarian problem caused by cluster munitions.”³⁰⁶

Indonesia hosted the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in Bali, Indonesia, from 16–17 November 2009. The CMC saw the conference as a great success with very positive engagement from numerous countries. A total of 21 governments attended, including many non-signatories, as well as representatives from the CMC, UNDP, UN Mine Action Service, ICRC, and the Geneva International Centre for Humanitarian Demining. More than 35 campaigners attended, including 12 Ban Advocates (survivors).³⁰⁷

Indonesia attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

Indonesia is party to the Mine Ban Treaty, but not the Convention on Conventional Weapons.³⁰⁸

Use, production, transfer, and stockpiling

Indonesia has stated that it has never used, produced or transferred cluster munitions.³⁰⁹

³⁰² Email from Luna Amanda Fahmi, Directorate of International Security and Disarmament, Department of Foreign Affairs, 18 June 2010.

³⁰³ Letter from Dr. Dersa Percaya, Director for International Security and Disarmament, Department of Foreign Affairs, 19 March 2009.

³⁰⁴ Email from Lars Stenger, National Information and Advocacy Officer, Jesuit Refugee Service, 2 August 2010.

³⁰⁵ For more details on Indonesia’s policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 91–92.

³⁰⁶ Statement of Indonesia, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010.

³⁰⁷ Summary report of Bali conference provided by email from Katherine Harrison, Policy and Research Manager, Landmine Action, 18 November 2009. See also the CMC website, www.stopclustermunitions.org, and the conference website, www.bali-ccm-conference.org. Those attending included signatories Afghanistan, Austria, Australia, Fiji, Germany, Indonesia, Japan, Lao PDR, New Zealand, Norway, Palau, and the Philippines, and non-signatories Bangladesh, Cambodia, Malaysia, Mongolia, Myanmar, Sri Lanka, Thailand, Timor-Leste, and Vietnam.

³⁰⁸ Indonesia has participated in some CCW meetings as an observer, and in November 2008 was one of 26 states that issued a joint statement expressing their opposition to the weak draft text on a possible CCW protocol on cluster munitions, indicating it was an unacceptable step back from the standards set by the Convention on Cluster Munitions.

³⁰⁹ Statement of Indonesia, Lima Conference on Cluster Munitions, 24 May 2007. Notes by WILPF.

Indonesia has acknowledged having a stockpile of cluster munitions, but the size and precise content is not yet publicly known. In June 2010, a Foreign Affairs representative stated that Indonesia was in the process of taking an inventory of its stockpile of cluster munitions.³¹⁰ In 2009, a Foreign Affairs official said, “Indonesia will provide its transparency report which contains the detail of its cluster munitions stockpile after the [convention] has entered into force and Indonesia becomes a party to it.”³¹¹ Jane’s Information Group lists Indonesia as possessing Rockeye cluster bombs.³¹²

Iraq

Policy

The Republic of Iraq signed the Convention on Cluster Munitions on 12 November 2009. The ratification process has not been able to proceed due to the political deadlock surrounding the results of the March 2010 elections and the resulting inability to form a new parliament.³¹³

Iraq did not attend any of the international or regional meetings on cluster munitions in 2009 or 2010 through July. On 18 March 2009 at a Special Event on the Convention on Cluster Munitions held at the UN in New York, Iraq stated that the Cabinet had recently approved signature of the convention and that the necessary legal procedures were underway.³¹⁴

After limited participation in the Oslo Process diplomatic meetings to develop the convention, Iraq attended the formal negotiations in Dublin in May 2008 as an observer, and the Convention on Cluster Munitions Signing Conference in Oslo in December 2008, also as an observer.³¹⁵ In Oslo, Iraq welcomed the adoption of the convention and stated it would sign as soon as possible, after the completion of national and constitutional processes.³¹⁶

Iraq acceded to the Mine Ban Treaty on 15 August 2007. It is not party to the Convention on Conventional Weapons.

Use, production, transfer, and stockpiling

Iraq may have used cluster munitions in the past. One source reports that Iraq used air-dropped cluster bombs against Iranian troops in 1984 during their border war.³¹⁷

Coalition forces used large numbers of cluster munitions in Iraq in 1991 and 2003. The United States, France, and the United Kingdom dropped 61,000 cluster bombs containing some 20 million submunitions on Iraq and Kuwait in 1991. The number of cluster munitions delivered by surface-launched artillery and rocket systems is not known, but an estimated 30 million or more dual purpose improved conventional munition (DPICM) submunitions were used in the conflict.³¹⁸ In the 2003 invasion of Iraq, the US and UK used nearly 13,000 cluster munitions containing an estimated 1.8 million to 2 million submunitions.³¹⁹

The current status of production facilities is not known, but production capability was likely destroyed in 2003. Prior to 2003, Iraq produced two types of cluster bombs called the NAAMAN-250 and NAAMAN-500.³²⁰ It was also involved in joint development of the M87 Orkan (known in Iraq as Ababil) with Yugoslavia.³²¹

Iraq imported ASTROS cluster munition rockets from Brazil.³²² Jane’s Information Group has listed it as possessing KMG-U dispensers (which deploy submunitions) and CB-470, RBK-250, RBK-275, and RBK-500 cluster bombs.³²³ The current status of the stockpile is not known.

³¹⁰ Email from Luna Amanda Fahmi, Department of Foreign Affairs, 18 June 2010.

³¹¹ Letter from Dr. Dersa Percaya, Department of Foreign Affairs, 19 March 2009.

³¹² Robert Hewson, ed., *Jane’s Air-Launched Weapons, Issue 44* (Surrey, UK: Jane’s Information Group Limited, 2004), p. 840.

³¹³ Email from Moaffak al-Khafaji, Director, Iraqi Association of the Disabled, 25 July 2010.

³¹⁴ CMC, “Report on the Special Event on the Convention on Cluster Munitions, United Nations, New York, 18 March 2009”; and CMC, “Laos Ratifies Cluster Bomb Ban Treaty – DRC becomes 96th signatory,” Press release, 18 March 2009, New York www.stopclustermunitions.org.

³¹⁵ For details on Iraq’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 211–212.

³¹⁶ Statement of Iraq, Convention on Cluster Munitions Signing Conference, Oslo, 4 December 2008. Notes by Landmine Action.

³¹⁷ Anthony H. Cordesman and Abraham R. Wagner, *Lessons of Modern War Volume II: The Iran-Iraq War* (Boulder, Colorado: Westview Press, 1990), p. 210. The bombs were reportedly produced by Chile.

³¹⁸ Colin King, “Explosive Remnants of War: A Study on Submunitions and other Unexploded Ordnance,” commissioned by the ICRC, August 2000, p. 16, citing: Donald Kennedy and William Kincheloe, “Steel Rain: Submunitions,” *U.S. Army Journal*, January 1993.

³¹⁹ Human Rights Watch, *Off Target: The Conduct of the War and Civilian Casualties in Iraq* (New York: Human Rights Watch, 2003).

³²⁰ *Jane’s Air-Launched Weapons*, Issue 24, July 1996. These are copies of Chilean cluster bombs.

³²¹ Terry J. Gandler and Charles Q. Cutshaw, eds., *Jane’s Ammunition Handbook 2001–2002* (Surrey, UK: Jane’s Information Group Limited, 2001), p. 641.

³²² Jonathan Beaty and S.C. Gwynne, “Scandals: Not Just a Bank, You can get anything you want through B.C.C.I.—guns, planes, even nuclear-weapons technology,” *Time Magazine*, 2 September 1991, www.time.com.

³²³ *Jane’s Air-Launched Weapons*, Issue 24, July 1996, p. 840. The Iraq Ordnance Identification Guide produced for Coalition Forces also lists the Alpha submunition contained in the South African produced CB-470 as a threat present in Iraq. James Madison University Mine Action Information Center, “Iraq Ordnance Identification Guide, Dispenser, Cluster and Launcher,” January 2004, p. 6, maic.jmu.edu. The KMG-U and RBKs were likely produced in the Soviet Union.

Additionally, a number of SAKR rockets and CB-250 bombs modified to deliver chemical and biological agents were found by UN weapons inspectors in the arsenal of Iraq.³²⁴

Italy

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010
Key developments	Ratification process underway

Policy

The Republic of Italy signed the Convention on Cluster Munitions in Oslo on 3 December 2008.

On 3 August 2010, Law No. 2321 pertaining to the ratification and implementation of the Convention on Cluster Munitions was introduced in the Senate.³²⁵ Earlier, in June 2009, Italy announced that it had started the ratification process and would seek to submit an early ratification.³²⁶ The process may have been delayed by a change in government.

On 13 July 2010, a proposal to amend the law banning antipersonnel landmines to include a ban on cluster munitions—Law No. 374 of 29 October 1997—was introduced in the Deputy Chamber. As of mid-August, it had not been assigned to a specific committee yet.³²⁷ The Italian Campaign to Ban Landmines has expressed concern that this would not be a good alternative to specific and comprehensive implementation legislation for the Convention on Cluster Munitions.

Italy engaged modestly in the work of the convention in 2009 and the first half of 2010. It attended the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, but did not make any statements. Italy attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009 where it reported on its efforts toward ratification and stockpile destruction.

Italy participated in the Oslo Process that produced the convention from the beginning. Its position evolved significantly from 2006 to 2008, as it was not an early supporter of a prohibition on cluster munitions.³²⁸

Italy is a State Party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW). In February 2010, Italy agreed to be bound by CCW Protocol V on explosive remnants of war.

Italy has participated in the CCW deliberations on cluster munitions in recent years, but made few statements on its national position on the process and draft text under consideration.

The Italian Campaign to Ban Landmines has been pressing for early ratification and in May 2010 launched a disinvestment campaign.³²⁹

Use, production, transfer, and stockpiling

Italy is not believed to have used cluster munitions, but it has produced and stockpiled them. It is not known if Italy has exported cluster munitions.

The company Simmel Difesa SpA (formerly known as BPD Difesa e Spazio)³³⁰ at one point produced 81mm mortar bombs called RS6A2 and S6A2 and a 120mm mortar bomb called S12B which contained a dual purpose improved conventional munition (DPICM) submunition.³³¹ Simmel also produced a 155mm projectile called the RB63 (also called

³²⁴ UN Monitoring, Verification and Inspection Commission, “Sixteenth quarterly report on the activities of the United Nations Monitoring, Verification and Inspection Commission in accordance with paragraph 12 of Security Council resolution 1284 (1999)” S/2004/160, Annex 1, p. 10. Chile produced the CB-250.

³²⁵ See www.senato.it.

³²⁶ It said that the Senate had approved a motion supporting early ratification in April 2009. Statement of Italy, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009. Notes by AOA/V/HRW.

³²⁷ See www.senato.it.

³²⁸ For more details on Italy’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 97–99.

³²⁹ At a press conference in Rome, the campaign proposed a bill to prohibit investment in corporations that produce cluster munitions or landmines. It has been endorsed by several Senators. CMC, “Newsletter, Issue 22,” May 2010, p. 5.

³³⁰ In March 2007 Simmel Difesa was acquired by the British company Chemring Group PLC, www.chemring.co.uk.

³³¹ Leland S. Ness and Anthony G. Williams, eds., *Jane’s Ammunition Handbook 2007–2008* (Surrey, UK: Jane’s Information Group Limited, 2007), pp. 468–469; and Terry J. Gander and Charles Q. Cutshaw, eds., *Jane’s Ammunition Handbook 2001–2002* (Surrey, UK: Jane’s Information Group Limited, 2001), p. 522.

155mm IM 303 BCR) that was a copy of the German DM642 projectile and was the result of a joint development and marketing program between Simmel and the German company Rhienmetall. The projectile contained 63 DM1383 DPICM self-destructing submunitions.³³²

According to standard reference works, Italy possesses M26 rockets, each with 644 submunitions, for its Multiple Launch Rocket System launchers, and two types of cluster bombs (BL-755 and MK 20 Rockeye).³³³

In June 2009, Italy stated that it had already planned all the steps necessary for the destruction of its cluster munition stockpile in a safe, environmentally aware way. It said it would start destruction as soon as ratification was completed.³³⁴ Italy has estimated the cost of destroying the stockpile at €8,123,380 (US\$11,319,930).³³⁵

Jamaica

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Santiago in September 2009
Key developments	Signed on 12 June 2009

Policy

Jamaica signed the Convention on Cluster Munitions on 12 June 2009, becoming the first Caribbean country to join. In June 2010, a government representative told the CMC that ratification was progressing, but could not provide a timetable for completion due to a legislative backlog.³³⁶

In a statement to the UN General Assembly on 7 October 2009, Jamaica said that the Convention on Cluster Munitions represents “tangible results of the international community’s sustained efforts to eliminate the harm and suffering caused by cluster munitions and their indiscriminate effects on civilian populations in clear violation of international humanitarian law.”³³⁷

Jamaica has been the most active state in the Caribbean in promoting the convention and a ban on cluster munitions. In June 2009, just after signing the convention, Jamaica attended the Berlin Conference on the Destruction of Cluster Munitions. It also participated in the Regional Conference for Latin America and the Caribbean on Cluster Munitions held in Santiago, Chile in September 2009, where it spoke in support of universalisation of the convention in the Caribbean.³³⁸ In June 2010, Jamaica attended the International Conference on the Convention on Cluster Munitions, also held in Santiago.

Jamaica participated in two of the Oslo Process international conferences to develop the convention text, in Vienna in December 2007 and in Wellington in February 2008. Later, on 9 May 2008, it subscribed to the Wellington Declaration in support of the negotiation of an instrument prohibiting cluster munitions.

During the formal negotiations in Dublin in May 2008, Jamaica advocated strongly for the most comprehensive convention possible. At the outset, Jamaica said it noted the reference in the draft text to “cluster munitions that cause unacceptable harm” and proposed the alternative “cluster munitions as they cause unacceptable harm.”³³⁹ Jamaica said it was not convinced that any cluster munitions cause “acceptable” harm.³⁴⁰ It cautioned against allowing technological

³³² Leland S. Ness and Anthony G. Williams, eds., *Jane’s Ammunition Handbook 2007–2008* (Surrey, UK: Jane’s Information Group Limited, 2007), pp. 674–675.

³³³ Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), p. 841. The M26 rockets and Rockeye bombs were produced by the United States, and the BL-755 by the United Kingdom.

³³⁴ Statement of Italy, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009. Notes by AOAV/HRW.

³³⁵ Ministry of Defense, Legislative Office, Report No. 8/51585, Section II, 30 November 2007. Average exchange rate for 2009: €1=US\$1.3935. US Federal Reserve, “List of Exchange Rates (Annual),” 4 January 2010.

³³⁶ CMC meeting with Karl Hamilton, Senior Director, Ministry of National Security, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010. Notes by the CMC.

³³⁷ Statement by Amb. Raymond Wolfe, Permanent Mission of Jamaica to the UN in New York, UN General Assembly, 64th Session, First Committee, New York, 7 October 2009. www.un.int.

³³⁸ Statement of Jamaica, Regional Conference for Latin America and the Caribbean on Cluster Munitions, Santiago, 14 September 2009. Notes by the CMC.

³³⁹ Summary Record of the Opening Plenary and First Session of the Plenary: 19 May 2008, Dublin Diplomatic Conference on Cluster Munitions, CCM/SR/1, 18 June 2008.

³⁴⁰ Summary Record of the Committee of the Whole, Eleventh Session: 26 May 2008, Dublin Diplomatic Conference on Cluster Munitions, CCM/CW/SR/11, 18 June 2008.

exemptions of cluster munitions that are not yet in operation and whose effects on the field cannot be properly assessed.³⁴¹ Jamaica said it believed that Article 2(2)(c), which excluded from prohibition some weapons with submunitions, should not have been included in the convention.³⁴² It was one of 107 countries that adopted the convention text at the conclusion of the negotiations.

At a regional meeting to promote signature to the convention held in Quito, Ecuador in November 2008, Jamaica said that it was supportive of the convention, and was working internally to take a decision to sign.³⁴³ Jamaica did not, however, participate in the Convention on Cluster Munitions Signing Conference in December 2008.

On 25 September 2008, Jamaica gave its consent to be bound by the Convention on Conventional Weapons (CCW), including CCW Protocol V on explosive remnants of war. Jamaica has not participated actively in CCW deliberations on cluster munitions in recent years.

Jamaica is not known to have used, produced, transferred, or stockpiled cluster munitions.

Kenya

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Pretoria in March 2010
Key developments	Ratification process underway

Policy

The Republic of Kenya signed the Convention on Cluster Munitions on 3 December 2008. In June 2010, Kenya stated that the process to ratify the convention “is ongoing” and requires “national consultations.”³⁴⁴

In October 2009, a Kenyan official said a ratification document had been drafted by the Ministry of Foreign Affairs and forwarded to the Attorney General’s office for legal consideration.³⁴⁵ In both March and June 2010, Kenya reported that ratification was still with the Attorney General’s office, and said that competing priorities have delayed the process. Ratification in Kenya requires approval by the Cabinet.³⁴⁶

Kenya has engaged in the work of the convention in 2009 and 2010 through July. Kenya attended the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, where it emphasized the importance of international cooperation and assistance in ensuring the completion of stockpile destruction.³⁴⁷ It participated in the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions held in Pretoria, South Africa in March 2010, where it chaired a session on the status of the convention in Africa and urged participating states to ratify without delay.³⁴⁸ Kenya also attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009.

Kenya joined the diplomatic Oslo Process that produced the convention in December 2007 and worked to achieve a strong treaty text during the negotiations in Dublin in May 2008.³⁴⁹

³⁴¹ Summary Record of the Committee of the Whole, First Session: 19 May 2008, Dublin Diplomatic Conference on Cluster Munitions, CCM/CW/SR/1, 18 June 2008.

³⁴² Summary Record of the Committee of the Whole, Sixteenth Session: 28 May 2008, Dublin Diplomatic Conference on Cluster Munitions, CCM/CW/SR/16, 18 June 2008.

³⁴³ Statement of Jamaica, Quito Regional Conference on the Convention on Cluster Munitions, Quito, 7 November 2008. Notes by the CMC.

³⁴⁴ Statement of Kenya, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010. Notes by AOA.

³⁴⁵ CMC meeting with Salim Mohamed Salim, Second Counsellor, Permanent Mission of Kenya to the UN in New York, 14 October 2009. Notes by the CMC. Also in October 2009 at the UN, Kenya stated, “We have commenced internal processes that will enable us to eventually ratify the convention.” Statement by Amb. Zachary D. Muburi-Muita, Permanent Mission of Kenya to the UN, UN General Assembly, 64th Session, First Committee, New York, 6 October 2009, www.reachingcriticalwill.org.

³⁴⁶ Statement of Kenya, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 25 March 2010. Notes by AOA; and CMC meeting with delegation of Kenya, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010. Notes by the CMC. The delegation said Parliamentary approval was not required.

³⁴⁷ Statement of Kenya, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010. Notes by AOA.

³⁴⁸ Statement by Solomon Maina, Ministry of Foreign Affairs, Chair, Session 3: Status of the Convention in Africa, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 25 March 2010. Notes by AOA.

³⁴⁹ For detail on Kenya’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 102–103.

Kenya is a State Party to the Mine Ban Treaty. It is not party to the Convention on Conventional Weapons.

Kenya is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

Lebanon

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010
Key developments	Ratification process underway

Policy

The Republic of Lebanon signed the Convention on Cluster Munitions on 3 December 2008.

On 3 August 2010, Lebanon wrote to Landmine and Cluster Munition Monitor, “The Lebanese Government has already endorsed the Convention on Cluster Munitions, the very first constitutional step in the process of ratification. The draft legislation has also been forwarded by the Cabinet to the Parliament for final adoption; however, it is still under discussion within the competent parliamentary committees.”³⁵⁰

The Cabinet approved ratification of the convention on 21 April 2010.³⁵¹ At the International Conference on the Convention on Cluster Munitions in Santiago, Chile on 9 June 2010, Ambassador Najla Riachi Assaker informed other states that Parliament would enact the necessary ratification legislation shortly.³⁵² Parliamentary approval was expected in June, but has been delayed at the request of some political parties that indicated they need more time.³⁵³

Lebanon told Landmine and Cluster Munition Monitor that the government “has not decided yet on the mandate and the shape of the body that will oversee the implementation of the [convention]. The inter-ministerial committee is only one among other feasible alternatives. Pending a decision on this matter, the Lebanese Mine Action Center...is coping with the cluster munition contamination alongside other related activities.”³⁵⁴

Lebanon has remained actively engaged in the work of the convention. At the conference in Santiago in June 2010, Lebanon also spoke of the need to sustain the partnership of affected and non-affected states, and the importance of NGOs.³⁵⁵ Lebanon participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, where it called upon “all countries stockpiling cluster munitions to start without delay destroying their stockpiles, pending the entry into force of the [Convention on Cluster Munitions].”³⁵⁶

Lebanon was actively engaged from the very beginning of the diplomatic Oslo Process in 2007 and 2008 that produced the convention. The large-scale use of cluster munitions by Israel on the territory of Lebanon during the 2006 war with Hezbollah contributed greatly to the sense of humanitarian urgency that underpinned the Oslo Process.³⁵⁷ Lebanon participated in the international preparatory conferences in Oslo, Lima, Vienna, and Wellington, the formal negotiations in Dublin, and the regional conference in Belgrade for affected countries. Lebanon hosted the Beirut Regional Conference on the Convention on Cluster Munitions from 11–12 November 2008.

Throughout the Oslo Process, Lebanon consistently argued that humanitarian protection should be given primacy in the development of the conventions provisions. On adopting the convention in Dublin in May 2008, Lebanon saw it as ushering in a new approach to international law “that put humanitarian concerns at the very centre.” Lebanon transmitted a message of sincere thanks from the individuals and communities affected by cluster munitions to the states that had worked together to adopt the convention.³⁵⁸

³⁵⁰ Letter N/Ref: 210/2010-8/27/1 from the Permanent Mission of Lebanon to the UN in Geneva, 3 August 2010.

³⁵¹ Mohammed Zaatari, “UN urges Lebanon to ratify land-mine treaty,” *Daily Star*, 24 April 2010.

³⁵² Statement by Amb. Najla Riachi Assaker, International Conference on the Convention on Cluster Munitions, 9 June 2010. Notes by AOA/HRW.

³⁵³ Emails from Khaled Yamout, Landmine Program Coordinator, NPA, to Laura Cheeseman, Campaigning Officer, CMC, 12 July 2010 and 18 June 2010.

³⁵⁴ Letter N/Ref: 210/2010-8/27/1 from the Permanent Mission of Lebanon to the UN in Geneva, 3 August 2010.

³⁵⁵ Statement by Amb. Najla Riachi Assaker, International Conference on the Convention on Cluster Munitions, 9 June 2010. Notes by AOA/HRW.

³⁵⁶ Statement of Lebanon, Berlin Conference on the Destruction of Cluster Munitions, 26 June 2009.

³⁵⁷ For details on Israel’s use of cluster munitions in Lebanon and its impact, see Human Rights Watch (HRW), “Flooding South Lebanon: Israel’s Use of Cluster Munitions in Lebanon in July and August 2006,” Vol. 20, No.2(E), February 2008; and Landmine Action, “Foreseeable harm: the use and impact of cluster munitions in Lebanon: 2006,” October 2006.

³⁵⁸ Statement of Lebanon, Closing Ceremony, Dublin Diplomatic Conference on Cluster Munitions, 30 May 2008. Notes by Landmine Action.

Lebanon has provided interpretive statements on a number of important provisions in the convention. These include that the prohibition on transfer of cluster munitions includes also a prohibition on “transit;” that foreign stockpiling of cluster munitions is prohibited; that financing and investment in cluster munition production or transfer is prohibited; and that Article 1 of the convention takes precedence over Article 21, so that “States Parties must never undertake any act that could constitute deliberate assistance with a prohibited act.”³⁵⁹

Lebanon is not party to the Mine Ban Treaty or the Convention on Conventional Weapons.

The National Committees for Mine Risk Education and Mine Victim Assistance in Lebanon and Norwegian People’s Aid (NPA) declared 10–16 August 2009 as a week of solidarity with the victims of mines and cluster bombs. Candlelight vigils, a Scouts’ march, and awareness campaigns were held throughout Lebanon, calling upon the government to rapidly ratify the Convention on Cluster Munitions and the UN Convention on the Rights of Persons with Disabilities.³⁶⁰

Use, production, transfer, and stockpiling

Lebanon has stated that it has never used, produced, or stockpiled cluster munitions.³⁶¹

In 2006, Hezbollah fired more than 100 Chinese-produced Type-81 122mm cluster munition rockets from southern Lebanon into northern Israel.³⁶² The source for these 122mm cluster munition rockets fired by Hezbollah is not known.

Cluster munitions were used in Lebanon by Israel in 1978, 1982, and 2006.³⁶³ United States Navy aircraft dropped 12 CBU-59 and 28 Rockeye bombs against Syrian air defense units near Beirut during an armed intervention in December 1983.³⁶⁴

Liberia

Policy

The Republic of Liberia signed the Convention on Cluster Munitions on 3 December 2008. Upon signing the convention, Liberia’s Deputy Minister for Legal Affairs Krubo B. Collie committed to work with the national legislature for swift ratification.³⁶⁵

In June 2009, a government official told the CMC that ratification was being discussed by the Cabinet, but had not yet been considered by Parliament.³⁶⁶ The current status of the ratification process is not known.

Liberia participated in several of the diplomatic conferences of the Oslo Process that produced the convention, but did not attend the formal negotiations in Dublin in May 2008.³⁶⁷

Liberia engaged in the work of the convention in 2009 and 2010 through July. It attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Africa Regional Conference on Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa in March 2010, and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010. Liberia did not make any statements at these meetings.

³⁵⁹ Letter from the Permanent Mission of Lebanon to the UN in Geneva, 10 February 2009. It states: “It is the understanding of the Government of Lebanon that the transit of cluster munitions across, or foreign stockpiling of cluster munitions on the national territory of States Parties is prohibited by the Convention. Article /1/ paragraph (b) of the Convention explicitly prohibits all stockpiling and all transfers.... It is the understanding of the Government of Lebanon that all assistance with prohibited acts is prohibited under Article /1/ paragraph (c) of the Convention. While Article 21 allows for military cooperation with states non party to the Convention it does not allow any assistance with prohibited acts. In the view of Lebanon Article /1/ paragraph (c) takes precedence over Article 21 and States Parties must never undertake any act that could constitute deliberate assistance with a prohibited act. It is the understanding of the Government of Lebanon that Article /1/ paragraph (c) of the Convention prohibits the investment in entities engaged in the production or transfer of cluster munitions or investment in any company that provides financing to such entities. In the view of Lebanon ‘assistance’ as stipulated in Article /1/ paragraph (c) includes investment in entities engaged in the production or transfer of cluster munitions and is thus prohibited under the Convention.”

³⁶⁰ Email from the CMC, 19 August 2009.

³⁶¹ Letter from the Permanent Mission of Lebanon to the UN in Geneva, 10 February 2009. Lebanon is reported to possess Grad 122mm surface-to-surface rockets, but according to Lebanon these do not include versions with submunition payloads. International Institute for Strategic Studies, *The Military Balance 2005–2006* (London: Routledge, 2005), p. 198; and Colin King, ed., *Jane’s Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane’s Information Group Limited, 2008).

³⁶² HRW, “Civilians Under Assault: Hezbollah’s Rocket Attacks on Israel in the 2006 War,” August 2007, pp. 44–48.

³⁶³ HRW, “Cluster Munition Information Chart,” April 2009.

³⁶⁴ Ibid.

³⁶⁵ Statement by Krubo B. Collie, Deputy Minister for Legal Affairs, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008. Notes by Landmine Action.

³⁶⁶ The official said that he believed a national law was required in order for Liberia to ratify. CMC meeting with Dionysius Sewe, Deputy Minister for Operations, Ministry of Defense, Berlin Conference on the Destruction of Cluster Munitions, 25–26 June 2009. Notes by the CMC.

³⁶⁷ For detail on Liberia’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 108.

Liberia is a State Party to the Mine Ban Treaty. It joined the Convention on Conventional Weapons (CCW) and all its protocols, including Protocol V on explosive remnants of war, on 16 September 2005. Liberia has not participated in CCW discussions on cluster munitions in recent years.

Liberia is not known to have used, produced, transferred, or stockpiled cluster munitions.

Liechtenstein

Policy

The Principality of Liechtenstein signed the Convention on Cluster Munitions in Oslo on 3 December 2008, but has not yet ratified it.³⁶⁸ Liechtenstein participated in the first Oslo Process conference in February 2007 and signed the Oslo Declaration, but did not actively participate in subsequent international meetings to develop the convention text.³⁶⁹

Liechtenstein has stated that, due to its Customs Union Treaty with Switzerland, “Liechtenstein will have to wait for the Swiss legal implementation and ratification of the 2008 Convention on Cluster Munitions before ratifying the Convention.”³⁷⁰ Liechtenstein told Landmine and Cluster Munition Monitor in both March and April 2010 that it was not in a position to state when it would be able to complete ratification, but said that it was closely following the ratification process in Switzerland and will be prepared to ratify shortly thereafter.³⁷¹

It is not clear if Liechtenstein intends to adopt national implementation legislation for the convention, either before or after ratification. It stated in 2010 that “a ratified agreement becomes part of national law from the date of entry into force, without the adoption of a special law being necessary, as long as the provisions of the agreement are specific enough to serve as a basis for decision.”³⁷² In 2009, it said, “As to the ratification of international conventions that are not of self-executing character the Liechtenstein practice first wants the internal legislation to be adopted before these conventions are ratified.”³⁷³

Liechtenstein participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, but did not attend the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

In its response to a Landmine and Cluster Munition Monitor request for information, Liechtenstein did not provide information on its views regarding interpretive matters under the convention, such as the transit of cluster munitions across, or foreign stockpiling of cluster munitions on, national territory of States Parties, assistance with prohibited acts under the convention, or investment in cluster munitions production.

Liechtenstein is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. It has not been an active participant in the CCW discussions on cluster munitions in 2009 or 2010 through July. Liechtenstein is party to the Mine Ban Treaty.

Liechtenstein has stated that it has never used, produced, transferred, or stockpiled cluster munitions.³⁷⁴

³⁶⁸ Upon signing, Liechtenstein pledged “the ratification of this treaty at the earliest possible date.” Statement by Daniel Ospelt, Permanent Representative of Liechtenstein to the Council of Europe, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

³⁶⁹ For details on Liechtenstein’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 109.

³⁷⁰ Letter from Christine Stehrenberger, Deputy Director, Office for Foreign Affairs, 10 February 2009. Due to the longstanding Customs Union Treaty with Switzerland, the import and export of goods in Liechtenstein is governed by Swiss legislation. In order for Liechtenstein and Switzerland to incorporate national implementation of the convention into legislation, “an amendment of the Swiss Federal Act on War Material (Schweizerisches Kriegsmaterialgesetz), which is to a large extent applicable to Liechtenstein, will be necessary.”

³⁷¹ Letter from Amb. Norbert Frick, Permanent Mission of Liechtenstein to the UN in Geneva, 7 April 2010; and letter from Roland Marxer, Director, Office for Foreign Affairs, 26 March 2010.

³⁷² Letter from Amb. Norbert Frick, Permanent Mission of Liechtenstein to the UN in Geneva, 7 April 2010.

³⁷³ Letter from Christine Stehrenberger, Office for Foreign Affairs, 10 February 2009.

³⁷⁴ Ibid.

Lithuania

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended a global conference in Berlin in June 2009
Key developments	Ratification process underway

Policy

The Republic of Lithuania signed the Convention on Cluster Munitions in Oslo on 3 December 2008.

In November 2009, the President submitted the convention to the Lithuanian Parliament (Seimas) for ratification.³⁷⁵ In December 2009, the Ministry of Foreign Affairs stated that a realistic timeframe for ratification could be early spring 2010, as the convention requires the approval of relevant parliamentary committees and a vote before the entire parliament.³⁷⁶ In February 2010, the Ministry of Foreign Affairs stated that it was unclear if ratification would be considered during the spring 2010 session of parliament.³⁷⁷

Lithuania has actively engaged on the issue of cluster munitions throughout the work of both the Oslo Process and the Convention on Conventional Weapons (CCW).³⁷⁸ In December 2009, Lithuania stated it welcomed the “establishment of a strong normative regime that prohibits use, production, transfer and stockpiling of cluster munitions.”³⁷⁹

Lithuania participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, but not the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

Lithuania has not yet formally expressed its views on important interpretive matters in relation to the convention’s provisions on transit through, and foreign stockpiling of cluster munitions on, the national territory of States Parties, assistance with prohibited acts, and investment in production. However, during the Oslo Process, Lithuania was vocal in calling for provisions on interoperability (joint military operations with states not party).³⁸⁰

Lithuania is party to CCW and its Protocol V on explosive remnants of war. Lithuania has been supportive of work on the issue of cluster munitions in the CCW forum since the CCW Third Review Conference in November 2006.

At the end of the 2009 CCW sessions on cluster munitions, Lithuania was critical of elements of the draft text which it said would undermine the humanitarian objective of the agreement, such as regulating cluster munitions on the basis of only one safeguard feature and a lengthy transition period. While Lithuania said it continued to recognize the importance of addressing the issue of cluster munitions within the forum of the CCW, it emphasized that work in the CCW should not be based on a premise that any agreement is better than no agreement and called for credible results which banned cluster munitions which cause unacceptable harm. Lithuania reminded participants that in addition to the common responsibility to address the humanitarian impact caused by cluster munitions, many states have a legal obligation to discourage the use of cluster munitions under the Convention on Cluster Munitions.³⁸¹

In December 2009, Lithuania reiterated that it “recognizes the importance of the negotiations on Cluster Munitions within the Convention on Certain Conventional Weapons and hopes for a quick agreement on a strong legally binding protocol,” while at the same time, voiced its support for the Convention on Cluster Munitions.³⁸²

Lithuania attended the 2010 CCW sessions on cluster munitions, but did not make a statement in its national capacity.

Lithuania has stated that it “does not possess cluster munitions and has never produced, used, stockpiled or transferred such weapons in the past.”³⁸³

³⁷⁵ Statement by Amb. Jonas Rudalevičius, Second Review Conference of the Mine Ban Treaty, Cartagena, 4 December 2009.

³⁷⁶ Email from Dovydas Špokauskas, Transatlantic Cooperation and Security Policy Department, Arms Control and Terrorism Prevention Division, Ministry of Foreign Affairs, to the CMC, 17 December 2009. Lithuania previously informed Human Rights Watch in February 2009 that it expected ratification would be completed in 2009. Letter from Žygimantas Pavilionis, Undersecretary, Ministry of Foreign Affairs, 19 February 2009.

³⁷⁷ Email from Dovydas Špokauskas, Ministry of Foreign Affairs, 23 February 2009.

³⁷⁸ For details on Lithuania’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 109–111.

³⁷⁹ Statement by Amb. Jonas Rudalevičius, Second Review Conference of the Mine Ban Treaty, Cartagena, 4 December 2009.

³⁸⁰ Statement of Lithuania, Wellington Conference on Cluster Munitions, 18 February 2008. Lithuania emphasized that provisions on interoperability were necessary “to avoid legal ambiguities that in particular situations might cause very serious problems both on national and international levels.” It argued that without certain treaty language, activities such as participation in exercises or operations as part of a military alliance or participation in multilateral operations authorized by the UN could be considered to be in violation of the convention.

³⁸¹ Statement of Lithuania, CCW Meeting of States Parties, Geneva, 12 November 2009. Notes by Landmine Action.

³⁸² Statement by Amb. Jonas Rudalevičius, Second Review Conference of the Mine Ban Treaty, Cartagena, 4 December 2009.

³⁸³ Letter from Žygimantas Pavilionis, Ministry of Foreign Affairs, 19 February 2009.

Madagascar

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Pretoria in March 2010
Key developments	Madagascar expressed views on several important interpretive issues; ratification process underway

Policy

The Republic of Madagascar signed the Convention on Cluster Munitions in Oslo on 3 December 2008.³⁸⁴

Madagascar has stated on several occasions its commitment to ratifying the convention as quickly as possible, as soon as the political and security crisis which began in the country in January 2010 is resolved and the parliamentary authority is established.³⁸⁵ At the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, Madagascar reaffirmed that ratification will be among the major priorities of the parliament, to be completed hopefully before the end of 2010.³⁸⁶

Madagascar has continued to show strong interest in the convention. In addition to the Santiago conference, it participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, and the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa in March 2010.

Madagascar joined the Oslo Process that created the convention in December 2007 and was an active participant thereafter, advocating for as strong and comprehensive a convention as possible.³⁸⁷

Madagascar has already stated its views on a number of important issues related to interpretation and implementation of the convention. In April 2010, Madagascar told Landmine and Cluster Munition Monitor that in its view, “assistance to prohibited acts during joint military operations with non State Parties is not permitted by the Convention.”³⁸⁸ It also said that Madagascar strongly opposes the transit and foreign stockpiling of cluster munitions.³⁸⁹ Finally, it stated, “Since the beginning of the Oslo process, Madagascar concurs with the view that investment, of any form, in the production of cluster munitions is prohibited by the Convention.”³⁹⁰

Madagascar is party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. It has not engaged in the CCW discussions on cluster munitions in recent years.

Madagascar has stated on several occasions that it has never used, produced, transferred, or stockpiled cluster munitions.³⁹¹

³⁸⁴ Upon signing the convention, Minister of Foreign Affairs Gen. Marcel Ranjeva asserted Madagascar’s commitment to ratify the convention soon, “so that it can enter into force as soon as possible.”

³⁸⁵ Statement of Madagascar, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 25 March 2010. Notes by AOA.V. See also, letter from Amb. Rajemison Rakotomaharo, Permanent Mission of Madagascar to the UN in Geneva, 2 April 2010.

³⁸⁶ Statement of Madagascar, International Conference on the Convention on Cluster Munitions, Santiago, 9 June 2010. Notes by AOA.V/HRW.

³⁸⁷ For details on cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 114.

³⁸⁸ Letter from Amb. Rajemison Rakotomaharo, Permanent Mission of Madagascar to the UN in Geneva, 2 April 2010. When signing the convention in 2008, the Foreign Minister said that the question of “interoperability” (joint military operations with states not party) should not constitute a barrier for countries to sign the convention. He stated that the goal is to encourage those outside of the convention not to resort to the use and transfer of cluster munitions. Statement by Gen. Marcel Ranjeva, Minister of Foreign Affairs, Convention on Cluster Munitions Signing Conference, Oslo, 4 December 2008.

³⁸⁹ Similarly, in 2008 the Minister of Foreign Affairs expressed his belief that the transit and storage of cluster munitions by a state not party within the territory of a State Party would weaken the effects of the convention. Statement by Gen. Marcel Ranjeva, Convention on Cluster Munitions Signing Conference, Oslo, 4 December 2008.

³⁹⁰ Letter from Amb. Rajemison Rakotomaharo, Permanent Mission of Madagascar to the UN in Geneva, 2 April 2010.

³⁹¹ Ibid; and statement by Gen. Marcel Ranjeva, Convention on Cluster Munitions Signing Conference, Oslo, 4 December 2008.

Mauritania

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	None in 2009 or 2010 through July
Key developments	Signed on 19 April 2010

Policy

The Islamic Republic of Mauritania signed the Convention on Cluster Munitions at the UN in New York on 19 April 2010.³⁹²

In June 2010, a Mauritanian official informed Landmine and Cluster Munition Monitor that ratification was in process and hopefully could be completed by the end of 2010. Ratification must pass from the Minister of the Interior, to the Council of Ministers, to the Parliament, and then to the President for signature.³⁹³

Mauritania did not attend any of the international or regional meetings on the convention in 2009 or 2010 through July. An official has said that Mauritania will attend the First Meeting of States Parties in Lao PDR in November 2010 with a high-level delegation.³⁹⁴

Mauritania was an active participant in the diplomatic Oslo Process that led to the development of the convention in 2007 and 2008, and made many strong contributions towards ensuring the most comprehensive treaty possible. While Mauritania did not attend the initial conference that launched the Oslo Process in February 2007, it participated regularly thereafter.

At the Lima Conference on Cluster Munitions in May 2007, Mauritania appealed for robust provisions on victim assistance as the “pillar of the draft treaty,” specifically emphasizing the importance of health care, socio-economic reintegration, and a special focus on children.³⁹⁵ Mauritania stated that as a country affected by explosive remnants of war, with experience in mine clearance, it considered it a “vital necessity to conclude a treaty banning cluster munitions at the earliest,” with a “place of choice” given to victim assistance, and stressed the importance of international cooperation involving affected countries and civil society organizations for its future implementation.³⁹⁶

At the Vienna Conference on Cluster Munitions in December 2007, Mauritania continued to call for provisions on victim assistance as a cornerstone of a future treaty.³⁹⁷ Mauritania also called for the establishment of broad consultative mechanisms for transparency and monitoring of the convention, including an extensive national mechanism that would be inclusive of victims and their representatives and civil society.³⁹⁸

At the Wellington Conference on Cluster Munitions in February 2008, Mauritania strongly supported the draft text of the convention and its comprehensive definition, and urged the international community to do everything possible to “totally eradicate” cluster munitions. Mauritania stated it opposed a transition period which would allow the continued use of cluster munitions and did not support the inclusion of provisions on interoperability.³⁹⁹ Mauritania again emphasized the importance of international cooperation, including financial and technical assistance, for affected countries.⁴⁰⁰ Mauritania endorsed the Wellington Declaration, stating its intent to fully participate in the formal negotiations on the convention in May 2008.

In March–April 2008, at the African regional conference in Livingstone, Zambia, Mauritania continued to promote the inclusion of provisions on victim assistance under the future convention, and endorsed the Livingstone Declaration, calling for a comprehensive treaty with a prohibition that should be “total and immediate.”⁴⁰¹

³⁹² Amb. Abderrahim Ould Hadrami, Permanent Mission of Mauritania to the UN in New York, signed the convention.

³⁹³ Interview with Lt.-Col. Alioune O. Mohamed El Hacen, Coordinator, National National Humanitarian Demining Program for Development (Programme National de Déminage Humanitaire pour le Développement), in Geneva, 24 June 2010.

³⁹⁴ Ibid.

³⁹⁵ Statement of Mauritania, Lima Conference on Cluster Munitions, 23 May 2007. Notes by WILPF.

³⁹⁶ Ibid, 25 May 2007. Notes by WILPF.

³⁹⁷ Statement of Mauritania, Vienna Conference on Cluster Munitions, 6 December 2007. Notes by the CMC/WILPF.

³⁹⁸ Ibid, 7 December 2007.

³⁹⁹ Statement of Mauritania, Wellington Conference on Cluster Munitions, 19 February 2008. Notes by the CMC.

⁴⁰⁰ Ibid, 21 February 2008.

⁴⁰¹ CMC, “Report on the Livingstone Conference on Cluster Munitions, 31 March and 1 April 2008,” and Livingstone Declaration, Livingstone Conference on Cluster Munitions, 1 April 2008.

During the May 2008 negotiations of the convention in Dublin, Mauritania lobbied against the inclusion of any exceptions under the definition of cluster munitions or the need for a transition period, and called for clarity of language to ensure that the prohibition on assistance with prohibited acts would still be fully applicable during joint military operations with states not party.⁴⁰²

In September 2008, at the Kampala regional conference on cluster munitions, Mauritania announced it would sign the convention in Oslo in December 2008, and endorsed the Kampala Action Plan, which declared that states should sign and “take all necessary measures to ratify the convention as soon as possible.”⁴⁰³

However, Mauritania did not attend the signing conference of the convention in Oslo in December 2008. The ongoing political turmoil and uncertainties in the wake of the overthrow of the government in August 2008 were apparently responsible for Mauritania not signing in Oslo.

Mauritania is a State Party to the Mine Ban Treaty, but is not party to the Convention on Conventional Weapons.

Mauritania is not believed to have used, produced, transferred, or stockpiled cluster munitions.

Cluster Munition Remnants

There is one area in Mauritania known to contain cluster munition remnants, located some 34km north of the village of Bir Mogrein. The contaminated area, which is marked, is suspected to cover some 6km², but further survey is likely to reduce the size. Unexploded submunitions that have been identified include Mk-118s and BLU-63s.⁴⁰⁴

A local resident who claims to have witnessed the attack said the contamination is the result of an attack by Moroccan aircraft against Polisario ground forces in 1990.⁴⁰⁵ No human casualties have been recorded in the area, but a camel reportedly lost a foot to a submunition in March 2010.⁴⁰⁶

Monaco

Policy

The Principality of Monaco signed the Convention on Cluster Munitions in Oslo on 3 December 2008, but has not yet ratified.⁴⁰⁷ The current status of ratification is unknown.

During the Oslo Process, Monaco attended only the second preparatory conference to develop the convention, in Vienna in December 2007. Monaco did not attend any of the diplomatic meetings on cluster munitions in 2009 or 2010 through July.

Monaco is party to the Convention on Conventional Weapons (CCW), but has not joined Protocol V on explosive remnants of war. Monaco has not actively participated in CCW discussions on cluster munitions in 2009 or 2010 through July. Monaco is a State Party to the Mine Ban Treaty.

Monaco is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

Mozambique

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Pretoria in March 2010
Key developments	Ratification process underway

⁴⁰² For Article 21 on relations with states not party, Mauritania proposed to delete the phrase “notwithstanding the provisions of Article 1” (Article 1 prohibits assistance with banned acts). Statements of Mauritania, Dublin Diplomatic Conference on Cluster Munitions, 20 May 2008, 23 May 2008, and 27 May 2008. Notes by Landmine Action.

⁴⁰³ CMC, “Report on the Kampala Conference on the Convention on Cluster Munitions,” 30 September 2008; and Kampala Action Plan, Kampala Conference on the Convention on Cluster Munitions, 30 September 2008.

⁴⁰⁴ Observations during Landmine and Cluster Munition Monitor field mission, Bir Mogrein, 26 April 2010.

⁴⁰⁵ Interview with local resident requesting anonymity, Bir Mogrein, 26 April 2010. The submunition types are known to have been in Morocco’s arsenal.

⁴⁰⁶ Discussions with local risk education focal points, Bir Mogrein, 26 April 2010.

⁴⁰⁷ Mireille Pettiti, General Manager of the Ministry of Foreign Affairs, signed the convention on behalf of Monaco.

Policy

The Republic of Mozambique signed the Convention on Cluster Munitions in Oslo on 3 December 2008.

In March 2010, Mozambique stated its intention to complete ratification of the convention prior to the First Meeting of States Parties in November 2010.⁴⁰⁸ Mozambique confirmed in June 2010 that it was in the final stages of ratification and was hopeful of completing the process before the convention entered into force on 1 August.⁴⁰⁹

Mozambique has participated in the work of the convention in 2009 and 2010 through July. It attended the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa in March 2010, and the Berlin Conference on the Destruction of Cluster Munitions in June 2009.

Mozambique was one of just three African states that attended the launch in February 2007 of the Oslo Process that produced the Convention on Cluster Munitions. It participated actively throughout the Oslo Process, and was a strong advocate for a comprehensive ban without exceptions, and for far-reaching provisions on victim assistance and international cooperation and assistance.⁴¹⁰

Mozambique is a State Party to the Mine Ban Treaty. It is not party to the Convention on Conventional Weapons.

Mozambique is not believed to have used, produced, transferred, or stockpiled cluster munitions.

Cluster Munition Remnants

It is not known to what extent Mozambique is contaminated with cluster munition remnants. The National Institute for Demining (Instituto Nacional de Desminagem, IND) database contains no specific information about the extent of the problem as cluster munitions are not distinguished from other unexploded ordnance. The IND has stated that unexploded submunitions have been found in some locations over the years, but its records are incomplete.

Namibia

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Pretoria in March 2010
Key developments	Ratification process underway

Policy

The Republic of Namibia signed the Convention on Cluster Munitions on 3 December 2008.

In June 2010, a Namibian official told the CMC that Namibia aims to ratify the convention before the First Meeting of States Parties in November 2010. He said the government had already approved ratification.⁴¹¹

Previously, in June 2009, a government official told the CMC that the ratification process had started.⁴¹² In both October and December 2009, Namibia indicated that ratification was with the Ministry of Foreign Affairs.⁴¹³ In March 2010, Namibia told other states that it was in the process of studying the convention in consultation with other stakeholders, but was treating ratification with urgency.⁴¹⁴

⁴⁰⁸ Statement of Mozambique, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 25 March 2010. Notes by AOAV.

⁴⁰⁹ Statement of Mozambique, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010. Notes by AOAV. Officials said that ratification was with the Council of Ministers (Cabinet) for approval and then would be sent to the National Assembly. CMC meeting with the Mozambique delegation, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010. Notes by the CMC.

⁴¹⁰ For detail on Mozambique's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 122–123.

⁴¹¹ CMC meeting with Namibia delegate, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010. Notes by the CMC.

⁴¹² CMC meeting with Namibia delegate, Berlin Conference on the Destruction of Cluster Munitions, 25–26 June 2009. Notes by the CMC.

⁴¹³ CMC/ICBL meeting with Namibia delegate, Second Review Conference of the Mine Ban Treaty, Cartagena, 30 November–4 December 2009. Notes by the ICBL. CMC meeting with Maj. F. Kotokeni, Ministry of Defense, New York, 15 October 2009. Notes by the CMC.

⁴¹⁴ Statement of Namibia, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 25 March 2010. Notes by AOAV.

Namibia has shown an active interest in the convention in 2009 and 2010 through July. Namibia participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions held in Pretoria, South Africa in March 2010, and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

During the Oslo Process that produced the convention in 2007 and 2008, Namibia did not participate in any of the international meetings to develop the convention text, or the formal negotiations in Dublin in May 2008. However, it did attend two Africa regional meetings.⁴¹⁵

Namibia is a State Party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

Namibia has stated that it does not stockpile cluster munitions.⁴¹⁶ It is not known to have used, produced, imported, or exported them.

Nauru

Policy

The Republic of Nauru signed the Convention on Cluster Munitions in Oslo on 3 December 2008. The status of the ratification process is not known.

Nauru joined the Oslo Process at the Wellington Conference on Cluster Munitions in February 2008, when it stated its commitment to a total ban “to ensure that cluster munitions never, never appear in the beautiful Pacific.”⁴¹⁷

Nauru participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, but did not attend the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in Bali, Indonesia in November 2009, or the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

Nauru is party to the Convention on Conventional Weapons and its Amended Protocol II on landmines, but has not ratified its Protocol V on explosive remnants of war. It is also party to the Mine Ban Treaty.

Nauru is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

Netherlands

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010
Key developments	Ratification process underway; stockpile destruction is ongoing

Policy

The Kingdom of the Netherlands signed the Convention on Cluster Munitions in Oslo on 3 December 2008. On 1 July 2010, the Lower House of Parliament unanimously voted in favor of ratification of the convention.⁴¹⁸ As of mid-August 2010, ratification had yet to be approved by the Senate.⁴¹⁹ The Ministry of Foreign Affairs has stated that ratification is expected to be completed in 2010.⁴²⁰

⁴¹⁵ For detail on Namibia’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 123.

⁴¹⁶ Statement of Namibia, Kampala Conference on the Convention on Cluster Munitions, 30 September 2008. Notes by the CMC.

⁴¹⁷ Statement of Nauru, Wellington Conference on Cluster Munitions, 19 February 2008. Notes by the CMC. For more detail on Nauru’s past policy on cluster munitions, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 123–124.

⁴¹⁸ Summary of the plenary debate on the “Approval of the Bill on the Convention on Cluster Munitions adopted on 30 May 2008 in Dublin,” 30 June 2010. For the record of the debate on 30 June 2010, and of the vote in parliament on the ratification on 1 July 2010, see zoek.officielebekendmakingen.nl.

⁴¹⁹ Email from Roos Boer, Policy Advisor, IKV Pax Christi, 12 August 2010.

⁴²⁰ Letter from Maarten Wammes, Security Policy Department, Ministry of Foreign Affairs, 20 May 2010.

Upon signing the convention, Minister of Foreign Affairs Maxime Verhagen stated that the Netherlands would “start the process of ratifying the Convention right after the signing ceremony.”⁴²¹ In February 2009, the Netherlands confirmed that it had initiated the ratification procedure and stated it was “fully committed to the quick entry into force of the Convention.”⁴²² According to the Ministry of Foreign Affairs, the process of parliamentary ratification had been delayed by the fact that the Netherlands had a caretaker government prior to elections on 9 June 2010.⁴²³

The Netherlands had announced that pending the convention’s entry into force, the Netherlands would apply Article 1 (the basic prohibitions on use, production, stockpiling, transfer, and assistance with prohibited acts) provisionally.⁴²⁴

In June 2010, Minister of Foreign Affairs Verhagen noted the importance of the universalization of the convention and the obligation of States Parties to encourage non-signatories to join. The Minister stated that he had been, and would continue to be, active in promoting the convention to NATO allies, European Union member states, and others.⁴²⁵ The ministers of foreign affairs and defense have said they will also appeal to states like China, Finland, Georgia, Russia, and the United States via bilateral contacts to join the convention, as well as to inform them of the convention’s obligations and consequences.⁴²⁶ The Minister of Foreign Affairs has urged Russia many times to investigate the death of Dutch cameraman Stan Storimans, who was apparently killed by a Russian cluster munition attack in Georgia.⁴²⁷

The Netherlands continued to engage with the work of the convention in 2009 and 2010. The Netherlands attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Special Event on the Convention on Cluster Munitions held at the UN in New York in October 2009, and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

The Netherlands actively participated throughout the Oslo Process that produced the convention in 2007 and 2008. Initially, the Netherlands expressed reservations about the process and the draft convention text, particularly the notion of a comprehensive ban. The Netherlands’ shift in position to adopt the convention text at the conclusion of the negotiations in Dublin in May 2008 was due in part to the passing of a motion calling for the government to support a comprehensive ban on cluster munitions in the lower house of Parliament on 22 May 2008.⁴²⁸

Interpretative issues

The Netherlands has expressed its views on a number of issues important to the interpretation and implementation of the convention, including the transit and foreign stockpiling of cluster munitions, the prohibition on assistance with prohibited acts in joint military operations, the prohibition on investment in cluster munition production, and the retention of cluster munitions for training or research purposes.

In 2009, the Ministry of Foreign Affairs stated that in its view “the transit across Dutch territory of cluster munitions that remain the property of the third party in question is not prohibited under the Convention.”⁴²⁹ In June 2010, the Minister of Foreign Affairs reiterated that the convention prohibits the transfer of cluster munitions, but not the “transit” of cluster munitions across the territory of States Parties, due to the necessity of balancing States Parties’ treaty obligations with alliance obligations during military operations with states not party.⁴³⁰ In March 2010, the ministers of foreign affairs and defense told Parliament that the convention “does not contain a ban on transit, but only on transfer. ... the new treaty determines specifically that transfer refers to both physical movement as well as transfer of ownership. Transit is only

⁴²¹ Statement by Maxime Verhagen, Minister of Foreign Affairs, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

⁴²² It explained that “the ratification procedure in the Netherlands entails obtaining an advisory opinion from the Council of State and the explicit approval of Parliament. This procedure normally takes 12 to 18 months.” Letter from Henk Swarttouw, Director, Security Policy Department, Ministry of Foreign Affairs, 26 February 2009.

⁴²³ Letter from Maarten Wammes, Ministry of Foreign Affairs, 20 May 2010.

⁴²⁴ Letter from Henk Swarttouw, Ministry of Foreign Affairs, 26 February 2009. In March 2010, the Netherlands reaffirmed its provisional application of Article 1. Maxime Verhagen, Minister of Foreign Affairs, and Eimert van Middelkoop, Minister of Defense, “Approval of the Convention on Cluster Munitions adopted on May 30 2008 in Dublin, Note with regard to the report,” 5 March 2010, zoek.officielebekendmakingen.nl.

⁴²⁵ Summary of the plenary debate on the “Approval of the Bill on the Convention on Cluster Munitions adopted on 30 May 2008 in Dublin,” 30 June 2010.

⁴²⁶ Maxime Verhagen, Minister of Foreign Affairs, and Eimert van Middelkoop, Minister of Defense, “Approval of the Convention on Cluster Munitions adopted on May 30 2008 in Dublin, Note with regard to the report,” 5 March 2010, zoek.officielebekendmakingen.nl.

⁴²⁷ Storimans was killed during a Russian attack on Gori on 12 August 2008. The Dutch government undertook an investigation which concluded that his death was caused by a Russian cluster munition. The Russian government denied that he was killed by a Russian cluster munition, but did not do its own investigation as was requested by the Dutch government.

⁴²⁸ For more details on the Netherlands’ cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 124–129.

⁴²⁹ Letter from Henk Swarttouw, Ministry of Foreign Affairs, 26 February 2009.

⁴³⁰ Summary of the plenary debate on the “Approval of the Bill on the Convention on Cluster Munitions adopted on 30 May 2008 in Dublin,” 30 June 2010. In Parliamentary debate on the passage of the implementation bill in June 2010, the Minister of Foreign Affairs further stated that if an ally transported cluster munitions over Dutch territory, as long as the cluster munitions remained in the ownership of that ally, the activity would not be prohibited by the convention. The Minister added that due to the immunity of NATO’s armed forces, Dutch national or local law would not have jurisdiction. He argued that a Dutch prohibition on transit would not be enforceable on its allies and would violate alliance agreements under the NATO framework. The Minister added, however, that the Netherlands would communicate to its allies that the Netherlands would not appreciate the transit of cluster munitions across its territory. The Minister rejected a proposal for issuing transit licenses or permits, based on “reasonable doubt” for NATO allies who are not party to the convention. However, in the case of states not party with whom no other treaty obligations exist, it could be possible that the Netherlands would prohibit the transit of cluster munitions.

physical movement, not transfer of ownership. Transit of cluster munitions over Dutch territory that remains property of allies are not subject to the provisions of the convention.”⁴³¹

The ministers of defense and foreign affairs stated that they do not consider the storage of cluster munitions by states not party on the territory of States Parties to be prohibited under the convention, provided that the cluster munitions remain under the ownership of the state not party. They noted that no cluster munitions owned by a third party are stored on the territory of the Netherlands.⁴³²

On the issue of the prohibition on assistance with prohibited acts during joint military operations (interoperability), the Ministry of Foreign Affairs has stated that States Parties should encourage others to accede to the convention and “try to discourage them from using cluster munitions.” However, “military cooperation with States not Party is still permitted, including operations where the use of cluster munitions cannot be ruled out.”⁴³³ The ministers of foreign affairs and defense told Parliament in March 2010 that the Netherlands will urge military partners not party to the convention not to use cluster munitions, in accordance with its treaty obligations. In situations during joint military operations with states not party where the rules of engagement permit the use of cluster munitions, certain national reservations or “caveats” would be made by the Dutch government.⁴³⁴ In June 2010, the Minister of Defense stated that these “caveats” would be presented to Parliament for confidential inspection in the case that the Netherlands would be sending troops.⁴³⁵

Disinvestment

The Ministry of Foreign Affairs has stated that investments in the production of cluster munitions run counter to the spirit of, but are not banned by, the convention.⁴³⁶ It has also said that the convention cannot be applied to private institutions or persons and that an additional law banning investments in cluster munitions is not deemed necessary.⁴³⁷

In July 2009, a coalition of NGOs released a report on the financial links between Dutch banks and controversial weapons, including cluster munitions.⁴³⁸ In response to questions asked in the Parliament about this report, the Minister of Finance replied that it was the ethical responsibility of the financial sector how to invest their money so long as it did not break any national or international law.⁴³⁹ After increased pressure by civil society, some Dutch banks and financial institutions changed their policies on investing in cluster munitions in the Netherlands.⁴⁴⁰

In December 2009, the Socialist Party and the Labor Party proposed a motion that called upon the Dutch government to prohibit investments in cluster munitions. The motion was adopted by Parliament on 8 December 2009.⁴⁴¹ However, on 31 March 2010, the Dutch Minister of Finance decided not to carry out the motion. In his refusal, the Minister of Finance stated that taking into account the caretaker status of the government at the time of his decision, he would leave open the possibility for the next government to reconsider the decision.⁴⁴² CMC member organization IKV Pax Christi, among others, has stated that it will continue to strive for implementation of the motion.

In May 2010, the Ministry of Foreign Affairs provided an explanation for the refusal to implement the motion, saying that the convention applies only to States Parties and not to individuals or private institutions: “Therefore, the Convention does not prohibit financial institutions to invest in arms industries, nor does it oblige state parties to impose such a prohibition to these institutions.” The Ministry stated that the Dutch government would “encourage transparency in companies’ governance policies,” noting that a majority of Dutch financial institutions had already taken steps to prevent

⁴³¹ Maxime Verhagen, Minister of Foreign Affairs, and Eimert van Middelkoop, Minister of Defense, “Approval of the Convention on Cluster Munitions adopted on May 30 2008 in Dublin, Note with regard to the report,” 5 March 2010, zoek.officielebekendmakingen.nl.

⁴³² Ibid.

⁴³³ Letter from Henk Swarttouw, Ministry of Foreign Affairs, 26 February 2009.

⁴³⁴ Maxime Verhagen, Minister of Foreign Affairs, and Eimert van Middelkoop, Minister of Defense, “Approval of the Convention on Cluster Munitions adopted on May 30 2008 in Dublin, Note with regard to the report,” 5 March 2010, zoek.officielebekendmakingen.nl. The Ministers further elaborated on the relation between Article 1c and Article 21: “Art 21, 3d paragraph, is an exception to article 1 and the 4th paragraph of art 21 is an exception to the 3d paragraph of art 21. Art 21 3d paragraph prevails above art 1, as long as it meets the criteria as laid out in the 4d paragraph. ... Art 21 3d paragraph is an exception to art 1, which does not free a state party from the obligation to abide with the core of the treaty.”

⁴³⁵ Summary of the plenary debate on the “Approval of the Bill on the Convention on Cluster Munitions adopted on 30 May 2008 in Dublin,” 30 June 2010.

⁴³⁶ Lower House, “General Affairs and External Relations, List of Questions and Answers,” 21501-02, No. 846, 2007–2008 Session, 8 September 2008, citing letter from Maxime Verhagen, Minister of Foreign Affairs, to the Standing Committees on Foreign Affairs and Defense 3 September 2008, zoek.officielebekendmakingen.nl; and letter from Henk Swarttouw, Ministry of Foreign Affairs, 26 February 2009.

⁴³⁷ Lower House, “General Affairs and External Relations, List of Questions and Answers,” 21501-02, No. 846, 2007–2008 Session, 8 September 2008, citing letter from Maxime Verhagen, Minister of Foreign Affairs, to the Standing Committees on Foreign Affairs and Defense 3 September 2008, zoek.officielebekendmakingen.nl

⁴³⁸ Eerlijke Bankwijzer and IKV Pax Christi, “Banks and Arms: In Practice,” July 2009, www.ikvpaxchristi.nl.

⁴³⁹ Parliamentary letter, Reference: FM/2009/1581, from W. Bos, Minister of Finance, “Answers to parliamentary questions on controversial weapons,” to the Speaker of the Lower House of Parliament, 3 September 2009, www.minfin.nl.

⁴⁴⁰ See IKV Pax Christi, “Investeren in Producenten van Clustermunitie door Nederlandse Financiële Instellingen” (“Investments in Cluster Munition Producers by Dutch Financial Institutions”), May 2010, www.ikvpaxchristi.nl.

⁴⁴¹ Motion by Van Velzen (Socialist Party)/ Van Dam (Labor Party), adopted on 8 December 2009, Reference: Kamerstuk 22 054, No. 150.

⁴⁴² Parliamentary letter, Reference: FM/2010/3898 M, from J.C. de Jager, Minister of Finance, and J.P.H. Donner, Minister of Social Affairs and Employment, “Government position on the motion regarding cluster munitions,” to the Speaker of the Lower House of Parliament, 31 March 2010, www.minfin.nl.

investments in controversial arms producers. The ministry concluded that “against this background the question rises what added value a prohibition would provide and if it would not be counterproductive to the purpose.”⁴⁴³

IKV Pax Christi and the Belgian NGO Netwerk Vlaanderen have been key members of the CMC’s Stop Explosive Investments Campaign, which was launched in London on 29 October 2009, alongside the release of the report written by the two organizations, “Worldwide investments in cluster munitions: a shared responsibility.”⁴⁴⁴ On 14 April 2010, IKV Pax Christi and Netwerk Vlaanderen launched an updated version of their report at an event outside the UN in Geneva.⁴⁴⁵

Convention on Conventional Weapons

The Netherlands is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. The Netherlands participated in the CCW deliberations on cluster munitions in 2009 and the first half of 2010.

In 2009, the Netherlands stated that it remained in favor of continued negotiations in the CCW on a legally-binding instrument on cluster munitions. The Netherlands said that “a Sixth Protocol [on cluster munitions] should make a significant contribution to addressing the humanitarian consequences of cluster munitions, contain an immediate prohibition and be compatible with the [Convention on Cluster Munitions.]”⁴⁴⁶

Use, production, transfer, and stockpiling

In the past, the Netherlands used, produced, imported and, reportedly, exported cluster munitions. It has a stockpile, now slated for destruction.

The Royal Netherlands Air Force dropped 173 CBU-87 cluster bombs (with 202 bomblets each) during the 1999 NATO air campaign in the former Yugoslavia.⁴⁴⁷

In the past, the company Eurometaal NV produced cluster munitions in the Netherlands. It produced M483A1 and M864 155mm artillery projectiles with dual purpose improved conventional munition (DPICM) submunitions. This capacity was terminated in 2002.⁴⁴⁸

In total, the Netherlands once possessed more than 191,500 cluster munitions containing some 26 million submunitions.⁴⁴⁹ As of February 2009, three cluster munition systems remained in the stockpiles: 293 CBU-87 bombs (containing 59,186 submunitions), 1,879 M261 Multi-Purpose Submunition (MPSM) 70mm unguided air-to-surface rockets (containing 16,911 submunitions), and an unknown quantity of M483A1 155mm projectiles (which contain 88 submunitions each).⁴⁵⁰ The Netherlands had already removed from service two other cluster munition types: M26 ground rockets and BL-755 aerial bombs (see below).

In June 2010, the Minister of Defense informed Parliament that a large part of the Dutch stockpile had already been removed for destruction, and that the tendering process for the remainder to be destroyed by the NATO Maintenance and Supply Agency (NAMS) had started.⁴⁵¹

In May 2010, the Ministry of Foreign Affairs said that destruction would be completed “well before the eight years” provided under the convention.⁴⁵²

In March 2010, the ministers of defense and foreign affairs stated that the destruction of the BL-755 aerial bombs had been completed, and the destruction of the M483 artillery projectiles would be completed during that month. They said that a tender application with regard to the destruction of the CBU-87 aerial bombs was in process with NAMS. The

⁴⁴³ Letter from Maarten Wammes, Ministry of Foreign Affairs, 20 May 2010.

⁴⁴⁴ CMC, “Stop Explosive Investments: Campaign Update,” 1 February 2010.

⁴⁴⁵ See IKV Pax Christi and Netwerk Vlaanderen, “Worldwide investments in cluster munitions: a shared responsibility,” April 2010, www.stopexplosiveinvestments.org.

⁴⁴⁶ Statement by Amb. Paul van den Ijssel, Permanent Mission of the Netherlands to the UN in Geneva, UN General Assembly, 64th Session, First Committee, Thematic Debate on Conventional Weapons, New York, 20 October 2009.

⁴⁴⁷ Parliamentary letter from Maxime Verhagen, Minister of Foreign Affairs, “Parliamentary letter regarding questions on cluster munitions,” 4 September 2008, www.minbuza.nl.

⁴⁴⁸ Eurometaal NV was licensed by a US manufacturer to produce the DPICM artillery projectiles in its facility in Zaandam. First deliveries were made to the army in 1989. Starting in 1994, Eurometaal shared production from the Zaandam plant with the licensed production undertaken by the Turkish company MKEK at its production facility in Kirikale. Leland S. Ness and Anthony G. Williams, eds., *Jane’s Ammunition Handbook 2007–2008* (Surrey, UK: Jane’s Information Group Limited, 2007), pp. 336–338, 635–636.

⁴⁴⁹ This included at least 173,000 M483 projectiles (15,224,000 submunitions), 16,400 M26 rockets (10,561,600 submunitions), 293 CBU-87 bombs (59,186 submunitions), 1,879 M261 rockets (16,911 submunitions), and an unknown number of BL-755 bombs (247 submunitions each). Letter from Henk Swarttouw, Ministry of Foreign Affairs, 26 February 2009; Lower House, “Parliamentary record of questions posed by MP Van Velzen and responded to by the State Secretary of Defence Van Der Knaap,” 2005–2006 Session, Appendix to the Acts, pp. 237–239; and Joris Janssen, “Dutch Plan to Update Cluster Weapons,” *Jane’s Defence Weekly*, 19 October 2005.

⁴⁵⁰ Letter from Henk Swarttouw, Ministry of Foreign Affairs, 26 February 2009. These are all typically identified as US-produced weapons. It is not known when or how the Netherlands acquired them.

⁴⁵¹ Summary of the plenary debate on the “Approval of the Bill on the Convention on Cluster Munitions adopted on 30 May 2008 in Dublin,” 30 June 2010.

⁴⁵² Letter from Maarten Wammes, Ministry of Foreign Affairs, 20 May 2010. It also noted that a tender process for destruction by NAMS was underway.

ministers stated that the Netherlands' objective is to remove its M261 rockets for Apache helicopters for destruction in the third quarter of 2010.⁴⁵³

In October 2009, the Netherlands confirmed that its process of stockpile destruction was ongoing. It said that a "significant part of these stockpiles (air-dropped cluster bombs and artillery shells) will be destroyed by February 2010" and that that all cluster munitions would be destroyed "long before" the convention's eight-year deadline. It called on all countries to destroy their stockpiles "if possible even before being legally bound to do so."⁴⁵⁴

In February 2009, the Netherlands said that the length of time to complete stockpile destruction will depend on "international procedures and industrial capacity," and will include the involvement of NAMSA. It said that destruction of the M483 artillery projectiles "is already in progress and the Dutch government has already started making preparations for the destruction of the other stocks."⁴⁵⁵

On 30 May 2008, the day the Dublin negotiations concluded, the Netherlands announced that it would destroy all remaining stockpiled cluster munitions, which it said included CBU-87 aircraft bombs and M261 rockets used by Apache helicopters.⁴⁵⁶

In January 2006, the Ministry of Defense announced the transfer of 18 M26 Multiple Launch Rocket System (MLRS) launchers to Finland.⁴⁵⁷ It was reported that 400 M26 rockets, each containing 644 M77 DPICM grenades, would be included in the sale for qualification testing and conversion into training rockets. The remaining stockpile of 16,000 M26 rockets were to be destroyed, as there was "no market" for them, according to the State Secretary for Defense Procurement.⁴⁵⁸

In October 2005, the State Secretary for Defense Procurement stated that the Air Force's BL-755 cluster bombs would be destroyed (likely due to age and reliability concerns), with the disposal process to be completed by the end of 2006.⁴⁵⁹

In May 2005, the government said, "Due to replacement of artillery systems most M483 DPICM grenades [submunitions] are to be taken out of inventory."⁴⁶⁰ In 2004, the army reportedly had a stockpile of 174,000 M483A1 155mm artillery projectiles containing 15.3 million submunitions. Of these, 120,000 projectiles were to be destroyed (likely due to age and reliability concerns) and 54,000 retained until the delivery platform was taken out of service.⁴⁶¹

Retention

The Netherlands has stated on several occasions its intention to retain a "limited number" of cluster munitions, as permitted by the convention.⁴⁶² The Ministry of Defense has said the cluster munitions will be used for training explosive ordnance disposal personnel.⁴⁶³

⁴⁵³ Maxime Verhagen, Minister of Foreign Affairs, and Eimert van Middelkoop, Minister of Defense, "Approval of the Convention on Cluster Munitions adopted on May 30 2008 in Dublin, Note with regard to the report," 5 March 2010, zoek.officielebekendmakingen.nl.

⁴⁵⁴ Statement by Amb. Paul van den Ijssel, UN General Assembly, 64th Session, First Committee, Thematic Debate on Conventional Weapons, New York, 20 October 2009.

⁴⁵⁵ Letter from Henk Swarttouw, Ministry of Foreign Affairs, 26 February 2009.

⁴⁵⁶ Ministry of Foreign Affairs, "Verhagen: Ban on Cluster Bombs is Boost for Law of War," Press release, 30 May 2008, www.minbuza.nl. Presumably, the M483A1 projectiles were not mentioned because they had already been removed from service by that time.

⁴⁵⁷ Ministry of Defense, "Finland Receives Two MLRS Batteries," Press release, 13 January 2006.

⁴⁵⁸ Joris Janssen, "Dutch Plan to Update Cluster Weapons," *Jane's Defence Weekly*, 19 October 2005. The article said that the destruction of half of the M26s had already started and the other half will follow.

⁴⁵⁹ Joris Janssen, "Dutch Plan to Update Cluster Weapons," *Jane's Defence Weekly*, 19 October 2005.

⁴⁶⁰ Communication from the Dutch Ministry of Foreign Affairs to Pax Christi Netherlands, May 2005.

⁴⁶¹ Joris Janssen, "Dutch Plan to Update Cluster Weapons," *Jane's Defence Weekly*, 19 October 2005.

⁴⁶² Letter from Maarten Wammes, Ministry of Foreign Affairs, 20 May 2010; letter from Henk Swarttouw, Ministry of Foreign Affairs, 26 February 2009; summary of the plenary debate on the "Approval of the Bill on the Convention on Cluster Munitions adopted on 30 May 2008 in Dublin," 30 June 2010; and Maxime Verhagen, Minister of Foreign Affairs, and Eimert van Middelkoop, Minister of Defense, "Approval of the Convention on Cluster Munitions adopted on May 30 2008 in Dublin, Note with regard to the report," 5 March 2010, zoek.officielebekendmakingen.nl.

⁴⁶³ Summary of the plenary debate on the "Approval of the Bill on the Convention on Cluster Munitions adopted on 30 May 2008 in Dublin," 30 June 2010.

Nigeria

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended a global conference in Santiago in June 2010 and a regional meeting in Pretoria in March 2010
Key developments	Signed on 12 June 2009

Policy

The Federal Republic of Nigeria signed the Convention on Cluster Munitions on 12 June 2009 at the UN in New York.⁴⁶⁴

In October 2009, an official told the CMC that ratification was being considered by Parliament.⁴⁶⁵

Nigeria has engaged in the work of the convention in 2009 and 2010 through July. It participated in the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa in March 2010, where it chaired a conference session on national implementation measures and cooperation and assistance.⁴⁶⁶ The CMC's Nigeria representative, Mimidoo Achakpa, also spoke at the Pretoria conference on behalf of the CMC on understanding national implementation measures.

Nigeria also participated in the International Conference on the Convention on Cluster Munitions held in Santiago, Chile in June 2010. It did not attend the Berlin Conference on the Destruction of Cluster Munitions in June 2009.

Nigeria joined the diplomatic Oslo Process that produced the convention in May 2007, and was one of 107 nations to adopt the convention text at the conclusion of negotiations in Dublin in May 2008. However, Nigeria attended the signing conference in Oslo in December 2008 only as an observer. It said that Nigeria would be able to sign after the completion of internal processes.⁴⁶⁷

Nigeria is not party to the Convention on Conventional Weapons (CCW). It has participated as an observer in some of the CCW deliberations on cluster munitions in recent years. At a CCW session in April 2010, Nigeria stated that the "discussion based on validation of these weapons seems to us discouraging."⁴⁶⁸

Use, production, transfer, and stockpiling

Nigeria is not known to have produced or exported cluster munitions, but has imported them in the past and is thought to have a stockpile. Nigeria's Information Group reports that British-produced BL-755 cluster bombs are in service with the country's air force.⁴⁶⁹

Sierra Leone has said that Nigerian Economic Community of West African States Monitoring Group (ECOMOG) peacekeepers used cluster munitions in Sierra Leone in 1997.⁴⁷⁰ According to sources close to the Sierra Leonean military, in 1997 Nigerian forces operating as ECOMOG peacekeepers dropped two cluster bombs on Lokosama, near Port Loko. ECOMOG Force Commander General Victor Malu denied these reports.⁴⁷¹ According to media reports, Nigerian ECOMOG peacekeepers used French-produced BLG-66 Belouga cluster bombs in an attack on the eastern town of Kenema in Sierra Leone in 1997.⁴⁷²

⁴⁶⁴ Amb. U. Joy Ogwu from the Permanent Mission of Nigeria to the UN in New York signed the convention on behalf of Nigeria.

⁴⁶⁵ CMC meeting with Lawrence O. Obisakin, Minister, Permanent Mission of Nigeria to the UN in New York, 15 October 2009. Notes by the CMC.

⁴⁶⁶ Etim Eno of the Ministry of Foreign Affairs of Nigeria chaired Session 4 on National Implementation, Cooperation and Assistance, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 25 March 2010.

⁴⁶⁷ For detail on Nigeria's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 223–224.

⁴⁶⁸ Statement of Nigeria, CCW Group of Governmental Experts on Cluster Munitions, Geneva, 16 April 2010. Notes by AOAV.

⁴⁶⁹ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 843.

⁴⁷⁰ Statement of Sierra Leone, Vienna Conference on Cluster Munitions, 5 December 2008. Notes by the CMC/WILPF. ECOMOG was established in 1990 to intervene in the war in Liberia.

⁴⁷¹ "IRIN-WA Weekly Roundup, 10/3/97," *IRIN*, 10 March 1997, www.africa.upenn.edu.

⁴⁷² "10 Killed in Nigerian raid in eastern Sierra Leone," *Agence France-Presse*, 11 December 1997; and Human Rights Watch, "Cluster Munition Information Chart," March 2009, www.hrw.org.

Palau

Policy

The Republic of Palau signed the Convention on Cluster Munitions on 3 December 2008. Palau has not yet ratified, but support for ratification has been expressed at the highest levels of government.⁴⁷³ The timeframe for ratification is unknown.

In December 2009, Palau's Minister of State, Sandra Pierantozzi, made a statement on her government's support for universalization of both the Mine Ban Treaty (to which Palau is party) and the Convention on Cluster Munitions.⁴⁷⁴

Palau joined the Oslo Process in February 2008, and played an active role in the Dublin negotiations.⁴⁷⁵

Palau attended the Berlin Conference on the Destruction of Cluster Munitions in June 2010, as well the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in Bali, Indonesia on in November 2009. It did not attend the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

Palau is not party to the Convention on Conventional Weapons.

Palau is not believed to have ever used, produced, or stockpiled cluster munitions.

Panama

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Santiago in September 2009
Key developments	Ratification process underway

Policy

The Republic of Panama signed the Convention on Cluster Munitions on 3 December 2008. In June 2010, a government representative informed the CMC that parliamentary ratification was imminent and that it hoped to deposit the ratification instrument in August 2010.⁴⁷⁶

A year earlier, in June 2009, Panama had said that a parliamentary committee on foreign affairs was reviewing a draft ratification law prepared by the Ministry of Foreign Affairs.⁴⁷⁷ It later said that internal consultation regulations were changed in July 2009, meaning that the government would have to reintroduce the ratification law to the National Assembly, most likely in October 2009.⁴⁷⁸

At the time of signing the convention, Panama stated that it already has a law in place prohibiting weapons such as cluster munitions.⁴⁷⁹ This could be a reference to the National Penal Code's Article 237, which Panama has stated applies to antipersonnel mines.⁴⁸⁰

⁴⁷³ In January 2010, the President of Palau told a visiting ICRC delegation that the government was proud of its role in the creation of the Convention on Cluster Munitions and intends to ratify. Meeting with Kelisiana Thynne, Legal Adviser, Regional Delegation to the Pacific, ICRC, Wellington, 25 May 2010.

⁴⁷⁴ Statement by Sandra Pierantozzi, Minister of State of Palau, Second Review Conference of the Mine Ban Treaty, Cartagena, 1 December 2010.

⁴⁷⁵ For more details, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 140–141.

⁴⁷⁶ CMC meeting with Rony Rodriguez, Ministry of the Presidency, and Isbeth Quiel, Third Secretary, Ministry of Foreign Affairs, in Santiago, 8 June 2010. Notes by the CMC.

⁴⁷⁷ Statement of Panama, Latin American side briefing, Berlin Conference on the Destruction of Cluster Munitions, 26 June 2009. Notes by the CMC.

⁴⁷⁸ Statement of Panama, Regional Conference for Latin America and the Caribbean on Cluster Munitions, Santiago, 14 September 2009. Notes by the CMC.

⁴⁷⁹ Statement by Amb. Cecilio Simon, Representative of Panama to Norway and Sweden, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008. Notes by Landmine Action.

⁴⁸⁰ Article 237 provides for a prison sentence of two to six years for "anyone who attempts to commit a crime endangering collective security by manufacturing, supplying, acquiring, removing or possessing bombs and explosive materials, or materials intended for their preparation." Mine Ban Treaty Article 7 Report, Form A, 16 April 2002; and statement by Amb. Xiamara de Arrocha, Mine Ban Treaty Fifth Meeting of States Parties, Bangkok, 15–19 September 2003.

Panama has continued to show strong interest in the convention. It participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Regional Conference for Latin America and the Caribbean on Cluster Munitions in Santiago, Chile in September 2009, and the International Conference on the Convention on Cluster Munitions, also held in Santiago, in June 2010.

Panama joined the Oslo Process that produced the convention in May 2007, and participated extensively thereafter, including an active role advocating for the strongest possible convention during the Dublin negotiations in May 2008.⁴⁸¹

Panama is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. Panama has not engaged in the CCW discussions on cluster munitions in recent years.

Panama is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

Paraguay

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Santiago in September 2009
Key developments	Ratification process underway

Policy

The Republic of Paraguay signed the Convention on Cluster Munitions on 3 December 2008.

Paraguan officials told the CMC in June 2010 that the ratification document to be introduced in the National Congress was still with the Executive Branch.⁴⁸²

Previous information on the ratification process has not been consistent. In June 2009, Paraguay told other states that the ratification process should be completed in within a month.⁴⁸³ In December 2009, Paraguay told the CMC that ratification was before the National Congress.⁴⁸⁴ However, in March 2010, another official said the ratification document to be sent to the National Congress was still being prepared.⁴⁸⁵

Paraguay has shown strong interest in the convention. It participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Regional Conference for Latin America and the Caribbean on Cluster Munitions in Santiago, Chile in September 2009, and the International Conference on the Convention on Cluster Munitions, also held in Santiago, in June 2010.

Paraguay participated in most of the Oslo Process diplomatic conferences to develop the convention, as well as the formal negotiations in Dublin in May 2008, where it aligned itself with many other Latin American states in pushing for the strongest convention possible, without any weakening amendments.⁴⁸⁶

Paraguay is a State Party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), and ratified its Protocol V on explosive remnants of war on 3 December 2008. Paraguay has not participated in the CCW deliberations on cluster munitions in recent years.

Paraguay has stated that it does not use, produce, transfer, or stockpile cluster munitions.⁴⁸⁷

⁴⁸¹ For detail on Panama's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 141.

⁴⁸² CMC meeting with Oscar Gomez, Head of National Arms Register, and Lourdes Monica Miranda Jordan, Department of International Organizations, Ministry of Foreign Affairs, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010. Notes by the CMC.

⁴⁸³ Latin American side briefing, Berlin Conference on the Destruction of Cluster Munitions, 26 June 2009. Notes by AOAV.

⁴⁸⁴ CMC meeting with Jorge Ramón Lara Castro, Vice-Minister for Foreign Affairs, Ministry of Foreign Affairs, and Justo Apodaca, Counsellor, Director of International Organizations, Ministry of Foreign Affairs, Second Review Conference of the Mine Ban Treaty, Cartagena, 29 November–4 December 2009. Notes by the CMC.

⁴⁸⁵ Email from Lourdes Monica Miranda Jordan, Ministry of Foreign Affairs, 26 March 2010.

⁴⁸⁶ For detail on Paraguay's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 142.

⁴⁸⁷ Statement of Paraguay, San José Regional Conference on Cluster Munitions, 5 September 2007. Notes by HRW. Statement of Paraguay, Wellington Conference on Cluster Munitions, 18–22 February 2008. Notes by the CMC.

Peru

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Santiago in September 2009
Key developments	Ratification process underway

Policy

The Republic of Peru signed the Convention on Cluster Munitions on 3 December 2008.

In June 2010, Peru told the CMC that the ratification process was being considered by the executive and being analyzed by the armed forces, as there were concerns about the cost and timing of the destruction of Peru's stockpile of cluster munitions.⁴⁸⁸ At an Organization of American States meeting held in Lima in June 2010, Chile's Minister of Foreign Affairs invited Peru to deposit its instrument of ratification jointly with Chile.⁴⁸⁹

In March 2009, Peru announced that its ratification process had begun and it expected to finish soon.⁴⁹⁰ In June 2009, it said that the relevant bodies were considering the convention and the ratification package would be introduced into parliament as soon as possible. It said there were no obstacles, just the legislative schedule, and it hoped to complete ratification in 2009.⁴⁹¹ In October 2009, Peru's Permanent Representative to the UN in New York, Ambassador Gonzalo Gutiérrez, said that consultation was continuing between different departments on ratification. He said, "The will is there. We need time for the legal processes, but don't anticipate much of a problem."⁴⁹² In December 2009, the Vice Minister of Foreign Relations, Néstor Popolizio Bardales, told the ICBL that he was awaiting judicial advice on ratification of the convention.⁴⁹³

On 6 May 2010, local NGO the Institute for Security and Human Rights (Instituto de Seguridad y Derechos Humanos) launched a campaign urging Peru to ratify the convention without delay.⁴⁹⁴

Peru was one of the small Core Group of nations that took responsibility for the Oslo Process and the development of the Convention on Cluster Munitions outside of traditional diplomatic fora. Peru hosted the second international conference on cluster munitions in Lima in May 2007, where it announced an initiative for a Latin America Cluster Munition Free Zone.⁴⁹⁵

In 2009 and 2010, Peru has participated in the work of the convention, although no longer in a leadership role. Peru attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, where it gave an update on ratification. It also attended the Regional Conference for Latin America and the Caribbean on Cluster Munitions in Santiago, Chile in September 2009, as well as the International Conference on the Convention on Cluster Munitions, also held in Santiago, in June 2010, but did not make a statement at either meeting.

Peru is a State Party to the Mine Ban Treaty. Peru is also party to the Convention on Conventional Weapons (CCW) and ratified CCW Protocol V on explosive remnants of war on 29 May 2009. Peru has not engaged in CCW deliberations on cluster munitions in recent years.

Use, production, transfer, and stockpiling

Peru is not believed to have ever used or produced cluster munitions.

⁴⁸⁸ CMC meeting with the delegation of Peru, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010. Notes by the CMC.

⁴⁸⁹ Ibid.

⁴⁹⁰ CMC, "Report on the Special Event on the Convention on Cluster Munitions—United Nations, New York, 18 March 2009."

⁴⁹¹ Statement of Peru, Berlin Conference on the Destruction of Cluster Munitions, 26 June 2010. Notes by AOAV/HRW.

⁴⁹² ICBL meeting with Amb. Gonzalo Gutiérrez, Permanent Mission of Peru to the UN in New York, 22 October 2009. Notes by the ICBL.

⁴⁹³ ICBL meeting with Néstor Popolizio Bardales, Vice Minister of Foreign Relations, and Wilyam Lúcar Aliaga, General Coordinator, Centro Peruano de Acción contra las Minas Antipersonales (Contraminas), Second Review Conference of the Mine Ban Treaty, Cartagena, 3 December 2009. Notes by the ICBL.

⁴⁹⁴ "Piden que el Perú ratifique acuerdo contra armas de racimo y minas explosivos" ("Peru asked to ratify the agreement against cluster munitions and explosive mines"), *Info Region* (Lima), 1 August 2010, www.inforegion.pe.

⁴⁹⁵ For detail on Peru's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 142–144.

In May 2007, the Peruvian Minister of Defense publicly disclosed that the Peruvian Air Force possesses stockpiles of CB-470 cluster bombs of South African origin, BME-330 cluster bombs of Spanish origin, and RBK-500 cluster bombs of Russian/Soviet origin.⁴⁹⁶ The status and precise composition of the current stockpile is not known.

As noted above, Peru has expressed concerns about the cost and timing of the destruction of its stockpile of cluster munitions.⁴⁹⁷

Philippines

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Bali in November 2009
Key developments	Ratification process underway

Policy

The Republic of the Philippines signed the Convention on Cluster Munitions in Oslo on 3 December 2008. In June 2010 at the International Conference on the Convention on Cluster Munitions in Santiago, Chile, the Philippines stated that it hoped that it would complete its ratification process prior to the First Meeting of States Parties in November 2010.⁴⁹⁸

In November 2009, at the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in Bali, Indonesia, the Philippines stated that it was working to complete domestic procedures to ratify the convention, which involved several government ministries.⁴⁹⁹ In March 2009, the Philippines stated that it “is undergoing internal procedures leading to the possible ratification” of the convention.⁵⁰⁰

The Philippines has continued to demonstrate strong interest in the convention. In addition to the Bali regional and Santiago international conferences, it participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009.

The Philippines joined the Oslo Process in December 2007 and participated in the international treaty preparatory conferences in Vienna and Wellington, as well as the formal negotiations in Dublin in May 2008. It was a strong proponent of the most comprehensive convention possible, and made several proposals that were agreed by the negotiators.⁵⁰¹

The Philippines is party to the Convention on Conventional Weapons (CCW), but has not yet ratified Protocol V on explosive remnants of war. The Philippines has participated in CCW deliberations on cluster munitions in recent years but made few statements.

The Philippines has stated that it “is not a user, producer, stockpiler or supplier of cluster munitions.”⁵⁰² The Philippines has also stated that it “has no intention to assist, encourage or induce any state, group or individual to engage in any of the prohibited activities.”⁵⁰³

⁴⁹⁶ Ángel Páez, “Peru se suma a iniciativa mundial para prohibir y destruir las ‘bombas de racimo’” (“Peru joins global initiative to ban and destroy the ‘cluster bombs’”), *La República.pe*, 29 May 2007. Human Rights Watch was shown photographs of these cluster munitions by a member of the national media in May 2007. See also, Ángel Páez, “Se eliminaran las bombas de racimo” (“Cluster bombs will be eliminated”), *La República.pe*, 29 May 2007.

⁴⁹⁷ CMC meeting with the delegation of Peru, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010. Notes by the CMC.

⁴⁹⁸ Statement of the Philippines, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010. Notes by AOAV/HRW.

⁴⁹⁹ Statement of the Philippines, Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions, Bali, 17 November 2009. Notes by AOAV.

⁵⁰⁰ Letter from Leslie B. Gatan, Charge d’affaires, Permanent Mission of the Philippines to the UN in New York, 2 March 2009.

⁵⁰¹ For detail on the Philippines’ policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 144–145.

⁵⁰² Letter from Leslie B. Gatan, Permanent Mission of the Philippines to the UN in New York, 2 March 2009. The Philippines reiterated this during the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions, Bali, 17 November 2009. Notes by AOAV.

⁵⁰³ Ibid.

Portugal

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010
Key developments	Reported completion of stockpile destruction in early 2010

Policy

The Portuguese Republic signed the Convention on Cluster Munitions in Oslo on 3 December 2008.

In July 2010, a Ministry of Foreign Affairs official stated that the convention “is currently being ratified” and that “a decision by the Parliament should take place during the current year.”⁵⁰⁴ Previously, in March 2009, Portugal said that it intended to ratify as soon as possible and that procedures for ratification were already underway.⁵⁰⁵

Portugal has made efforts to universalize the convention. Most notably, it organized a seminar for Lusophone countries in Lisbon on 25 June 2010. Angola, Cape Verde, Guinea-Bissau, Mozambique, São Tomé and Príncipe, and Timor-Leste participated at senior and technical levels.⁵⁰⁶ Portugal attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009 and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

Portugal participated and made substantial contributions throughout the work of the Oslo Process that led to the creation of the convention, from its launch in Oslo in February in 2007 through the adoption of the convention text at the conclusion of negotiations in Dublin in May 2008.⁵⁰⁷

Portugal has expressed its views on some of the issues important to the interpretation and implementation of the convention text regarding the prohibition on assistance with prohibited acts, particularly during joint military operations with states not party (interoperability). Portugal has stated that it will not use cluster munitions, “regardless of what country might be commanding military forces.”⁵⁰⁸ While it supported the inclusion of a provision on interoperability during the negotiations of the convention, Portugal argued that it should not weaken the convention in any way and stated that future States Parties would have a duty to convince others not to use cluster munitions.⁵⁰⁹

Portugal has also stated, “It is the Portuguese view that the Convention does not unequivocally exclude the possibility of foreign stockpiling of cluster munitions on, or the transit of this type of armament across, the national territory of a State Party. In the latter case, the transit could be authorized once it does not represent a transfer under the definition established in Article 2 of the Convention; in other words, only in the circumstance when the cluster munitions in transit are to remain under the control of the same non State Party that requested the passage.”⁵¹⁰

Portugal has yet to formally make known its view on the prohibition on investment in cluster munition production.⁵¹¹

Portugal is party to the Convention on Conventional Weapons (CCW) and ratified Protocol V on explosive remnants of war on 22 February 2008. Portugal continued to be an active participant in the work of the CCW on cluster munitions in 2009 and 2010 through July. In 2009, Portugal supported the continuation of work within the CCW in 2010, but with the reservation that there must be a clear mandate to negotiate a protocol on cluster munitions, rather than the existing vaguely worded mandate that it is “negotiating a proposal.”⁵¹²

⁵⁰⁴ Email from Luis Filipe Cunha, Directorate for Security and Defense Affairs, Unit of Disarmament and Non Proliferation, Ministry of Foreign Affairs, 5 July 2010.

⁵⁰⁵ Letter from Amb. José Filipe Moraes Cabral, Permanent Mission of Portugal to the UN in New York, 3 March 2009.

⁵⁰⁶ Email from Luis Filipe Cunha, Ministry of Foreign Affairs, 5 July 2010.

⁵⁰⁷ For details on Portugal’s cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 146–147.

⁵⁰⁸ Email from Luis Filipe Cunha, Ministry of Foreign Affairs, 5 July 2010.

⁵⁰⁹ Statement of Portugal, Committee of the Whole on Article 1, Dublin Diplomatic Conference on Cluster Munitions, 19 May 2008; and statement of Portugal, Informal Discussions on Interoperability, Dublin Diplomatic Conference on Cluster Munitions, 20 May 2008. Notes by Landmine Action. Portugal stated that legal clarity on interoperability would be necessary and called for a provision that would not promote the use of cluster munitions but would settle the problem of combined obligations between States Parties and states not party during joint military operations.

⁵¹⁰ Letter No. 42 from Paula Silva Cepeda, Charge d’Affaires, Embassy of Portugal, Washington, DC, 29 July 2010.

⁵¹¹ Statement of Portugal, Committee of the Whole on Article 3, Dublin Diplomatic Conference on Cluster Munitions, 19 May 2008; and statement of Portugal, Informal Discussions on Interoperability, Dublin Diplomatic Conference on Cluster Munitions, 20 May 2008. Notes by Landmine Action.

⁵¹² Statement of Portugal, CCW Meeting of States Parties, Geneva, 12 November 2009. Notes by Landmine Action.

Use, production, transfer, and stockpiling

Portugal has stated it has never produced or transferred cluster munitions, and has never used cluster munitions “except for the purpose of training our Armed Forces.”⁵¹³

Portugal informed Landmine and Cluster Munition Monitor that it has completed the destruction of its stockpile of cluster munitions. In a 29 July 2010 letter, it stated, “Portugal removed from the Air Force stockpile the 10 remaining BL-755 cluster bombs during the first trimester of 2010.”⁵¹⁴ Earlier in the month, a Ministry of Foreign Affairs official told Landmine and Cluster Munition Monitor that, “Portugal no longer holds any types of cluster bombs. The last ones were destroyed early this year.”⁵¹⁵

Portugal has not indicated exactly when the cluster munitions were destroyed, where, by whom, by what method, and if there were any observers to the process. There are also questions regarding the number destroyed (10 or 11) and reports of a previous destruction of 11 cluster bombs.

In May 2009, Portugal reported that it possessed 11 BL-755 cluster bombs, which had been removed from service and earmarked for destruction, which it stated was expected to be completed by the end of 2010.⁵¹⁶ Portugal first disclosed information on its stockpile during the negotiation of the convention in May 2008, when it stated that it no longer had any cluster munitions in operational stocks and had initiated their destruction.⁵¹⁷ Prior to this statement, the only indication that Portugal possessed cluster munitions was a mention of the destruction of 11 BL-755 cluster bombs in its annual national report for CCW Amended Protocol II on landmines in 2005.⁵¹⁸

Rwanda

Policy

The Republic of Rwanda signed the Convention on Cluster Munitions in Oslo on 3 December 2008. In July 2010, the Ministry of Foreign Affairs informed the CMC that ratification of the convention was in parliament waiting for approval alongside other conventions. It must be approved by the Chamber of Deputies, then the Senate, the Cabinet, and the President.⁵¹⁹

Previously, in March 2009, the Ministry of Foreign Affairs informed the CMC that Rwanda had begun the process of ratification and expected swift completion.⁵²⁰ In November 2009, the CMC received information that the Council of Ministers had approved ratification and it was awaiting transmission to parliament.⁵²¹

Rwanda attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009 and the Special Event on the Convention on Cluster Munitions held at the UN in New York on 18 March 2009, but did not make any public statements. Rwanda did not attend the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa in March 2010 or the International Conference on the Convention on Cluster Munitions, in Santiago, Chile in June 2010.

Rwanda was not an active participant in the Oslo Process that developed the convention and did not attend any of the international preparatory conferences in 2007 or 2008, or the formal negotiations in Dublin in May 2008.⁵²²

Rwanda is a State Party to the Mine Ban Treaty, but is not party to the Convention on Conventional Weapons.

Rwanda has stated that it does not use, produce, transfer, or stockpile cluster munitions.⁵²³

⁵¹³ Letter from Amb. José Filipe Moraes Cabral, Permanent Mission of Portugal to the UN in New York, 3 March 2009.

⁵¹⁴ Letter No. 42 from Paula Silva Cepeda, Charge d’Affaires, Embassy of Portugal, Washington, DC, 29 July 2010.

⁵¹⁵ Email from Luis Filipe Cunha, Ministry of Foreign Affairs, 5 July 2010.

⁵¹⁶ Letter from Amb. José Filipe Moraes Cabral, Permanent Mission of Portugal to the UN in New York, 3 March 2009.

⁵¹⁷ Statement of Portugal, Opening Session of the Committee of the Whole, Dublin Diplomatic Conference on Cluster Munitions, 19 May 2008. Notes by Landmine Action.

⁵¹⁸ CCW Amended Protocol II Article 13 Report, CCW/AP.II/CONF.7/NAR.10, 26 September 2005, p. 6. BL-755s are produced by the United Kingdom.

⁵¹⁹ Email from Eugene Mussolini, Association of Landmine Survivors and Amputees of Rwanda, 21 July 2010.

⁵²⁰ Email from Hildegard Vansintjan, Advocacy Officer, Handicap International, 6 March 2009.

⁵²¹ Email from Albert Nzamukwereka, Country Program Coordinator for Rwanda, Survivor Corps, 16 November 2009.

⁵²² For details on Rwanda’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 147.

⁵²³ Statement of Rwanda, Kampala Conference on the Convention on Cluster Munitions, 30 September 2008. Notes by the CMC.

Saint Vincent and the Grenadines

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended a regional meeting in Santiago in September 2009
Key developments	Signed on 24 September 2009

Policy

Saint Vincent and the Grenadines signed the Convention on Cluster Munitions on 24 September 2009, the second Caribbean country to do so (after the Dominican Republic). The status of the ratification process is not known.

Saint Vincent and the Grenadines participated in the Regional Conference for Latin America and the Caribbean on Cluster Munitions in Santiago, Chile in September 2009. It did not attend the International Conference on the Convention on Cluster Munitions, also held in Santiago, in June 2010.

Saint Vincent and the Grenadines did not participate at all in the diplomatic Oslo Process that resulted in the negotiation and signing of the convention in 2008.

Saint Vincent and the Grenadines is party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

Saint Vincent and the Grenadines is not believed to have used, produced, transferred, or stockpiled cluster munitions.

São Tomé e Príncipe

Policy

The Democratic Republic of São Tomé e Príncipe signed the Convention on Cluster Munitions on 3 December 2008. Upon signing the convention, São Tomé e Príncipe's Minister of Defense, Elsa Maria Neto D'Alva Teixeira de Barros Pinto, said that the government hoped to set up an interdepartmental body to ensure swift ratification.⁵²⁴

In June 2009, a government official said that ratification was in process.⁵²⁵ No further information is available on the status of ratification.

São Tomé e Príncipe attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, but did not make a statement. It did not participate in the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions held in Pretoria, South Africa in March 2010, or the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

São Tomé e Príncipe did not attend any of the international conferences of the Oslo Process to develop the convention text in 2007 and 2008, but did participate in the formal negotiations in Dublin in May 2008, where it joined other African states in advocating for a comprehensive convention without exceptions. It also attended a regional meeting in Kampala, Uganda in September 2008 to promote signature to the convention.⁵²⁶

São Tomé e Príncipe is party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

São Tomé e Príncipe has stated that it has never used cluster munitions.⁵²⁷ It is not believed to have ever produced, transferred or stockpiled them.

⁵²⁴ Statement of São Tomé e Príncipe, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

⁵²⁵ CMC meeting with São Tomé e Príncipe delegation, Berlin Conference on the Destruction of Cluster Munitions, 25–26 June 2009. Notes by the CMC.

⁵²⁶ For detail on São Tomé e Príncipe's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 149.

⁵²⁷ Statement of São Tomé e Príncipe, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

Senegal

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Pretoria in March 2010
Key developments	Ratification process underway

Policy

The Republic of Senegal signed the Convention on Cluster Munitions in Oslo on 3 December 2008. Following approval by the Council of Ministers, the Senegalese National Assembly unanimously approved a draft law, No. 14/2010, to ratify the convention on 23 June 2010.⁵²⁸

To complete the ratification process, the draft law must be approved by the Senate and signed by the President before it can be deposited with the UN in New York. As of 1 August, the Senate had not yet been in session following the adoption of the law by the National Assembly.⁵²⁹

Senegalese officials have stated that Senegal will complete ratification by the First Meeting of States Parties in November 2010.⁵³⁰

Senegal engaged in the work of the convention in 2009 and 2010. It attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Africa Regional Conference on Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa, in March 2010, and the International Conference on the Convention on Cluster Munitions in Santiago, Chile, in June 2010.

Senegal joined the Oslo Process that led to the creation of the convention in May 2007 and actively participated thereafter, including during the formal negotiations on the convention text in Dublin in May 2008. Senegal was a strong proponent of a total and immediate ban on cluster munitions, without exceptions, and expressed concerns over the inclusion of provisions on interoperability (joint military operations with states not party), stating that if provisions on interoperability were introduced, they must not weaken the treaty.⁵³¹

Senegal is party to the Convention on Conventional Weapons (CCW) and ratified its Protocol V on explosive remnants of war on 6 November 2008. Senegal participated in the CCW deliberations on cluster munitions in 2009 and 2010 through July.⁵³² In April 2010, while reaffirming its commitment to the CCW process, Senegal was critical of the draft text under discussion, which it said did not go far enough in addressing humanitarian concerns.⁵³³

Senegal is not believed to have used, produced, transferred, or stockpiled cluster munitions.

Somalia

Policy

The Republic of Somalia signed the Convention on Cluster Munitions on 3 December 2008.

On 2 August 2010, Minister of Social Affairs and Rehabilitation Mohamed Omar Dalha, representing the Prime Minister at an event to celebrate the entry into force of the convention, said that Somalia is committed to ratifying before the First Meeting of States Parties in November 2010.⁵³⁴

⁵²⁸ Email from Boubine Touré, CMC Senegal, 25 June 2010. Although Senegal said it would start its ratification process without delay upon signing the convention in December 2008, the ratification bill was not sent to the National Assembly until 2010. Statement by Amb. Babacar Carlos Mbaye, Permanent Mission of Senegal to the UN in Geneva, Convention on Cluster Munitions Signing Conference, Oslo, 4 December 2008; and email from Boubine Touré, CMC Senegal, 15 May 2010.

⁵²⁹ Email from Boubine Touré, CMC Senegal, 4 August 2010.

⁵³⁰ Statement of Senegal, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010. Notes by HRW/AOAV.

⁵³¹ For details on Senegal's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 149–150.

⁵³² Senegalese Amb. Babacar Carlos Mbaye chaired the CCW Meeting of States Parties in November 2009.

⁵³³ Statement of Senegal, CCW Group of Governmental Experts on Cluster Munitions, Geneva, 12 April 2010. Notes by AOAV.

⁵³⁴ Email from Eng. Dahir Abdirahman Abdulle, Technical Advisor, Somalia Coalition to Ban Landmines, 7 August 2010.

In June 2010, the office of the Prime Minister passed all documents related to ratification of the convention to the Ministry of Defense for consultation. Earlier, on 16 May 2010, the former Minister of Foreign Affairs Ali Ahmed Jama (Jengeli) met with the CMC's Somalia representative and said that the government plans to begin the ratification process when the parliament meets again in July. He also said that he intended to discuss ratification with the Counsel of Ministers.⁵³⁵

Somalia did not participate in any international or regional meetings on cluster munitions held in 2009 or 2010 through July. It attended one meeting of the Oslo Process that produced the convention, in Vienna in December 2007, but did not participate in the formal negotiations in Dublin in May 2008.⁵³⁶

Somalia is the only state from Sub-Saharan Africa that has not joined the Mine Ban Treaty. It is also not party to the Convention on Conventional Weapons.

Somalia is not believed to have used, produced, transferred, or stockpiled cluster munitions.

South Africa

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Pretoria in March 2010
Key developments	Ratification process underway; hosted a regional meeting in Pretoria in March 2010

Policy

The Republic of South Africa signed the Convention on Cluster Munitions in Oslo on 3 December 2008.

At the UN in New York in October 2010, a South African diplomat stated, "We are in the process of setting the wheels in motion for South Africa's ratification of the Convention."⁵³⁷ In March 2009, the Department of Foreign Affairs reported that the first steps of the ratification process had been taken.⁵³⁸

The Department of Foreign Affairs has said that the 2003 Anti-Personnel Mines Prohibition Act would likely serve "as the principal guideline when South Africa drafts its national legislation for the Convention on Cluster Munitions." It noted that this Act prohibits South African forces from assisting a state not party to the Mine Ban Treaty with any activity prohibited under the treaty and includes "transit" under its definition of transfers.⁵³⁹

South Africa has actively engaged in the work of the convention in 2009 and 2010 through July. It hosted the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in Pretoria on 25–26 March 2010. A total of 33 countries attended, including nine non-signatories.⁵⁴⁰ The CMC noted the "high level of ambition and strong focus on humanitarian imperatives" featured in the discussions, which included many updates on progress toward signing and ratifying.⁵⁴¹ In concluding the conference, South Africa reaffirmed that a key message from the conference was the importance of ratification prior to the First Meeting of States Parties in November 2010.⁵⁴²

South Africa also participated in the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, where it reported on the Pretoria conference. It also attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009.

⁵³⁵ Ibid. As of August 2010, the Parliament had not yet debated ratification.

⁵³⁶ For details on Somalia's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 153.

⁵³⁷ Statement by Amb. Baso Sangqu, Permanent Mission of South Africa to the UN in New York, UN General Assembly, First Committee, New York, 6 October 2010, www.reachingcriticalwill.org.

⁵³⁸ Letter from Xolisa Mabhongo, Chief Director, UN (Political), Department of Foreign Affairs, 12 March 2009. He said the department's Business Unit has the responsibility of initiating the ratification process, and the first step was an exchange of views with the Department of Defence.

⁵³⁹ Ibid.

⁵⁴⁰ This included 30 African states and three others (Austria, Lao PDR, and Norway), as well as Western Sahara. The non-signatories were Egypt, Eritrea, Ethiopia, Libya, Mauritius, Seychelles, Sudan, Swaziland, and Zimbabwe. Seychelles signed shortly thereafter.

⁵⁴¹ Katherine Harrison, "Update on the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions," CMC, Pretoria, 25 March 2010.

⁵⁴² Ibid, 26 March 2010.

South Africa is a member of the Lao Support Group, a voluntary group of states which is tasked with advancing preparations for the First Meeting of States Parties to be held in Lao PDR in November 2010. In particular, South Africa serves as Friend of the President on matters related to international cooperation and assistance.

South Africa participated throughout the Oslo Process that produced the convention in 2007 and 2008, with its policy evolving over time into support for a comprehensive ban on cluster munitions.⁵⁴³

South Africa is a State Party to the Mine Ban Treaty. South Africa is also party to the Convention on Conventional Weapons (CCW), but has not ratified Protocol V on explosive remnants of war.

South Africa has participated in the CCW deliberations on cluster munitions in recent years. In April 2010, it joined other signatories to the Convention on Cluster Munitions in criticizing the draft CCW text under consideration as far too weak, and insisting that any CCW outcome must have a positive humanitarian impact on the ground and must be compatible with the ban convention.⁵⁴⁴

Use, production, transfer, and stockpiling

In January 2005, the Ministry of Foreign Affairs stated, “The South African Defence Force has manufactured and used submunitions in the past, which have been phased out, and is in the process of developing newer generations of submunitions.”⁵⁴⁵ No details on past use of cluster munitions by South Africa are available. The South African company Denel has produced artillery cluster munitions and air-dropped cluster bombs.

South Africa’s Minister of Defence announced in Oslo in December 2008 that South Africa’s “relatively small stockpile of outdated cluster munitions” have been “ earmarked for destruction.”⁵⁴⁶ South Africa has not yet revealed the precise size and composition of its current stockpile.⁵⁴⁷

South Africa is thought to stockpile the M2001 155mm artillery projectile, produced by Denel, which contains 42 dual purpose improved conventional munition (DPICM) submunitions with self-destruct devices.⁵⁴⁸ South Africa has acknowledged possessing a type of aerial cluster bomb called TIEKIE, which was degraded for training use only.⁵⁴⁹

Denel produced the CB-470 aerial cluster bomb containing 40 Alpha submunitions, although it is thought that this was produced for export purposes only. Iraq is reported to have bought the CB-470 in the late 1980s.⁵⁵⁰ Deminers in Zambia have encountered Alpha unexploded submunitions.⁵⁵¹

Sweden

Policy

The Kingdom of Sweden signed the Convention on Cluster Munitions in Oslo on 3 December 2008. Sweden has started its ratification process but delays were reported in 2010.

In March 2009, the Ministry of Foreign Affairs informed Landmine and Cluster Munition Monitor that as a required first step of its ratification process, a study presenting the convention and measures necessary for its national implementation was being carried out.⁵⁵² A report on the outcome of the study was meant to be sent out for review to civil society organizations and relevant government authorities by September 2009, prior to being sent to parliament for approval. However, the report was delayed and as of August 2010 it had yet been finalized or made public.⁵⁵³

⁵⁴³ For details on South Africa’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 153–156.

⁵⁴⁴ Statement of South Africa, CCW Group of Governmental Experts on Cluster Munitions, Geneva, 16 April 2010. Notes by AOAV.

⁵⁴⁵ Communication from the South African Delegation to the Conference on Disarmament to Pax Christi Netherlands, 19 January 2005.

⁵⁴⁶ Statement by Charles Nqakula, Minister of Defence, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

⁵⁴⁷ In 2005 it asserted, “Details of reliability and functioning of the current generations of submunitions in the South African arsenal are classified, suffice to say that reliability for submunitions to function as intended is currently better than 98% and at a confidence level of better than 95%.” Communication from the South African Delegation to the Conference on Disarmament to Pax Christi Netherlands, 19 January 2005.

⁵⁴⁸ Denel, “Land Systems, Artillery Systems, 155 mm Towed/SP Gun-Howitzer,” undated, www.denel.co.za; and Leland S. Ness and Anthony G. Williams, eds., *Jane’s Ammunition Handbook 2007–2008* (Surrey, UK: Jane’s Information Group Limited, 2007), p. 665. In 2005, South Africa stated, “In the 155mm product line, a back-up self-destruct pyrotechnical feature is incorporated into the fuze which separates the detonation train from the main charge.” Communication from the South African Delegation to the Conference on Disarmament to Pax Christi Netherlands, 19 January 2005.

⁵⁴⁹ Communication from the South African Delegation to the Conference on Disarmament to Pax Christi Netherlands, 19 January 2005.

⁵⁵⁰ Robert Hewson, ed., *Jane’s Air Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), p. 440.

⁵⁵¹ Email from Dr. Robert E. Mtonga, Coordinator, Zambian Campaign to Ban Landmines, 10 February 2009. It is unclear what type of cluster munition was used to deliver the submunitions, who used them, or when, but the Alpha submunition is most often associated with the South African CB-470 cluster bomb. Jane’s Information Group reports that the Alpha bomblet developed for the South African CB-470 cluster bomb was produced by Rhodesia (the predecessor of Zimbabwe), and that “Zimbabwe may have quantities of the Alpha bomblet.” Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), p. 440.

⁵⁵² Letter from Amb. Lars-Erik Wingren, Department for Disarmament and Non-proliferation, Ministry for Foreign Affairs, 24 March 2009.

⁵⁵³ Emails from Anna Ek, President, SPAS, 16 August and 23 June 2010.

In January 2010, in response to a written parliamentary question on Sweden's progress on ratifying the convention, Foreign Minister Carl Bildt stated that he could not give a concrete timetable for Sweden's ratification. He emphasized the importance Sweden placed on continuing discussions on cluster munitions in 2010 in the framework of the Convention on Conventional Weapons (CCW), which he stressed included the major users and producers of cluster munitions. The Minister stated he could not provide a response to questions on Sweden's plans to destroy its stockpiles of cluster munitions or to requests for transparency on the number of cluster munitions Sweden possesses.⁵⁵⁴

Sweden participated in the work of the Convention on Cluster Munitions in 2009 and 2010 through July, attending the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Special Event on the Convention on Cluster Munitions held at the UN in New York in October 2009, and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

Sweden actively engaged in the Oslo Process to develop the convention in 2007 and 2008. Although it was among the early supporters of international action on the issue of cluster munitions in the framework of the CCW, Sweden was not initially supportive of a total ban on cluster munitions during the Oslo Process, a ban that might include Sweden's own BK-90 cluster munitions. Sweden's position changed considerably to embrace the adoption of the convention when negotiations concluded in Dublin in May 2008. Sweden decided to sign the convention in Oslo in December 2008, although apparently only after hesitation and deliberation over the cost implications of destroying its stockpiles of BK-90 cluster munitions.⁵⁵⁵

Sweden has not yet made known its views on certain important issues related to interpretation and implementation of the convention, including the prohibition on transit, the prohibition on assistance during joint military operations with states not party that may use cluster munitions, the prohibition on foreign stockpiling of cluster munitions, the prohibition on investment in production of cluster munitions, and the need for retention of cluster munitions and submunitions for training and development purposes. Sweden has said that these issues will be discussed in its study of national implementation.

Several Swedish financial institutions have already taken action to disinvest from companies involved in the production of cluster munitions, following the adoption of the convention in Dublin in May 2008. In June 2008, Swedish state-owned pension fund AP7 announced that it would not permit direct investment in companies developing or producing cluster munitions and nuclear weapons.⁵⁵⁶ Swedish pension funds AP1-4 subsequently disinvested from cluster munition producers, after the Swedish Ethical Council in September 2008 mandated a screening of companies suspected to be involved in cluster munition production.⁵⁵⁷

The Swedish mutual insurance company Folksam sold its interest in companies that produce or sell cluster munitions.⁵⁵⁸ Nordea, the largest financial services group in the Nordic and Baltic Sea regions, excluded cluster munitions producers from its investments in June 2009.⁵⁵⁹ A November 2009 report showed that 20 out of the 31 financial institutions studied had disinvested from cluster munitions and/or antipersonnel mines.⁵⁶⁰

Sweden is party to the CCW, and was the first country to ratify Protocol V on explosive remnants of war on 2 June 2004. In January 2010, the Foreign Minister stated that Sweden would actively continue to support deliberations on cluster munitions in the CCW, emphasizing his view that progress in the CCW process was crucial, beyond the Convention on Cluster Munitions, as it included the countries that have used, and possess large quantities of cluster munitions.⁵⁶¹

As President of the European Union (EU), Sweden delivered the EU position on cluster munitions at the conclusion of the CCW deliberations in 2009. However, it did not make a statement in its national capacity on the CCW process or the text under discussion in 2009 or the first half of 2010.

The Swedish Network Against Cluster Munitions, a group of ten organizations founded by the Swedish Peace and Arbitration Society (SPAS) in June 2007, continued its activities in 2009–2010 in urging Sweden to ratify the convention and launched a national campaign on disinvestment. The network organized a seminar on disinvestment on 13 November 2009.⁵⁶² In May 2010, the Archbishop of Uppsala, the Most Rev. Anders Wejryd, wrote a letter to Foreign Minister Carl Bildt, urging the government to continue the ratification of the convention and comment publicly on its progress.⁵⁶³

⁵⁵⁴ Statements by Carl Bildt, Minister of Foreign Affairs, in response to parliamentary question 2009/10:130 on the Convention on Cluster Munitions, Swedish Parliamentary Debate, 19 January 2010, www.riksdagen.se.

⁵⁵⁵ For more details on Sweden's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 161–165.

⁵⁵⁶ See, "Swedish pension fund AP 7 sells all holdings in companies making cluster bombs," *International Herald Tribune*, 1 June 2008, www.iht.com; and IKV Pax Christi and Netwerk Vlaanderen, "Worldwide investments in cluster munitions; a shared responsibility," April 2010, pp. 81–82.

⁵⁵⁷ See, Hugh Wheelan, "Sweden's AP Funds Sell Off Millions in Cluster Munition Shares," *The Responsible Investor*, 15 September 2008, www.responsible-investor.com; and IKV Pax Christi and Netwerk Vlaanderen, "Worldwide investments in cluster munitions; a shared responsibility," April 2010, p. 84.

⁵⁵⁸ See, IKV Pax Christi and Netwerk Vlaanderen, "Worldwide investments in cluster munitions; a shared responsibility," April 2010, p. 93.

⁵⁵⁹ Ibid, p. 95.

⁵⁶⁰ Ethix SRI Advisors, "Investments in anti-personnel mines and cluster munitions: a Nordic perspective," Report to the UN Association of Sweden, 18 November 2009, www.fn.se.

⁵⁶¹ Statements by Carl Bildt, Minister of Foreign Affairs, in response to parliamentary question 2009/10:130 on the Convention on Cluster Munitions, Swedish Parliamentary Debate, 19 January 2010, www.riksdagen.se.

⁵⁶² CMC, "Stop Explosive Investments: Campaign Update," 1 February 2010.

⁵⁶³ CMC, "CMC Newsletter May 2010."

Use, production, transfer, and stockpiling

According to the Ministry of Foreign Affairs, “Sweden has never used or transferred cluster munitions as defined in the Convention [on Cluster Munitions].”⁵⁶⁴

The Swedish Air Force stockpiles one type of cluster munition, the Bombkapsel BK-90 Mjölner, which dispenses MJ-1 fragmentation bomblets and MJ-2 anti-armor proximity-fuzed bomblets.⁵⁶⁵

The German company LFK was the prime contractor for the BK-90 with participation of SAAB Bofors Dynamics.⁵⁶⁶

In January 2010, the Foreign Minister stated he was unable to reveal information on the number of BK-90s Sweden has in its stockpiles or provide any information on Sweden’s plans for stockpile destruction.⁵⁶⁷

Sweden reported in December 2008 that the Ministry of Defense had sent a request to the Swedish Armed Forces to “start planning for the phasing-out” of BK-90s, and said that “a time schedule and cost estimate for the dismantling of the system should be reported back to the Ministry of Defence not later than 1 September [2009.]”⁵⁶⁸

In November 2008, the Minister of Foreign Affairs stated that it could take up to a decade to destroy its stockpile of BK-90 cluster bombs and that finding a replacement weapons system for the BK-90 could cost a total of approximately SEK500 million (US\$67 million).⁵⁶⁹

Sweden also produces and stockpiles the BONUS Sensor Fuzed Weapon, a 155mm artillery projectile with two submunitions. BONUS is not considered a cluster munition under the terms of the Convention on Cluster Munitions because it meets the five technical criteria set out by negotiators as necessary to avoid the negative effects of cluster munitions.⁵⁷⁰ BONUS is co-produced in Sweden by BAE Systems Bofors and is in service with the Swedish Armed Forces. French partners include Nexter (formerly GIAT Industries) and Intertechniques SA of Plaisir.⁵⁷¹

Switzerland

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010
Key developments	Ratification process underway

Policy

The Swiss Confederation signed the Convention on Cluster Munitions on 3 December 2008 in Oslo. Ratification of the convention necessitates an amendment of the Federal Law on War Material of 13 December 1996. For such amendment, the Federal Constitution requires a public consultation on both the ratification and amendment before they can be addressed by Parliament.⁵⁷²

⁵⁶⁴ Letter from Amb. Lars-Erik Wingren, Ministry for Foreign Affairs, 24 March 2009. The Foreign Minister said in January 2010 that Sweden has never used its BK-90 cluster munitions and has no plans to do so. Statements by Carl Bildt, Minister of Foreign Affairs, in response to parliamentary question 2009/10:130 on the Convention on Cluster Munitions, Swedish Parliamentary Debate, 19 January 2010, www.riksdagen.se.

⁵⁶⁵ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), pp. 360–361. Sweden has reported that the failure rate of the bomblets is less than 1% and if the submunitions become duds on the ground, they are designed to self-deactivate after two hours, preventing it from being dangerous. Communication from the Ministry for Foreign Affairs, “Brevsvar klusterammunition” (Letter to answer cluster munitions”), to Pax Christi Netherlands, 14 January 2005.

⁵⁶⁶ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 361.

⁵⁶⁷ Statements by Carl Bildt, Minister of Foreign Affairs, in response to parliamentary question 2009/10:130 on the Convention on Cluster Munitions, Swedish Parliamentary Debate, 19 January 2010, www.riksdagen.se.

⁵⁶⁸ Letter from Amb. Lars-Erik Wingren, Ministry for Foreign Affairs, 24 March 2009.

⁵⁶⁹ Statements by Carl Bildt, Minister of Foreign Affairs, in response to parliamentary question 2008/09: 94 on the international ban on cluster munitions, Swedish Parliamentary Debate, 28 November 2008, www.riksdagen.se. Average exchange rate for July 2010: SEK1=US\$0.13441. Oanda, www.oanda.com.

⁵⁷⁰ Article 2.2(c) excludes munitions with submunitions if they have less than 10 submunitions, and each submunition weighs more than four kilograms, can detect and engage a single target object, and is equipped with electronic self-destruction and self-deactivation features.

⁵⁷¹ Leland S. Ness and Anthony G. Williams, eds., *Jane's Ammunition Handbook 2007–2008* (Surrey, UK: Jane's Information Group Limited, 2007), pp. 661–662.

⁵⁷² Letter from Micheline Calmy-Rey, Minister of Foreign Affairs, 5 March 2009. The letter said the Federal Council should take a decision regarding the public consultation “within the next months.”

Upon signing the convention in December 2008, Switzerland's Minister of Foreign Affairs pledged that "Switzerland will do all in its power to ensure that the procedure of ratification can be carried out promptly."⁵⁷³

In March 2009, Switzerland reported that the ratification process was underway involving different Federal Departments.⁵⁷⁴ The National Council and Council of States of Switzerland passed motions which called for the rapid ratification of the convention.⁵⁷⁵ In April 2010, Switzerland confirmed that it was "in the process of preparing the ratification" of the convention, and was engaged in an "interdepartmental consultation process."⁵⁷⁶

On 6 August 2010, the Federal Department of Foreign Affairs launched a consultation within the federal administration regarding a comprehensive draft version of an explanatory report on the Convention on Cluster Munitions. After approval by the Federal Council, the draft ratification law will be circulated among all cantons, parties and organizations bearing an interest in this issue for a broad consultation.⁵⁷⁷

Switzerland has continued to be actively engaged in the work of the convention in 2009 and 2010. It is a member of the Lao Support Group, a voluntary group of governments tasked with advancing preparations for the First Meeting of States Parties to be held in Vientiane, Lao PDR, in November 2010. Switzerland attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the UN Special Event on the convention in New York in October 2009, and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

At the Berlin conference, Switzerland stated that while the convention had not yet entered into force, experience from the Mine Ban Treaty "has shown that early discussions on the implementation of the key obligations are essential to prepare the way for States parties to fulfill the goals of the convention and to ensure compliance with key obligations," and pledged its support for "every effort aiming at rendering the Convention effective in the field." It offered up "lessons learned" from its experience in destroying stocks of both cluster munitions and landmines.⁵⁷⁸

Switzerland has stated that universalization of the convention is of the "utmost importance for Switzerland," as the convention "helps to stigmatize this weapon and offers protection to the civilian population as well as assistance to the victims." Switzerland informed Landmine and Cluster Munition Monitor that it promotes the ratification of the convention "for the time being in its bilateral relations and on a punctual basis only," adding that once Switzerland is a State Party to the convention, "it is envisaged to intensify the activities in support of the universalization" of the convention.⁵⁷⁹

Switzerland was among the first countries to propose international action on cluster munitions, and among the first with domestic initiatives aimed at banning the weapon. During the Oslo Process that produced the convention, Switzerland's position shifted from reservations about the process itself and a total ban on cluster munitions to fully endorsing a comprehensive prohibition.⁵⁸⁰

In April 2010, Switzerland responded to a Landmine and Cluster Munition Monitor inquiry on Switzerland's position on a number of important issues relating to the implementation and interpretation of the convention, such as the transit of cluster munitions across, or foreign stockpiling of cluster munitions on, national territory of States Parties, assistance with prohibited acts under the convention, investment in cluster munition production, or retention of cluster munitions for training and research purposes. Switzerland stated "The position that Switzerland will adopt on specific issues and provisions of the Convention, including the question of interpretative declarations" is part of the process of preparing the ratification of the convention. Switzerland said it would provide its "views and normative understandings of certain aspects of the Convention...in due course."⁵⁸¹

Prohibition on investment in production

On 11 June 2009, two identical motions developed with Handicap International (HI) Switzerland calling for the prohibition of investment in the production of cluster munitions to be included in Switzerland's ratification of the convention were deposited in the National Council⁵⁸² and in the Council of States.⁵⁸³ The motions demand the prohibition of financing any weapon banned under the Federal Law for War Materials, which will include cluster munitions once it is amended to ratify the convention.

⁵⁷³ Statement of Switzerland, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

⁵⁷⁴ Letter from Micheline Calmy-Rey, Minister of Foreign Affairs, 5 March 2009.

⁵⁷⁵ The Federal Council, "Motion Maury Pasquier Liliane, Interdiction des bombes à sous-munitions (08.3321), Motion CPS-CE, Consensus de Dublin (08.3444), Motion Hugues Hiltbold, Interdiction des bombes à sous-munitions (08.3308), ("Motion by Liliane Maury Pasquier, Prohibition of Cluster Munitions (08.3321), Motion by the Defense Committee of the Council of States, Dublin Consensus (08.3444), Motion by Hugues Hiltbold, Prohibition of Cluster Munitions (08.3308)", les procès-verbaux du Conseil national et du Conseil des Etats, Session de printemps 2009, Douzième séance (minutes of the National Council and Council of States, Spring Session 2009, Twelfth meeting), 17 March 2009, www.parlament.ch.

⁵⁷⁶ Letter from Jürg Lindenmann, Vice-Director, Directorate for International Law, Federal Department of Foreign Affairs, 18 April 2010.

⁵⁷⁷ Email from the Directorate of International Law, Section for Human Rights and Humanitarian Law, Federal Department of Foreign Affairs, 13 August 2010.

⁵⁷⁸ Statement of Switzerland, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009.

⁵⁷⁹ Letter from Jürg Lindenmann, Federal Department of Foreign Affairs, 18 April 2010.

⁵⁸⁰ For more details on Switzerland's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 165–169.

⁵⁸¹ Letter from Jürg Lindenmann, Federal Department of Foreign Affairs, 18 April 2010.

⁵⁸² Motion by Hiltbold, "Against the financing of prohibited weapons," National Council, No. 09.3589, 11 June 2009, www.parlament.ch.

⁵⁸³ Motion by Maury Pasquier, "Against the financing of prohibited weapons," Council of States, No. 09.3618, 11 June 2009, www.parlament.ch.

On 2 September 2009, the Federal Council issued its opinion on the motions, stating that the prohibition on financing would cover direct financing exclusively. It considered that it would not be possible, for practical reasons, to examine within reasonable means whether money invested in foreign stocks is indirectly invested in activities prohibited by the Federal Law on War Material.⁵⁸⁴

The motion was adopted by the Council of States unanimously in September 2009,⁵⁸⁵ but was rejected by the National Council's Defense Committee. Subsequently, the National Council passed the motion on 10 March 2010, by a vote of 94 to 58.⁵⁸⁶ The Council of States approved the identical motion on 17 June 2010.⁵⁸⁷

On 14 April 2010, CMC member NGOs IKV Pax Christi and Network Vlaanderen launched the updated version of their report, "Worldwide investments in cluster munitions: a shared responsibility," at an event outside the UN in Geneva.⁵⁸⁸ The report was presented to the two Swiss Members of Parliament, Liliane Maury Pasquier and Hugues Hiltbold, who earlier submitted the motions mentioned above, calling for disinvestment to be included in Switzerland's ratification of the convention.⁵⁸⁹

In May 2010, the Swiss bank UBS announced its decision to exclude cluster munitions producers from its funds managed in Switzerland and Luxembourg.⁵⁹⁰

Convention on Conventional Weapons

Switzerland is party to the Convention on Conventional Weapons (CCW), and ratified Protocol V on explosive remnants of war on 12 May 2006. Switzerland has been actively engaged in the CCW deliberations on cluster munitions in 2009 and 2010.

In 2009, Switzerland stated that it was "not convinced that the latest text presented by the chairman is strong enough to address the now well-known humanitarian concerns" associated with cluster munitions. Switzerland said a satisfactory compromise had yet to be found, but maintained its view that "the establishment of a complementary instrument on cluster munitions within the framework of the CCW is possible."⁵⁹¹

At the conclusion of the 2009 CCW sessions on cluster munitions, Switzerland said that a protocol on cluster munitions that simply regulates cluster munitions in a vague, ill-defined fashion without an immediate ban or deadlines for stockpile destruction, and with a transition period equivalent to an entire human generation, would imperil the appearance of international humanitarian law applicable to cluster munitions. It would leave the door open for the use of certain cluster munitions which have shown repeatedly in armed conflict to have unacceptable humanitarian impact.⁵⁹²

Switzerland also stated that the consistency of international humanitarian law applicable to cluster munitions would not be assured should a CCW instrument and the Convention on Cluster Munitions not be compatible, at least at a minimum level. It said that the present text did not contain any provisions which would be sufficiently strong and ambitious to ensure this consistency.⁵⁹³

In 2010, Switzerland reiterated that while it appreciated progress made over the past two years in the CCW, a future protocol must have as a *raison d'être* substantial and immediate prohibitions, in particular with regard to transfer and use of certain types of cluster munitions which have shown unacceptable humanitarian impact, deadlines for stockpile destruction, and significant and measurable effects in the field.⁵⁹⁴

Use, production, and transfer

Switzerland has never used or exported cluster munitions.⁵⁹⁵ It imported cluster munitions from Israel and the United Kingdom, and currently has a stockpile of cannon artillery and mortar projectiles with submunitions. It destroyed its air-dropped cluster bombs from 1997–2000.

⁵⁸⁴ Motion by Hiltbold; and Motion by Maury Pasquier.

⁵⁸⁵ Motion by Maury Pasquier.

⁵⁸⁶ The majority stressed that the decision was necessary to demonstrate consistency; if production of weapons prohibited under the convention is illegal, then so is financing their production—although only direct funding could be effectively prevented. The minority held that although the motion had good intentions, it would be impossible to implement and be a disproportionate burden, require significant resources and time, and raised concerns that companies would relocate, and have implication for shareholders in companies producing weapons. Motion by Hiltbold; and Motion by Maury Pasquier.

⁵⁸⁷ Motion by Hiltbold.

⁵⁸⁸ See IKV Pax Christi and Network Vlaanderen, "Worldwide investments in cluster munitions; a shared responsibility," 14 April 2010, www.stopexplosiveinvestments.org.

⁵⁸⁹ CMC, "CMC Newsletter April 2010."

⁵⁹⁰ Stop Explosive Investments, "UBS Stops Funding Cluster Bomb Producers," 13 May 2010, www.stopexplosiveinvestments.org; and "UBS fund takes stance against cluster bombs," *Swissinfo.ch*, 11 May 2010, www.swissinfo.ch.

⁵⁹¹ Statement by Anton Thalmann, Deputy State Secretary and Political Director, Federal Department of Foreign Affairs, UN General Assembly, 64th Session, First Committee, New York, 5 October 2009.

⁵⁹² Statement of Switzerland, CCW Meeting of States Parties, Geneva, 12 November 2009. Notes by Landmine Action.

⁵⁹³ Statement of Switzerland, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 17 April 2009. Notes by Landmine Action.

⁵⁹⁴ Statement of Switzerland, CCW GGE on Cluster Munitions, Geneva, 12 April 2010. Notes by AOAV.

⁵⁹⁵ Letter from Micheline Calmy-Rey, Minister of Foreign Affairs, 5 March 2009; and statement by Amb. Christine Schraner Burgener, Oslo Conference on Cluster Munitions, 22 February 2007.

Stockpiling

In April 2010, in response to a Landmine and Cluster Munition Monitor inquiry, Switzerland stated that “information relating to the quantities of cluster munitions stockpiled by the Swiss Armed Forces is still classified,” and said that as the process of ratification was ongoing, Switzerland was not yet in a position to provide information on the quantities of cluster munitions it stockpiles.⁵⁹⁶

According to information previously provided by the Foreign Ministry, Switzerland stockpiles three types of 155mm artillery projectiles with M85 self-destructing dual purpose improved conventional munition (DPICM) submunitions: the KaG-88 containing 63 submunitions; the KaG-90 containing 49 submunitions; and the KaG-88/99 containing 84 submunitions. It also stockpiles the MP-98 120mm mortar projectile containing 32 M85 submunitions.⁵⁹⁷

Switzerland purchased from Germany DM702 SMArt-155 Sensor Fuzed Weapons as part of its 2001 Armament Program.⁵⁹⁸ The SMArt 155 artillery round contains two submunitions, but it is not considered a cluster munition under the Convention on Cluster Munitions because it meets the five technical criteria set out by negotiators as necessary to avoid the negative effects of cluster munitions.⁵⁹⁹

Destruction

Switzerland informed Landmine and Cluster Munition Monitor that it would be “premature” to comment on plans for stockpile destruction as “all aspects related to stockpile destruction are being evaluated in view of the ratification and the implementation of the [convention] by Switzerland.”⁶⁰⁰

In June 2009, Switzerland said that from 1997 to 2000, it destroyed the air force’s stockpile of just under 4,000 cluster bombs, each containing 147 BL-755 submunitions, which had been acquired in the late 1970s and early 1980s.⁶⁰¹ Switzerland imported the BL-755 cluster bombs from the UK. It previously reported that it “fully destroyed its entire stocks of the so-called ‘*Fliegerbombe 79*’...between 1997 and 2000. Since then, the Swiss Armed Forces do no longer have any air-delivered cluster units on stock.”⁶⁰² It stated the weapons were destroyed “due to humanitarian concerns and the decision not to use aircraft capable for ground combat.”⁶⁰³

Retention

Switzerland told Landmine and Cluster Munition Monitor that it was not in a position to provide information on the issue of the retention of cluster munitions for training or research purposes, as the “question of retention of cluster munitions in accordance with [Article 3 of the convention] will be decided in the ongoing ratification process.”⁶⁰⁴

Production

At the Oslo conference in February 2007, Switzerland stated that it “stopped the production of cluster munitions in 2003.”⁶⁰⁵ According to a March 2009 letter from the foreign minister, Switzerland “did never *per se* produce cluster munitions. Indeed, according to a license agreement with the manufacturer, the munitions were purchased abroad and enterprises based in Switzerland, after adding specific features to increase the reliability of the ammunitions, reassembled them (exclusively for the Swiss Armed Forces).”⁶⁰⁶ The minister went on to note, “This process ended in the last quarter of 2004. Since then, no further treatment or assembly of cluster munitions has taken place in Switzerland.”⁶⁰⁷

⁵⁹⁶ Letter from Jürg Lindenmann, Federal Department of Foreign Affairs, 18 April 2010.

⁵⁹⁷ Communication from the Directorate of International Law, Federal Department of Foreign Affairs, to Pax Christi Netherlands, 7 June 2005. According to the Federal Department of Foreign Affairs, “All types of submunition in the stocks of the Swiss Armed Forces are equipped with a [self-destruct] device. In case an individual bomblet fails to function as intended, an independent mechanism will self-destruct the primary detonator of the individual bomblet with a high probability.... Therefore, the submunition of the Swiss Armed Forces has an overall reliability of at least 98%. The great majority of the maximum 2% unexploded bomblets remaining on the ground do not pose a humanitarian risk since they are in a safe or neutralized status.”

⁵⁹⁸ Department of Defense, Civil Protection and Sport, “Armament Program 2003–1990,” undated, www.ar.admin.ch. See also, Rheinmetall DeTec AG, “SMArt 155—Proven Reliability and Accuracy,” June 2005, www.rheinmetall-detec.de.

⁵⁹⁹ Article 2.2(c) excludes munitions with submunitions if they have less than 10 submunitions, and each submunition weighs more than four kilograms, can detect and engage a single target object, and is equipped with electronic self-destruction and self-deactivation features.

⁶⁰⁰ Letter from Jürg Lindenmann, Federal Department of Foreign Affairs, 18 April 2010.

⁶⁰¹ Statement of Switzerland, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009.

⁶⁰² Letter from Micheline Calmy-Rey, Minister of Foreign Affairs, 5 March 2009.

⁶⁰³ Communication from the Federal Department of Foreign Affairs to IKV Pax Christi, 7 June 2005.

⁶⁰⁴ Letter from Jürg Lindenmann, Federal Department of Foreign Affairs, 18 April 2010.

⁶⁰⁵ Statement by Amb. Christine Schraner Burgener, Oslo Conference on Cluster Munitions, 22 February 2007.

⁶⁰⁶ Letter from Micheline Calmy-Rey, Minister of Foreign Affairs, 5 March 2009. Most observers would judge that the activities engaged in constitute “production:” modifying the original manufacturer’s product for improved performance in combat, then re-loading, re-assembling and re-packaging the projectiles into a condition suitable for storage.

⁶⁰⁷ Letter from Micheline Calmy-Rey, Minister of Foreign Affairs, 5 March 2009.

Swiss military officials told Human Rights Watch that Switzerland imported 155mm artillery projectiles and 120mm mortar projectiles with M85-type⁶⁰⁸ submunitions from Israel Military Industries; then Swiss firms modified (“Helveticized”) the submunitions’ safeguards and reassembled the weapons.⁶⁰⁹

Tanzania

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Pretoria in March 2010
Key developments	Ratification process underway

Policy

The United Republic of Tanzania signed the Convention on Cluster Munitions on 3 December 2008. In June 2010, a government official said the ratification process could be delayed by parliamentary and presidential elections scheduled for 31 October 2010, as well as competing legislative priorities.⁶¹⁰

Previously, in June 2009, Tanzania said that it had started its process of ratification, which it hoped to complete by the end of 2010.⁶¹¹ In December 2009, Tanzania said that the ratification process was advanced and Parliamentary approval was expected soon.⁶¹² In March 2010, Tanzania again expressed hope that ratification would be approved by Parliament in 2010.⁶¹³

Tanzania has indicated that following ratification, a national law to implement the convention will be necessary.⁶¹⁴

Tanzania has continued to show a strong interest in the convention. In October 2009, in a speech to the UN, Tanzania stated, “We believe that the early entry into force of this historic Convention... will contribute to global peace and security, while also ensuring that the wounds of victims are taken care of.”⁶¹⁵

Tanzania attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, where it gave an update on ratification and proposed further efforts to outreach and raise awareness of the convention with parliamentarians. It also participated in the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa in March 2010 and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

Tanzania participated in most of the diplomatic Oslo Process conferences to develop the convention, and worked hard to achieve a strong and comprehensive treaty text during the Dublin negotiations in May 2008.⁶¹⁶

Tanzania is a State Party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons (CCW). In December 2008, Tanzania’s Minister of Defense and National Service, Hussein Ali Mwinyi, said, “It would be meaningless and a huge disappointment to have a [new CCW] Protocol which falls short to the standards we have set in the Convention on Cluster Munitions.”⁶¹⁷

⁶⁰⁸ The mortar projectiles contain M87 submunitions, which are dimensionally different than the M85, though they possess the same self-destructing fuze type. See Israel Military Industries Ltd “The Cargo Bomb,” undated, imi-israel.com.

⁶⁰⁹ Interviews with members of the Swiss Delegation, CCW GGE on Cluster Munitions, Geneva, 16–20 February 2009. These weapons were also on display at the International Workshop on Preventive Technical Measures for Munitions in Thun in May 2004, attended by Human Rights Watch, and representatives offered this same explanation.

⁶¹⁰ CMC meeting with delegation to Tanzania, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010. Notes by the CMC.

⁶¹¹ Statement of Tanzania, Berlin Conference on the Destruction of Cluster Munitions, 26 June 2009. Notes by Landmine Action.

⁶¹² CMC meeting with delegation of Tanzania to the Second Review Conference of the Mine Ban Treaty, Cartagena, 29 November–4 December 2009. Notes by the CMC.

⁶¹³ Statement of Tanzania, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 25 March 2010. Notes by AOAV.

⁶¹⁴ CMC meeting with Noel Kaganda, First Secretary, Permanent Mission of Tanzania to the UN in New York, 15 October 2009. Notes by the CMC.

⁶¹⁵ Statement by Justin N. Seruhire, Charge d’Affaires, Permanent Mission of Tanzania to the UN, UN General Assembly. 64th Session, First Committee, New York, 20 October 2009, www.reachingcriticalwill.org.

⁶¹⁶ For detail on Tanzania’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 170.

⁶¹⁷ Statement by Hussein Ali Mwinyi, Minister of Defense and National Service, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

Tanzania has said it is “neither a producer nor a user of cluster munitions” and not affected by the weapon.⁶¹⁸ Tanzania is not believed to have ever stockpiled or transferred cluster munitions.

Togo

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010
Key developments	Ratification process underway

Policy

The Togolese Republic signed the Convention on Cluster Munitions in Oslo on 3 December 2008. At the International Conference on the Convention on Cluster Munitions in June 2010, Togo announced that the government would conclude its consideration of the ratification law very soon and then send it to the National Assembly.⁶¹⁹

According to a Foreign Ministry official, the ratification law was sent to the Secretary General of the government in April 2010, and then had to go to the Council of Ministers before consideration by the National Assembly.⁶²⁰ Apparently, the ratification process was delayed by elections held in March 2010.⁶²¹

In addition to the Santiago conference, Togo participated in the Berlin Conference on the Destruction of Cluster Munitions in June 2009. However, it did not attend the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions held in Pretoria, South Africa in March 2010.

Togo participated in the formal negotiations of the convention in May 2008, as well as several of the other Oslo Process meetings.⁶²²

Togo is party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), but has not ratified Protocol V on explosive remnants of war. It has not participated actively in the CCW discussions on cluster munitions in recent years.

Togo is not known to have used, produced, transferred, or stockpiled cluster munitions.

Tunisia

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	None in 2009 or 2010 through July
Key developments	Ratification process underway

Policy

The Republic of Tunisia signed the Convention on Cluster Munitions on 12 January 2009 at the UN in New York. It was the second country from the Middle East/North Africa region to sign, after Lebanon. It was the first country globally to sign following the initial Convention on Cluster Munitions Signing Conference in Oslo in December 2008, when 94 states joined.

⁶¹⁸ Statement of Tanzania, Lima Conference on Cluster Munitions, 24 May 2007. Notes by the CMC/WILPF.

⁶¹⁹ Statement of Togo, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010.

⁶²⁰ Email from Ministry of Foreign Affairs official to Handicap International (HI) France, 13 April 2010.

⁶²¹ Emails from HI Togo to HI France, 14 April and 31 May 2010.

⁶²² For details on Togo's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 170.

On 10 February 2010, the draft bill related to the ratification of the convention was adopted by the Chamber of Deputies.⁶²³ According to a representative at the Tunisian Mission to the UN in New York, as of May 2010 the mission was awaiting the ratification papers from capital and planned to deposit the ratification “before the summer.”⁶²⁴

Tunisia did not attend any of the regional or international meetings on cluster munitions in 2009 or 2010 through July.

Tunisia only participated in the Oslo Process at the Livingstone Conference on Cluster Munitions in March 2008. It did not attend the international conferences to develop the convention text, nor the formal negotiations in Dublin in May 2008.

Tunisia is party to the Convention on Conventional Weapons (CCW) and ratified Protocol V on explosive remnants of war on 7 March 2008. Tunisia has attended the CCW deliberations on cluster munitions in recent years, but rarely made a statement.

Tunisia is not believed to have used, produced, transferred, or stockpiled cluster munitions. However, Tunisia is reported to possess the Hydra-70 air-to-surface unguided rocket system, but it is not known if the ammunition types available to it include the M261 Multi-Purpose Submunition (MPSM) rocket.⁶²⁵

Uganda

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended global conferences in Berlin in June 2009 and Santiago in June 2010, as well as a regional meeting in Pretoria in March 2010
Key developments	Ratification process underway; Uganda claims to have no stocks of cluster munitions

Policy

The Republic of Uganda signed the Convention on Cluster Munitions on 3 December 2008.

In March 2010, Uganda stated that the Ministry of Foreign Affairs had prepared the ratification instrument, and that consultations were underway, following which the ratification would be sent to parliament for approval. It indicated that ratification should be completed by the time of the First Meeting of States Parties in November 2010.⁶²⁶ In June 2009, Uganda said that it had “completed the legal aspects of the ratification instruments” and “there is light at the end of the tunnel that we will ratify the treaty quickly.”⁶²⁷

Uganda participated extensively in the Oslo Process that produced the convention in 2007 and 2008. During the formal negotiations in Dublin in May 2008, Uganda worked hard to achieve a strong treaty text, particularly on victim assistance. Uganda hosted the Kampala Conference on the Convention on Cluster Munitions in September 2008 which resulted in the Kampala Action Plan, calling on states to sign and “take all necessary measures to ratify the convention as soon as possible.”⁶²⁸

Uganda continued to engage in the work of the convention in 2009 and 2010 through July. It attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009, where it made an extensive presentation on many aspects of the cluster munition issue. Uganda participated in the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa in March 2010, where it chaired a session on “Understanding the Convention on Cluster Munitions.”⁶²⁹ Uganda also attended the International Conference

⁶²³ “Tunisia ratifies Convention on Cluster Munitions,” *Tunisia Online News*, 10 February 2010, tunisiaonlinenews.com.

⁶²⁴ Telephone interview with the Consul, Tunisian Mission to the UN in New York, 18 May 2010.

⁶²⁵ Colin King, ed., *Jane’s Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane’s Information Group Limited, 2008).

⁶²⁶ Statement of Uganda, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 25 March 2010. Notes by AOAV.

⁶²⁷ Presentation by Maj.-Gen. J. F. Oketta, Director, National Emergency Coordination and Operations Center, Office of the Prime Minister, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009, slide 27.

⁶²⁸ For details on Uganda’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 171–173.

⁶²⁹ The session was chaired by Oscar J. Edule, Second Secretary, Permanent Mission of Uganda to the UN in Geneva, who also made a detailed presentation on the convention.

on the Convention on Cluster Munitions in Santiago, Chile in June 2010, but did not make a statement. ICBL Ambassador Margaret Arach Orech of the Uganda Landmine Survivors Association represented civil society at these meetings.

Uganda is party to the Convention on Conventional Weapons (CCW), but has not ratified Protocol V on explosive remnants of war. It has not been an active participant in the CCW discussions on cluster munitions in recent years.

Use, production, transfer, and stockpiling

Cluster munitions were apparently used in the fighting in northern Uganda between the Lord's Resistance Army (LRA) and the Uganda People's Defence Forces. It is uncertain who used the cluster munitions, precisely when, or how many. On several occasions, Uganda has denied that its armed forces have used cluster munitions and said the LRA was responsible.⁶³⁰ This message was reiterated by a senior official in June 2009.⁶³¹

Uganda is not known to have produced or exported cluster munitions.

Uganda now claims that it does not have a stockpile of cluster munitions.⁶³² In October 2007, a Foreign Ministry official said that Uganda had a stockpile of cluster bombs and pledged to destroy it.⁶³³ However, in June 2009, a senior official said that in 2007 Uganda had pledged to "check and destroy all its stockpiles."⁶³⁴ He then stated that Uganda does not have any stockpiles,⁶³⁵ noting that "Uganda wants to be known as 'The Pearl of Africa' and not a country of stockpile of cluster munitions."⁶³⁶

Cluster Munition Remnants

Uganda had a problem with cluster munition remnants in the past.⁶³⁷ According to the International Service Volunteers Association (AVSI), cluster munitions were responsible for approximately 40 civilian casualties in Uganda between 1986 and 2006.⁶³⁸

In June 2009, the Director of Uganda's National Emergency Coordination and Operations Center claimed that Uganda is not currently contaminated by cluster munitions.⁶³⁹ In April 2010, the Ugandan Mine Action Center (UMAC) told Landmine and Cluster Munition Monitor that no unexploded submunitions remained.⁶⁴⁰ It said all known unexploded submunitions had been cleared.⁶⁴¹

Clearance of cluster munition remnants

No unexploded submunitions were reported to have been destroyed during battle area clearance in 2009.⁶⁴²

In June 2009, the Director of Uganda's National Emergency Coordination and Operations Center stated that on 15 March 2007 "a heap of 90 cluster bombs type AOSCH-1" with Arabic inscriptions were recovered in villages in Cwero parish in Aswa county and in Awach sub-county, all near Gulu. He said that "in total 121 cluster munitions were recovered in Uganda and all were destroyed." Additionally, the official noted that two "pieces of M42 type of cluster munitions were recovered from Mt. Rwenzori."⁶⁴³

⁶³⁰ Article 7 Report (for the period 2 April 2008 to 2 April 2009), Form J; "Uganda: Landmine Survivors Welcome Ban On Cluster Bombs," *IRIN* (Gulu), 4 June 2008, allafrica.com; and Paul Amoru, "Cluster bombs conference on," *Daily Monitor*, 29 September 2008, www.monitor.co.ug.

⁶³¹ Interview with Maj.-Gen. J. F. Oketta, Office of the Prime Minister, in Berlin, 25 June 2009.

⁶³² Human Rights Watch and the CMC have listed Uganda as a stockpiler of cluster munitions, based on an October 2007 Foreign Ministry statement and the cluster bombs, submunitions, and remnants discovered by deminers. In addition to possible stocks of cluster bombs, Uganda possesses Grad 122mm surface-to-surface rocket launchers, which have the capability to deliver rockets with submunitions. See, International Institute for Strategic Studies, *The Military Balance 2005–2006*, (London: Routledge, 2005), p. 403; and Colin King, ed., *Jane's Explosive Ordnance Disposal 2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane's Information Group Limited, 2008).

⁶³³ Statement by Amb. Cissy Taliwaku, Deputy Head of Mission, Permanent Mission of Uganda to the UN in Geneva, Belgrade Conference for States Affected by Cluster Munitions, 4 October 2007. Notes by the CMC.

⁶³⁴ Presentation by Maj.-Gen. J. F. Oketta, Office of the Prime Minister, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009, slide 2.

⁶³⁵ *Ibid*, slide 22.

⁶³⁶ *Ibid*, slide 26.

⁶³⁷ Human Rights Watch has previously reported that deminers in the northern district of Gulu have found RBK-250/275 cluster bombs and AO-1SCh submunitions. These cluster bombs and submunitions are likely of Soviet/Russian origin. Photographs and information provided to Human Rights Watch by UNDP. See also, CMC, "Africa and the Oslo Process the Ban Cluster Munitions," prepared by Human Rights Watch, September 2008; and Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 173.

⁶³⁸ AVSI, "Gulu District Landmine/ERW Victims Survey Report," May 2006, pp. 13–22, www.avsi.org.

⁶³⁹ Presentation by Maj.-Gen. J. F. Oketta, Office of the Prime Minister, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009, slide 4.

⁶⁴⁰ Response to Monitor questionnaire by Vicent Woboya, Director, UMAC, 1 April 2010.

⁶⁴¹ Email from Vicent Woboya, UMAC, 8 April 2010.

⁶⁴² Response to Monitor questionnaire by Vicent Woboya, UMAC, 1 April 2010.

⁶⁴³ Presentation by Maj.-Gen. J. F. Oketta, Office of the Prime Minister, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009, slide 15.



States Not Party

Algeria

Policy

The People's Democratic Republic of Algeria has not yet acceded to the Convention on Cluster Munitions. An Algerian official told Landmine and Cluster Mmunition Monitor in December 2009 that "Algeria supports the humanitarian purpose of the convention. However, after a study conducted by different relevant authorities taking into consideration the internal situation in Algeria, its huge borders, and the regional situation, it was decided not to sign the convention at the present time."¹

Algeria participated in the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010. It did not make any statements.

Algeria participated in some of the Oslo Process meetings to develop the convention, including the Wellington Conference on Cluster Munitions in February 2008.² It endorsed the Wellington Declaration, thereby indicating its intention to participate in the formal negotiations of an instrument to prohibit cluster munitions. However, Algeria did not attend the negotiations in Dublin in May 2008, and did not sign the convention in Oslo in December 2008.

Algeria is a State Party to the Mine Ban Treaty. It is not party to the Convention on Conventional Weapons (CCW), although it has expressed a preference for work on cluster munitions within the framework of the CCW.³

Use, production, transfer, and stockpiling

Algeria is not known to have used, produced, or exported cluster munitions. It is thought to have a stockpile of cluster munitions. Jane's Information Group notes that KMG-U dispensers that deploy submunitions are in service for aircraft of the Algerian Air Force.⁴ A media source reported that in 1999 Russia supplied Smerch 300mm surface-to-surface rockets to Algeria, but it is not known if these included versions with submunition payloads.⁵

Andorra

Policy

The Principality of Andorra has not acceded to the Convention on Cluster Munitions. In May 2010, Andorra informed Landmine and Cluster Mmunition Monitor that the Ministry of Foreign Affairs was in process of preparing all necessary documents in order to accede and expected to have the documents ready by the end of June 2010.⁶ For Andorra to join the convention, a decision must be taken by the government and approved by the legislative body, the General Council.⁷

▲
Campaigners
beat drums
and hand out
information
urging India
to join the
convention.

¹ Interview with Hamza Khelif, Deputy Director of Disarmament, Ministry of Foreign Affairs, at the Second Review Conference of the Mine Ban Treaty, Cartagena, 4 December 2009.

² For details on Algeria's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 185.

³ Ibid.

⁴ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 835.

⁵ "Russian Plant Supplies Multiple Rocket Launchers to Algeria," *Interfax News Agency*, 17 August 1999.

⁶ Email from Marian Sanchiz Rego, Chief of Staff of the Head of Government, 17 May 2010.

⁷ Interview with Jaume Bartomeu, Head of Government, Andorra la Vella, 4 January 2010.

In January 2010, the Head of the Government of Andorra, Jaume Bartumeu, stated that he did not see an obstacle for Andorra to become a State Party to the convention.

Andorra was not an active participant in the Oslo Process that created the convention, attending only the European Regional Conference on Cluster Munitions in Brussels in October 2007. Andorra did not attend any of the diplomatic meetings on cluster munitions in 2009 or 2010 through July.

Andorra is a State Party to the Mine Ban Treaty. It is not party to the Convention on Conventional Weapons.

Andorra is not believed to have used, produced, transferred, or stockpiled cluster munitions.

Argentina

Policy

The Republic of Argentina has not acceded to the Convention on Cluster Munitions, even though it was an active participant in the Oslo Process that produced the convention, and joined in the consensus adoption of the convention at the end of the negotiations in Dublin in May 2008.

In early 2010, Argentine officials indicated that the government will continue to pursue a new protocol on cluster munitions in the Convention on Conventional Weapons (CCW) and will not re-evaluate its policy on cluster munitions until it is determined if such an instrument can be adopted in the UN framework.⁸ Nevertheless, officials stressed that Argentina is “firmly opposed” to the use, transfer, and production of cluster munitions,⁹ and that Argentina remains supportive of a ban on cluster munitions.¹⁰

CMC Coordinator Thomas Nash and the CMC’s representative in Argentina, Maria Pia Devoto of the Asociación Para Políticas Publicas (Association for Public Policy) met with government and parliamentary representatives in Buenos Aires in May 2010, but found little support for joining the convention in the near future.¹¹

Officials have continued to cite two provisions in the convention that Argentina opposed during the negotiations as among the reasons for being hesitant to join: the provision that excludes from the ban munitions that contain submunitions but may not have the same negative humanitarian effects as cluster munitions, and the provision designed to facilitate “interoperability” (joint military operations with states not party). It views these as potential loopholes for ongoing use of cluster munitions.¹²

At the beginning of the Oslo Process, Argentina supported technical solutions to the cluster munition problem, noting that it was developing a new generation of cluster munitions with low failure rates.¹³ It supported a definition that would exempt cluster munitions with submunitions with self-destruct mechanisms.¹⁴ This position evolved into support of a broad definition prohibiting all cluster munitions, and a total ban without exceptions.¹⁵

Argentina has shown little interest in the convention since the negotiations in May 2008. An official from the Argentine embassy in Santiago attended the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, but did not make a statement. Argentina did not attend the Berlin Conference on the Destruction of Cluster Munitions in June 2009 or the Regional Conference for Latin America and the Caribbean on Cluster Munitions in Santiago in September 2009.

Argentina is a State Party to the Mine Ban Treaty.

Argentina is party to the CCW, but has not ratified Protocol V on explosive remnants of war.

Even during the Oslo Process, Argentina expressed strong support for work on cluster munitions in the CCW. In July 2008, shortly after the adoption of the Convention on Cluster Munitions, Argentina stated it believed that an agreement on cluster munitions within the CCW could supplement the ban convention.¹⁶

⁸ Interview with Gustavo Ainchil, Minister, Director of Department of International Security and Nuclear Space Affairs, Ministry of Foreign Affairs, International Trade, and Culture, Buenos Aires, 23 February 2010; and interview with Susana Carranza, Department of International Affairs, Ministry of Defense, Buenos Aires, 25 March 2010.

⁹ Interview with Alfredo Forti, Secretary of International Affairs, Ministry of Defense, Buenos Aires, 31 March 2010.

¹⁰ Interview with Gustavo Ainchil, Ministry of Foreign Affairs, International Trade, and Culture, Buenos Aires, 23 February 2010.

¹¹ Email from Thomas Nash, Coordinator, CMC, 9 August 2010.

¹² Letter from the CMC to Jorge Enrique Tariana, Minister of Foreign Affairs, 31 May 2010; and see also, Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 186–187.

¹³ Statement of Argentina, Oslo Conference on Cluster Munitions, 22–23 February 2007. Notes by the CMC/WILPF.

¹⁴ Statement of Argentina, Lima Conference on Cluster Munitions, 23–25 May 2007. Notes by the CMC/WILPF; and CMC, “CMC Report on the Lima Conference and Next Steps,” May 2007, www.stopclustermunitions.org.

¹⁵ For details on Argentina’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 185–188.

¹⁶ Statement of Argentina, CCW GGE on Cluster Munitions, Geneva, 7–25 July 2008. Notes by Landmine Action.

Throughout 2009, Argentine diplomat Gustavo Ainchil chaired a CCW Group of Governmental Experts (GGE) tasked with “negotiating a mandate” on cluster munitions. According to Ainchil, his objective was to achieve an agreement by consensus or to at least arrive at common elements in order to build consensus.¹⁷ Ainchil circulated draft text of a protocol on cluster munitions on 26 August 2009, which he later said was not agreed on due to lack of time.¹⁸

However, Argentina did not make any statements on its national position on the text under discussion in 2009 or 2010 through July.

On 31 May 2010, the CMC held a week of action to convince Argentina to join the Convention on Cluster Munitions.¹⁹

Use, production, transfer, and stockpiling

Argentina is not known to have ever used or exported cluster munitions, and does not currently produce or stockpile them. In the past, it imported and stockpiled cluster munitions, and had a nascent production program.

In March 2009, Argentina stated, “At present, the Republic of Argentina doesn’t have cluster munitions, it hasn’t utilized or transferred them.”²⁰

Argentina said in May 2007 that it had already destroyed its stocks of cluster munitions.²¹ Military officials informed Human Rights Watch in September 2006 that stocks of French BLG-66 Belouga and United States Rockeye air-dropped bombs were destroyed by 2005.²²

In March 2010, a government official said that there was no intention to produce cluster munitions in the future.²³

In the past, the Armed Forces Center for Technical and Scientific Research (Centro de Investigaciones Técnicas y Científicas de las Fuerzas Armadas, CITEFA) developed and initiated production of the CME 155mm artillery projectile which contains 63 dual purpose improved conventional munition (DPICM) submunitions equipped with a backup pyrotechnic self-destruct mechanism.²⁴ According to military officials, this effort did not reach full scale production and was dismantled, and the projectiles were never fielded by the armed forces of Argentina.²⁵

Cluster Munition Remnants

The United Kingdom dropped a maximum of 107 BL755 cluster munitions containing a total of 15,729 submunitions on Argentine positions during the armed conflict in the Malvinas/Falkland Islands in 1982.²⁶ Argentina has stated that it is still affected by cluster munitions used during the conflict.²⁷

Armenia

Policy

The Republic of Armenia has not acceded to the Convention on Cluster Munitions. According to a Ministry of Foreign Affairs official, “Armenia values the new Convention as an important step toward the total elimination of an entire category of excessively injurious conventional weapons.... However, at this moment Armenia cannot become a member of the Convention on Cluster Munitions, due to the same reasons as it is with the [Mine Ban Treaty].”²⁸ Armenia has consistently stated that it cannot join the Mine Ban Treaty unless Azerbaijan does so, and settlement of the Nagorno-Karabakh conflict is reached.²⁹

¹⁷ Interview with Gustavo Ainchil, Ministry of Foreign Affairs, International Trade, and Culture, Buenos Aires, 23 February 2010.

¹⁸ Ibid.

¹⁹ CMC, “Countdown to entry into force—Week 6: Argentina,” 31 May 2010, www.stopclustermunitions.org.

²⁰ Letter from Amb. Jorge Argüello, Permanent Mission of Argentina to the UN in New York, 13 March 2009.

²¹ Statement of Argentina, Session on Stockpile Destruction, Lima Conference on Cluster Munitions, 24 May 2007. Notes by the CMC/WILPF.

²² Human Rights Watch, “Survey of Cluster Munition Policy and Practice,” February 2007, www.hrw.org.

²³ Interview with Alfredo Forti, Ministry of Defense, Buenos Aires, 31 March 2010.

²⁴ CITEFA, “Informe Referido a Empleo de Submuniciones” (“Report Referring to Employment of Submunitions”), undated, provided to Pax Christi Netherlands by the Permanent Mission of Argentina to the UN in Geneva, 14 June 2005; and Argentina, “Replies to Document CCW/GGE/XI/WG.1/WP.2, Entitled ‘International Humanitarian Law and ERW,’” CCW/GGE/XI/WG.1/WP.10, 2 August 2005, p. 3.

²⁵ Remarks made to Human Rights Watch by members of the Argentine delegation to the Latin American Regional Conference on Cluster Munitions, San José, 5 September 2007.

²⁶ Human Rights Watch, “Cluster Munition Information Chart,” March 2009, www.hrw.org.

²⁷ Interview with Alfredo Forti, Ministry of Defense, Buenos Aires, 31 March 2010; interview with Guillermo R. Rossi, Plenipotentiary Minister, Malvinas and South Atlantic Office, Ministry of Foreign Affairs, International Trade, and Culture, Buenos Aires, 23 March 2009; and remarks of Argentina, Oslo Conference on Cluster Munitions, 22–23 February 2007. Notes by the CMC/WILPF.

²⁸ Letter No. 19/06300 from Armen Yedigarian, Head, Department of Arms Control and International Security, Ministry of Foreign Affairs, 29 April 2010.

²⁹ Ibid.; and letter No. 13/15938 from Arman Kirakosian, Deputy Minister, Ministry of Foreign Affairs to the CMC, 5 November 2008. Both letters assert that Azerbaijan “still stores a significant quantity and uses the Cluster Munitions.”

Armenia did not participate in any of the international meetings during the Oslo Process that resulted in the negotiation and signing of the Convention on Cluster Munitions.³⁰ It did not attend any of the regional or international cluster munition meetings in 2009 or 2010 through July.

Armenia is not party to the Convention on Conventional Weapons.

Use, production, transfer, and stockpiling

In a letter to Landmine and Cluster Munition Monitor in April 2010, Armenia declared that it “has never produced or exported” cluster munitions. It acknowledged having a stockpile of antipersonnel mines, but did not mention stockpiles of cluster munitions.³¹

Armenia is not specifically known to stockpile cluster munitions. It possesses Grad 122mm surface-to-surface rockets, but it is not known if these include versions with submunition payloads.³² Armenia also possesses Chinese-made WM-80 273mm multiple rocket launchers, and the only known ammunition types for this system are a unitary high explosive variant and one that contains 380 dual purpose submunitions.³³

Submunition contamination has been identified in Nagorno-Karabakh, a territory claimed by Azerbaijan but occupied and under the control of a break-away government since the 1988–1994 conflict between Azerbaijan and Armenia.³⁴ There are also reports of contamination in other parts of occupied Azerbaijan, adjacent to Nagorno-Karabakh, which are currently under the control of Armenian forces.³⁵ It is unclear which country’s armed forces used cluster munitions.³⁶

Azerbaijan

Policy

The Republic of Azerbaijan has not acceded to the Convention on Cluster Munitions. In a May 2010 letter to Landmine and Cluster Munition Monitor, Azerbaijan stated, “Because of the ongoing occupation of the native territories of the Republic of Azerbaijan by Republic of Armenia, unfortunately, Azerbaijan cannot join the Convention on Cluster Munitions at this stage...”³⁷

Azerbaijan participated in some of the Oslo Process meetings that led to the creation of the Convention on Cluster Munitions, including the European Regional Conference on Cluster Munitions in Brussels and the Belgrade Conference for States Affected by Cluster Munitions in October 2007 and the Vienna Conference on Cluster Munitions in December 2007.³⁸

However, Azerbaijan did not attend the formal negotiations in Dublin in May 2008 or the Convention on Cluster Munitions Signing Conference in Oslo in December 2008. It has not participated in any regional or international cluster munition meetings in 2009 or 2010 through July.

The Azerbaijan Campaign to Ban Landmines (AzCBL) has been active in engaging the government on the issue of cluster munitions. According to the AzCBL, the line of argument that has been adopted by the Azerbaijani government is that as a stockpiler of cluster munitions, Azerbaijan cannot accede to a treaty banning the weapon as long as the prospect of renewed armed conflict remains a possibility. It can only consider accession to the convention after a resolution to the Nagorno-Karabakh conflict.³⁹

Azerbaijan is not party to the Mine Ban Treaty or the Convention on Conventional Weapons.

³⁰ In November 2008, the Deputy Foreign Minister said, “Armenia has been carefully following the preparations and pre-discussions process... in Oslo, Vienna, Wellington and Dublin, as well as it is aware about the number and positions of states involved in the process, who expressed readiness to sign the new Convention.” Letter No. 13/15938 from Arman Kirakosian, Ministry of Foreign Affairs to the CMC, 5 November 2008.

³¹ Letter No. 19/06300 from Armen Yedigarian, Ministry of Foreign Affairs, 29 April 2010.

³² International Institute for Strategic Studies, *The Military Balance 2005–2006* (London: Routledge, 2005), p. 108; and Colin King, ed., *Jane’s Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane’s Information Group Limited, 2008).

³³ Leland S. Ness and Anthony G. Williams, eds., *Jane’s Ammunition Handbook 2007–2008* (Surrey, UK: Jane’s Information Group Limited, 2007), p. 721.

³⁴ Nagorno-Karabakh is not recognized by any UN member state. Prior to the dissolution of the Soviet Union, the Parliament of the Nagorno-Karabakh Autonomous Province voted in 1988 to secede from the Azerbaijan Soviet Socialist Republic (SSR) and join the Armenian SSR, which resulted in armed conflict from 1988–1994. The region declared independence as the Nagorno-Karabakh Republic in 1991.

³⁵ There are reports of contamination in the Fizuli, Terter, and Tovuz districts. Azerbaijan Campaign to Ban Landmines, “Cluster Munitions in Azerbaijan,” undated, www.azcbl.org.

³⁶ See *Landmine Monitor Report 2008*, pp. 1,088–1,089.

³⁷ Letter No. 115/10/L from Amb. Dr. Murad N. Najafbayli, Permanent Mission of the Republic of Azerbaijan to the UN in Geneva, to the CMC, 10 May 2010.

³⁸ For more details, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 188.

³⁹ AzCBL, “Cluster Munitions in Azerbaijan,” undated, www.azcbl.org.

Use, production, transfer, and stockpiling

Azerbaijan is not known to have produced or exported cluster munitions. It inherited a stockpile of cluster munitions from the Soviet Union. Jane's Information Group reports that RBK-250/275 and RBK-500 cluster bombs are in service with the country's air force.⁴⁰ RBK-250 bombs with PTAB submunitions were among the abandoned Soviet-era ammunition stockpiles located near the village of Saloglu in the northwestern part of the country.⁴¹ Azerbaijan also possesses Grad 122mm surface-to-surface rockets, but it is not known if these include versions with submunition payloads.⁴²

Cluster Munition Remnants

In 2006 and 2007, remnants from abandoned cluster munitions were found in and around warehouses at a former Soviet ammunition storage area located at Saloglu in Agstafa district. None have since been encountered.⁴³

Submunition contamination has been identified in Nagorno-Karabakh, a territory claimed by Azerbaijan but occupied and under the control of a breakaway government after the 1988–1994 conflict between Azerbaijan and Armenia.⁴⁴ It is unclear which country's forces used cluster munitions in this conflict.

There are also reports of contamination in other parts of occupied Azerbaijan, adjacent to Nagorno-Karabakh, namely the Fizuli, Terter, and Tovuz districts.⁴⁵

Clearance of cluster munition remnants

No unexploded submunitions were cleared by Azerbaijan in 2009.⁴⁶

Bahamas

Policy

The Commonwealth of the Bahamas has not yet acceded to the Convention on Cluster Munitions. The Bahamas did not participate in the Oslo Process that created the convention. It has never made a statement on its cluster munition policy.

It did not participate in the Regional Conference for Latin America and the Caribbean on Cluster Munitions in Santiago, Chile in September 2009 or the International Conference on the Convention on Cluster Munitions, also held in Santiago, in June 2010.

The Bahamas is party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

The Bahamas is not believed to have used, produced, transferred or stockpiled cluster munitions.

Bahrain

Policy

The Kingdom of Bahrain has not acceded to the Convention on Cluster Munitions, but has expressed support for it.

In an August 2009 letter, Minister of Foreign Affairs Khalid bin Ahmed Al-Khalifa expressed the need to “ensure that the Convention comes into effect as soon as possible, so as to avoid further civilian casualties from these weapons.” He said that “the concerned authorities in Bahrain are undertaking a detailed study of the Convention and its requirements, and of the possibility of Bahrain's accession.”⁴⁷

⁴⁰ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 835.

⁴¹ Human Rights Watch field visit to Saloglu, May 2005.

⁴² International Institute for Strategic Studies, *The Military Balance 2005–2006* (London: Routledge, 2005), p. 111; and Colin King, ed., *Jane's Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane's Information Group Limited, 2008).

⁴³ In 2006 at Saloglu, 16 “9M 27 K” cluster munition rockets were discovered (each rocket has 24 submunitions). In 2007, 181 cluster munition artillery shells “Z-O-13” were destroyed (each item has eight submunitions). Email from Parviz Gidayev, UXO Officer, Operations Department, Azerbaijan National Agency for Mine Action (ANAMA), 2 April 2010.

⁴⁴ Nagorno-Karabakh is not recognized by any UN member state. Prior to the dissolution of the Soviet Union, the Parliament of the Nagorno-Karabakh Autonomous Province voted in 1988 to secede from the Azerbaijan Soviet Socialist Republic (SSR) and join the Armenian SSR, which resulted in armed conflict from 1988–1994. The region declared independence as the Nagorno-Karabakh Republic in 1991.

⁴⁵ AzCBL, “Cluster Munitions in Azerbaijan,” undated, www.azcbl.org.

⁴⁶ Email from Parviz Gidayev, ANAMA, 2 April 2010.

⁴⁷ The Minister also noted that “Bahrain was closely involved in the process of negotiating the Convention...driven by my Government's deep concern to ensure the protection of civilians from such indiscriminate weapons.” Letter from Khalid bin Ahmed Al-Khalifa, Minister of Foreign Affairs, to Human Rights Watch, 23 August 2009 (forwarded to Human Rights Watch through the Embassy of the Kingdom of Bahrain, Washington, DC, 11 September 2009).

Bahrain has not provided an update or made a public statement on cluster munitions since that time. It did not attend any of the regional or international meetings on cluster munitions in 2009 or 2010 through July.

Bahrain first participated in the Oslo Process at the Wellington Conference on Cluster Munitions in February 2008.⁴⁸ At the Wellington conference, Bahrain called upon all states “to stop using such weapons, and should consider such use as a crime against humanity.” It said it “believes that prohibition of the use, stockpiling, production and transfer of cluster munitions remains a matter of priority and concern, and strongly supports all efforts to eliminate all kinds of cluster munitions, and to prohibit their use, transfer, trade and stockpiling.”⁴⁹

Bahrain attended the final negotiations of the convention in Dublin in May 2008, and was one of 107 states that adopted the convention text on 30 May 2008. However, it also noted that its support for consensus adoption did not mean it was required to sign the convention.⁵⁰ Subsequently, Bahrain did not attend the Convention on Cluster Munitions Signing Conference in Oslo in December 2008.

Bahrain is not party to the Mine Ban Treaty or the Convention on Conventional Weapons.

Use, production, transfer, and stockpiling

Bahrain is not known to have used, produced, or exported cluster munitions, but has a sizeable stockpile. It has received significant exports from the United States. The US transferred 30,000 artillery projectiles (M509A1, M449A1, and M483) containing 5.06 million dual purpose improved conventional munitions (DPICM) submunitions to Bahrain between 1995 and 2001 as this type of ammunition was being phased out of the US inventory.⁵¹

The US has also provided M26 rockets and ATACMS-1A missiles with more than 1 million submunitions to Bahrain for its Multiple Launch Rocket System (MLRS) launchers. Bahrain purchased 151 M26A1 MLRS extended range rocket pods (six missiles per pod, and 644 submunitions per rocket) in 1996, 55 rocket pods in 1997, and 57 rocket pods in 2003.⁵² In 2000, the US sold Bahrain 30 M39 ATACMS-1A missiles, each with 950 M74 submunitions.⁵³

Bangladesh

Policy

The People’s Republic of Bangladesh has not acceded to the Convention on Cluster Munitions. Bangladesh participated in some of the Oslo Process meetings that led to the development, negotiation, and signing of the convention, including in Lima in May 2007, Vienna in December 2007, and Wellington in February 2008.

Bangladesh did not endorse the Wellington Declaration supporting the negotiation of an international instrument banning cluster munitions and did not attend the formal negotiations in Dublin in May 2008. It attended the Convention on Cluster Munitions Signing Conference in Oslo in December 2008, but did not sign the convention.

Bangladesh participated in the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in Bali, Indonesia on 16–17 November 2009. Its representative stated that Bangladesh is unwavering in its commitment to the goal of disarmament and is constitutionally mandated to campaign on international disarmament, but offered no information regarding Bangladesh’s policy or progress toward joining the Convention on Cluster Munitions.⁵⁴

Bangladesh is party to the Convention on Conventional Weapons (CCW), but not its Protocol V on explosive remnants of war. It has attended some of the CCW discussions on cluster munitions in recent years. Bangladesh is party to the Mine Ban Treaty.

Bangladesh is not believed to have used, produced, or exported cluster munitions, and is not known to possess any stockpiles of cluster munitions.

⁴⁸ For details on Bahrain’s cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 189–190.

⁴⁹ Statement by Amb. Karim E. Al-Shakar, Ministry of Foreign Affairs, Wellington Conference on Cluster Munitions, 18 February 2008.

⁵⁰ Statement of Bahrain, Committee of the Whole, Dublin Diplomatic Conference on Cluster Munitions, 28 May 2008. Notes by Landmine Action.

⁵¹ US Defense Security Cooperation Agency, Department of Defense, “Excess Defense Article,” undated, www.dsca.osd.mil.

⁵² US Department of Defense, “Memorandum for Correspondents No. 091-M,” 10 May 1996; and Lockheed Martin Corporation, “Bahrain Purchases Lockheed Martin’s Multiple Launch Rocket System Extended-Range Rockets,” Press release, 20 December 2003.

⁵³ US Department of Defense, “News Release No. 591-00: Proposed Foreign Military Sale to Bahrain Announced,” 26 September 2000. The 30 ATACMS missiles contained 28,500 submunitions.

⁵⁴ Statement of Bangladesh, Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions, Bali, 17 November 2009. Notes by AOAV.

Barbados

Policy

Barbados has not yet acceded to the Convention on Cluster Munitions. Barbados did not participate in the Oslo Process that created the convention. It has never made an official statement on its cluster munition policy.

In October 2009, Barbados participated in an informal briefing convened by the United Kingdom to promote the convention with Commonwealth states.⁵⁵ It did not participate in the Regional Conference for Latin America and the Caribbean on Cluster Munitions in Santiago, Chile in September 2009 or the International Conference on the Convention on Cluster Munitions, also held in Santiago, in June 2010.

Barbados is party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

Barbados is not believed to have used, produced, transferred, or stockpiled cluster munitions.

Belarus

Policy

The Republic of Belarus has not acceded to the Convention on Cluster Munitions.

In an October 2008 statement to the UN General Assembly, Belarus said that it “shares the humanitarian concerns of the international community concerning the problems arising from the use of cluster munitions, as well as the violation of international humanitarian law by some countries when using cluster munitions against non-combatants.” It said, “Belarus welcomes the decisions of a number of countries to renounce the use of cluster munitions,” but believes that new agreements should be “developed in the course of a step-by-step process and open discussion.” It further believes that the “elaboration of new international agreements without taking consideration of the views of main producers and possessors of weapons can negatively affect the universality and viability of future treaties.” Therefore, “Belarus thinks that the CCW [Convention on Conventional Weapons] remains to be the most appropriate forum for negotiations on international agreement on cluster munitions.”⁵⁶

Belarus did not participate in any diplomatic conferences of the Oslo Process that resulted in the negotiation and signing of the convention.⁵⁷ It did not attend any of the regional or international meetings related to the convention in 2009 or 2010 through July.

According to a CMC member in Belarus, the Convention on Cluster Munitions is not a high priority for the government, which is preoccupied with meeting the challenges it is facing in destroying its 3.4 million PFM-1 antipersonnel mines.⁵⁸

Belarus is party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW) and ratified Protocol V on explosive remnants of war on 29 September 2008. Belarus has participated regularly in the CCW deliberations on cluster munitions in 2009 and 2010. In April 2010, it stressed the importance of continuing to work on cluster munitions in the CCW even after the entry into force of the Convention on Cluster Munitions, because, it said, the major users and producers are in the CCW.⁵⁹

Use, production, transfer, and stockpiling

Belarus is not believed to have used, produced, or exported cluster munitions. It inherited a stockpile from the Soviet Union. Jane’s Information Group reports that RBK-500 cluster bombs are in service with the country’s air force.⁶⁰ Belarus also possesses Uragan 220mm and Smerch 300mm surface-to-surface rockets, but it is not known if these include versions with submunition payloads.⁶¹

⁵⁵ CMC meeting with Guy Pollard, Second Secretary, Permanent Mission of the UK to the UN in Geneva, 20 October 2009. Notes by the CMC.

⁵⁶ Statement of Belarus, UN General Assembly, First Committee, New York, 30 October 2008. Translation provided by email from Tatiana Fedorovich, Permanent Mission of Belarus to the UN in New York, 26 November 2008.

⁵⁷ For details on Belarus’s cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 190–191.

⁵⁸ Email from Dr. Iouri Zagoumenov, Director, Belarus Support Center for Associations and Foundations (SCAF), 19 March 2009. SCAF has actively campaigned as part of the CMC to promote awareness on the convention. It meets regularly with government officials and conducts grassroots activities to raise awareness and promote the convention.

⁵⁹ Statement of Belarus, CCW Group of Governmental Experts on Cluster Munitions, Geneva, 12 April 2010. Notes by AOAV.

⁶⁰ Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), p. 836.

⁶¹ International Institute for Strategic Studies, *The Military Balance 2005–2006* (London: Routledge, 2005), p. 112; and Colin King, ed., *Jane’s Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane’s Information Group Limited, 2008).

Belize

Policy

Belize has not yet acceded to the Convention on Cluster Munitions. In a March 2010 letter to Landmine and Cluster Munition Monitor, Belize stated that it “is pleased to inform that the Government of Belize is considering the feasibility of ratifying” the convention. It noted that it is “aware of the humanitarian movement to ban cluster munitions worldwide,” and that it “is a State Party to the Mine Ban Convention and is committed to the eradication of all forms of human rights abuses.”⁶²

During the Commonwealth Heads of Government Meeting in November 2009, Belize associated itself with the Port of Spain Declaration on Cluster Munitions, committing to “sign and ratify the Convention as soon as practicable” and to “strive to abide by as many of the Convention’s provisions as possible in the meantime.”⁶³

Belize joined the Oslo Process that created the convention in December 2007, when it participated in the Vienna Conference on Cluster Munitions. In February 2008, Belize participated in the Wellington Conference on Cluster Munitions, where it endorsed the Wellington Declaration in support of the negotiation of an instrument prohibiting cluster munitions. Belize said the proposed treaty must be “clear, concise, firm and fair” with “no exceptions.”⁶⁴

During the May 2008 negotiations of the Convention on Cluster Munitions in Dublin, Belize sought a strong text, including no transition period during which cluster munitions could still be used.⁶⁵ On 28 May, Belize stated that the draft text would be forwarded to capital with the “strongest recommendation for its adoption and endorsement.”⁶⁶ Belize was one of 107 states that adopted the convention text on 30 May 2008 and stated it would endorse the convention “as a whole with immediate effect.”⁶⁷

However, Belize did not attend the Convention on Cluster Munitions Signing Conference in Oslo in December 2008. It did not participate in the Regional Conference for Latin America and the Caribbean on Cluster Munitions in Santiago, Chile in September 2009 or the International Conference on the Convention on Cluster Munitions, also held in Santiago, in June 2010.

Belize has not joined the Convention on Conventional Weapons.

Belize confirmed in March 2010 that it has never used, produced, transferred, or stockpiled cluster munitions.⁶⁸

Bhutan

Policy

The Kingdom of Bhutan has not acceded to the Convention on Cluster Munitions. Bhutan did not participate in the Oslo Process that led to the development, negotiation, and signing of the convention.

In early 2010, a Foreign Ministry official stated that there are no obstacles to Bhutan acceding to the convention, except that the Foreign Ministry has few staff or resources to devote to doing so.⁶⁹

Bhutan participated in the Special Event on the Convention on Cluster Munitions held at the UN in New York in October 2009, but did not attend other regional or international cluster munition meetings in 2009 or 2010 through July.

Bhutan is party to the Mine Ban Treaty, but not to the Convention on Conventional Weapons.

Bhutan is not believed to have used, produced, transferred, or stockpiled cluster munitions.

⁶² Letter FA/UN/32/10 (2) from Nyasha Laing, Legal Officer for Chief Executive Officer, Ministry of Foreign Affairs and Foreign Trade, 25 March 2010.

⁶³ “Port of Spain Declaration on Cluster Munitions,” Commonwealth Heads of Government Meeting, Port of Spain, Trinidad and Tobago, 27–29 November 2009.

⁶⁴ Statement of Belize, Wellington Conference on Cluster Munitions, 22 February 2008. Notes by the CMC.

⁶⁵ Summary Record of the Committee of the Whole, Fifth Session: 21 May 2008, Dublin Diplomatic Conference, CCM/CW/SR/5, 18 June 2008; and Summary Record of the Committee of the Whole, Eighth Session: 23 May 2008, Dublin Diplomatic Conference, CCM/CW/SR/8, 18 June 2008.

⁶⁶ Summary Record of the Committee of the Whole, Sixteenth Session: 28 May 2008, Dublin Diplomatic Conference, CCM/CW/SR/16, 18 June 2008.

⁶⁷ Summary Record of the Plenary and Closing Ceremony of the Conference, Fourth Session: 30 May 2008, Dublin Diplomatic Conference, CCM//SR/4, 18 June 2008.

⁶⁸ Letter FA/UN/32/10 (2) from Nyasha Laing, Ministry of Foreign Affairs and Foreign Trade, 25 March 2010.

⁶⁹ Interview with Kingye Singye, Minister-Counsellor, Embassy of Bhutan, Delhi, 29 January 2010.

Brazil

Policy

The Federative Republic of Brazil has not acceded to the Convention on Cluster Munitions. Brazil has asserted the military utility of cluster munitions, and insisted they are needed as a deterrent.⁷⁰ It has objected to the non-traditional diplomatic process that brought about the convention. It has said that the convention and the process did not balance legitimate defense needs with humanitarian concerns.⁷¹

However, Brazil's Minister of Foreign Affairs Celso Amorim has called cluster munitions an inhumane weapon that should be eliminated.⁷² In December 2008, he said the government was reconsidering its position and may sign the convention in the future "for humanitarian reasons."⁷³ He also expressed concerns about the convention, including that Brazil did not agree with the convention's definition of a cluster munition as it opened the possibility of production of cluster munitions by other states and was thus discriminatory.⁷⁴

On 3 February 2009, Congressional Deputy Fernando Gabeira (PV-RJ) introduced Bill 4590/09 in the Chamber of Deputies to ban the use, production, import, and export of cluster munitions.⁷⁵ As of August 2010, the draft law was being considered by the Committee on Foreign Affairs and National Defense, which held a public hearing on 4 May 2010.⁷⁶

Brazil did not engage in the work of the convention in 2009 or 2010 through July. It was invited to, but did not attend, the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Regional Conference for Latin America and the Caribbean on Cluster Munitions in Santiago, Chile in September 2009, or the International Conference on the Convention on Cluster Munitions, also held in Santiago, in June 2010.

Brazil participated minimally in the Oslo Process that produced the convention in 2007 and 2008. It did not attend the formal negotiations in Dublin in May 2008, even as an observer.⁷⁷ During the Oslo Process, Brazil maintained that cluster munitions were effective militarily and that existing international humanitarian law and the Convention on Conventional Weapons (CCW), specifically CCW Protocol V on explosive remnants of war, were the most appropriate way to address cluster munitions.⁷⁸ It has criticized two provisions in the convention: the provision that excludes from the ban munitions that contain submunitions but may not have the same negative humanitarian effects as cluster munitions, and the provision designed to facilitate "interoperability" (joint military operations with states not party).⁷⁹

Brazil is a party to the CCW, but has not yet ratified CCW Protocol V on explosive remnants of war. Brazil participated in the CCW deliberations on cluster munitions in 2009 and 2010 through July. It made statements critical of the Convention on Cluster Munitions and countries that have joined it.⁸⁰ At an April 2009 CCW session, Brazil lauded the "enormous" progress made in the CCW and claimed that "almost the entirety of cluster munitions" are not covered by the Convention on Cluster Munitions.⁸¹ Brazil has said that it is willing to ban some cluster munitions that do not have certain technical features, as long as there is a transition period before the ban takes effect.⁸²

⁷⁰ Statement by Marcelo Mário de Holanda Coutinho, Director, Department of International Bureau of Policy, Strategy and International Affairs, Ministry of Defense, Hearing, Committee on Foreign Affairs and National Defense of the Chamber of Deputies, Brasília, 4 May 2010; and "Report on the Hearing" provided by Gustavo Oliveira Vieira, Coordinator, Brazil Campaign to Ban Landmines and Cluster Bombs, 13 August 2010.

⁷¹ For example, Statement of Brazil, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 7 November 2008. Notes by Landmine Action.

⁷² The minister said this in June 2008 to a meeting of the Committee on Foreign Affairs and National Defense of the Chamber of Deputies. Mylena Fiori, "Brasil poderá aderir a acordo para acabar com produção de bombas cluster" ("Brazil may join the agreement to end production of cluster bombs"), 17 June 2008, www.agenciabrasil.gov.br. He said it again in December 2008 at the time of the Convention on Cluster Munitions Signing Conference in Oslo. "Brazil not to sign treaty banning cluster bombs," *Xinhua*, 4 December 2008, news.xinhuanet.com.

⁷³ "Brazil not to sign treaty banning cluster bombs," *Xinhua*, 4 December 2008, news.xinhuanet.com.

⁷⁴ Ibid. See also, Denise Chrispim Marin, "Brasil rejeita tratado para banir bombas de cachom" ("Brazil rejects treaty to ban cluster bombs"), *estado.com.br*, 3 December 2008, www.estadao.com.br.

⁷⁵ Chamber of Deputies, Proposition PL-4590/2009, www.camara.gov.br. See also, Rodrigo Bittar, "Projeto proíbe fabricação e uso de bombas de fragmentação" ("Project prohibits the manufacture and use of cluster bombs"), *Agência Câmara*, 27 February 2009, www.direitos.org.br.

⁷⁶ Email from Gustavo Oliveira Vieira, Brazil Campaign to Ban Landmines and Cluster Bombs, 13 August 2010. See also, Hearing, Committee on Foreign Affairs and National Defense of the Chamber of Deputies, Brasília, 4 May 2010. Landmine and Cluster Munition Monitor has a Portuguese transcript of the hearing.

⁷⁷ For more details on Brazil's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 191–193.

⁷⁸ Statement of Brazil, Latin American Regional Conference on Cluster Munitions, San José, 5 September 2007. Notes by HRW.

⁷⁹ Statement by Santiago Irazabal Mourão, Director, Disarmament and Sensitive Technologies, Ministry of Foreign Affairs, Hearing, Committee on Foreign Affairs and National Defense of the Chamber of Deputies, Brasília, 4 May 2010; and "Report on the Hearing" provided by Gustavo Oliveira Vieira, Brazil Campaign to Ban Landmines and Cluster Bombs, 13 August 2010.

⁸⁰ For example, at the April 2010 session, Brazil said governments that have joined the Convention on Cluster Munitions have "enshrined that Convention in an entrenched camp of righteousness." Statement of Brazil, CCW GGE on Cluster Munitions, Geneva, 16 April 2010. Notes by AOAV.

⁸¹ Statement of Brazil, CCW GGE on Cluster Munitions, Geneva, 17 April 2009. Notes by Landmine Action.

⁸² See for example, Statement of Brazil, CCW GGE on Cluster Munitions, Geneva, 16 April 2009, notes by Landmine Action; and statement of Brazil, CCW GGE on Cluster Munitions, Geneva, 13 April 2010, notes by AOAV.

In mid-May 2010, the CMC held a week of action to convince Brazil to sign the Convention on Cluster Munitions.⁸³ Throughout 2009 and the first half of 2010, the Brazil Campaign to Ban Landmines and Cluster Bombs worked to encourage Brazil's signature to the convention, including through collaboration with Members of Congress, engagement with government officials, and a petition-collection drive and other awareness-building activities.⁸⁴

Brazil is a State Party to the Mine Ban Treaty.

Use, production, transfer, and stockpiling

Brazil has stated several times that it has never used cluster munitions.⁸⁵ It produces, exports, and stockpiles cluster munitions.

At the May 2010 hearing on cluster munitions in the Chamber of Deputies, the Ministry of Defense stated that national military doctrine prohibits the use of cluster munitions in urban areas. It also stated that Brazil's stockpiles of cluster munitions are limited. The cluster bombs held by the Air Force should be destroyed soon because they are out of date.

It also asserted that that Brazil needs to retain its cluster munition production capacity at current levels in order to support local defense manufacturing capacity.⁸⁶

At least three companies have produced cluster munitions in Brazil, according to the companies' own materials and to standard reference works. Avibrás Aeroespacial SA has produced the ASTROS family of surface-to-surface rockets with submunition warheads. At the hearing in May 2010, a representative from Avibrás said that the company generates US\$60–70 million per year from cluster munitions and claimed that cluster bombs produced by Avibrás have a failure rate of less than 1%.⁸⁷

These weapons have been exported to Iran, Iraq, and Saudi Arabia.⁸⁸ Brazil also exported the ASTROS system to Malaysia in 2002, and an additional sale of more launch units was completed in 2010, but it is not known if the ammunition types include the variant with a submunition payload.⁸⁹

The ASTROS Multiple Launch Rocket System was used by Saudi Arabian forces against Iraqi forces during the battle of Khafji in January 1991, leaving behind significant numbers of unexploded submunitions.⁹⁰

The company Ares Aeroespacial e Defesa Ltda has produced the FZ-100 70mm air-to-surface rockets, akin to the Hydra M261 multipurpose submunitions.⁹¹ Additionally, Target Engenharia e Comércio Ltda. has produced two types of cluster bombs (BLG-120 and BLG-252) for the Brazilian Air Force and reportedly for export.⁹²

In a May 2010 letter to the Minister of Defense, the CMC wrote, "There are a number of positive steps Brazil could take as it considers joining the Convention. Most notably, Brazil could clarify if any production of cluster munitions is ongoing and it could put in place a moratorium on use, production and transfer.... As a confidence-building measure, Brazil should provide complete information on its stockpile of cluster munitions."⁹³

⁸³ CMC, "Countdown to Entry into Force—Week 4: Brazil," www.stopclustermunitions.org.

⁸⁴ See www.controldearmas.org.

⁸⁵ Statement of Brazil, CCW GGE on Cluster Munitions, Geneva, 8 April 2008, notes by Landmine Action; statement of Brazil, CCW GGE on Cluster Munitions, Geneva, 16 February 2009, notes by Landmine Action; and statement of Brazil, CCW GGE on Cluster Munitions, Geneva, 14 April 2009, notes by Landmine Action.

⁸⁶ Statement by Marcelo Mário de Holanda Coutinho, Ministry of Defense, Hearing, Committee on Foreign Affairs and National Defense of the Chamber of Deputies, Brasília, 4 May 2010; and "Report on the Hearing" provided by Gustavo Oliveira Vieira, Brazil Campaign to Ban Landmines and Cluster Bombs, received 13 August 2010.

⁸⁷ Statement by José de Sá Carvalho, Jr., "Commercial Director - Brazil and Americas," Avibrás Aeroespacial SA, Hearing, Committee on Foreign Affairs and National Defense of the Chamber of Deputies, Brasília, 4 May 2010; and "Report on the Hearing" provided by Gustavo Oliveira Vieira, Brazil Campaign to Ban Landmines and Cluster Bombs, received 13 August 2010. In a letter to the Defense Minister, the CMC noted this claim and stated, "However, failure rates in combat are always higher than failure rates in tests and so reliability performance in tests does not prevent the humanitarian harm that is caused in reality. The majority of the world has already rejected a prohibition based on failure rates as it cannot safeguard against the humanitarian impact of these weapons." Letter from the CMC to Nelson Jobim, Minister of Defense, 17 May 2010.

⁸⁸ Terry J. Gander and Charles Q. Cutshaw, eds., *Jane's Ammunition Handbook 2001–2002* (Surrey, UK: Jane's Information Group Limited, 2001); and Jonathan Beaty and S.C. Gwynne, "Scandals: Not Just a Bank," *Time Magazine*, 2 September 1991, www.time.com.

⁸⁹ Submission of the Federative Republic of Brazil, UN Register of Conventional Arms, for calendar year 2002, 28 April 2004. It reported the transfer of 12 launch units. The Arms Transfers Database of the Stockholm International Peace Research Institute notes that the US\$300 million deal was signed in 2007 and deliveries began in 2009.

⁹⁰ Human Rights Watch interviews with former explosive ordnance disposal personnel from a Western commercial clearance firm and a Saudi military officer with first-hand experience in clearing the dud dual purpose bomblets from ASTROS rockets, names withheld, Geneva, 2001–2003.

⁹¹ Aeroespacial e Defesa Ltda, "Cabeça Cargo de Submuniciones" ("Head charged submunitions"), www.ares.ind.br.

⁹² Brazilian Association of the Industries of Defense Materials and Security, "Product List, 2000 to December 2005," abimde.com.br.

⁹³ Letter from the CMC, to Nelson Jobim, Minister of Defense, 17 May 2010.

Brunei

Policy

Brunei Darussalam has not acceded to the Convention on Cluster Munitions. Landmine and Cluster Muniton Monitor is not aware of any public statements by Brunei on the cluster munition issue.

Brunei participated in some of the Oslo Process meetings that led to the development, negotiation, and signing of the convention. It attended the Vienna Conference on Cluster Munitions in December 2007, as well as the Wellington Conference on Cluster Munitions in February 2008, where it subscribed to the Wellington Declaration in support of the negotiation of an instrument prohibiting cluster munitions.

Brunei participated in the formal negotiations of the convention in Dublin, and was one of 107 states that adopted the convention text on 30 May 2008. It also attended the South East Asia Regional Conference in October 2008 in Lao PDR, aimed at promoting signature to the convention in the region. However, Brunei was absent from the signing conference in Oslo in December 2008.

Brunei attended the Special Event on the Convention on Cluster Munitions held at the UN in New York in October 2009, but did not attend other regional or international meetings on cluster munitions in 2009 or 2010 through July.

Brunei is party to the Mine Ban Treaty, but not the Convention on Conventional Weapons.

Brunei is not believed to have used, produced, transferred, or stockpiled cluster munitions.

Cambodia

Policy

The Kingdom of Cambodia has not acceded to the Convention on Cluster Munitions, despite the fact that it was an early, prominent, and influential supporter of the Oslo Process that produced the convention.

At the time when the convention opened for signature in Oslo in December 2008, Cambodia told the states gathered there that due to “recent security developments” in the region, it now needed more time to study the “impacts of the convention on its security capability and national defense.”⁹⁴

Shortly thereafter, a Cambodian government spokesperson said, “We are not under any pressure...as a non-producing country. Due to the fact that Thailand does not sign yet the treaty...we can delay a bit our adhesion to the treaty.”⁹⁵

At the same time, a Ministry of Defense official said that the government needed to further study the treaty to see how it would affect the nation’s defense capabilities. He said that Cambodia had to determine if some of its weapons would be prohibited by the convention.⁹⁶

In July 2009, a Council of Ministers official said that due to current border tensions with Thailand, Cambodia had to delay signing the Convention on Cluster Munitions. He said, “This does not mean that Cambodia has turned away from its promise. We will still sign on to this treaty...even though our two big neighbors, Thailand and Vietnam, have refused to sign.”⁹⁷

He further said that the Ministry of Defense had requested more time to determine how many cluster munitions the armed forces possess and how long it will take to replenish the defense capabilities after stockpiles are destroyed. Officials said it was unclear how long the armed forces would need to complete their study of cluster munition stockpiles.⁹⁸

In a December 2009 meeting with CMC and ICBL members, Cambodian officials said that Cambodia intends to join the convention, but must complete a review of its stockpile first to determine when this might be possible. There is no timetable for the review, but it could take a year or more.⁹⁹

⁹⁴ Statement by Amb. Hor Nambora, Representative of Cambodia to the United Kingdom, Denmark, Finland, Ireland, Norway, and Sweden, Convention on Cluster Munitions Signing Conference, Oslo, 4 December 2008. The “security developments” comment was an apparent reference to border incidents with Thailand.

⁹⁵ The official is Khieu Kanharith, Minister of Information. Lea Radick and Neou Vannarin, “No Rush to Sign Cluster Muniton Ban: Gov’t,” *Cambodia Daily*, 5 December 2008.

⁹⁶ The official is Chau Phirun, Director-General, Department of War Materials, Ministry of Defense. Lea Radick and Neou Vannarin, “No Rush to Sign Cluster Muniton Ban: Gov’t,” *Cambodia Daily*, 5 December 2008.

⁹⁷ The official is Prak Sokhon, Secretary of State for the Council of Ministers. Sam Rith and Sebastian Strangio, “Officials announce further delay on cluster bomb ban,” *Phnom Penh Post*, 9 July 2009.

⁹⁸ Sam Rith and Sebastian Strangio, “Officials announce further delay on cluster bomb ban,” *Phnom Penh Post*, 9 July 2009.

⁹⁹ CMC/ICBL meeting with the Cambodian delegation, Second Review Conference of the Mine Ban Treaty, Cartagena, 1 December 2009. Notes by the ICBL.

In June 2010, Minister of Defense Tea Banh said, “We will sign in the future. Now we need to protect our country and our sovereignty from other countries like Thailand, which has border problems with us.”

On 1 August 2010, as the Convention on Cluster Munitions entered into force internationally, Cambodian officials continued to say that the government cannot join before first determining how it might affect the military. Concerns were also raised about the ability to meet the clearance obligations. An official said, “If we sign, it means we bind our hands. We’re studying how much it will cost to remove old cluster munitions and to protect our nation against border violations.”¹⁰⁰

Another official said, “As a heavily cluster-bombed country, we are willing to become a party to the convention. But we have to consider thoroughly any impact to our national security.”¹⁰¹

Cambodia has shown some continued interest in the convention. It attended the Special Event on the Convention on Cluster Munitions held at the UN in New York in March 2009 to promote the convention, and the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions, in Bali, Indonesia in November 2009. In Bali, it recounted its long-term support for the convention.¹⁰² Cambodia did not attend the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

Oslo Process

In March 2007, the Deputy Prime Minister of Cambodia, Sok An, announced Cambodia’s decision to join the Oslo Process, saying, “Cambodia supports this Oslo appeal to ban cluster munitions which cause unacceptable harm to civilians, and will become an active participant in the process.”¹⁰³ Cambodia endorsed the Oslo Declaration, thereby committing to conclude in 2008 a new convention prohibiting cluster munitions that cause unacceptable harm to civilians.

Cambodia hosted the first regional forum on cluster munitions in Southeast Asia in Phnom Penh in March 2007. It participated actively in all three of the international conferences to develop the convention text in Lima, Vienna, and Wellington, as well as the formal negotiations in Dublin in May 2008. Throughout the Oslo Process, Cambodia advocated strongly for the most comprehensive and immediate ban possible, without any exceptions, and for strong provisions on victim assistance and on international cooperation and assistance. Cambodia was one of the 107 nations that adopted the text of the Convention of Cluster Munitions at the conclusion of the negotiations in May 2008.¹⁰⁴

Despite Cambodia’s extensive and positive leadership role in the Oslo Process, it did not sign the convention in Oslo on 3 December. It attended the signing conference as an observer and made a statement reiterating its commitment to the convention, describing it as a “historic development.” However, as noted above, it said that it needed more time to study the security implications of signing, in light of recent developments.¹⁰⁵

Cambodia is a State Party to the Mine Ban Treaty. Cambodia is party to the Convention on Conventional Weapons (CCW), but has not ratified Protocol V on explosive remnants of war. Cambodia has not actively engaged in the CCW deliberations on cluster munitions in recent years.

Use, production, transfer, and stockpiling

Cambodia is not believed to have used, produced, or exported cluster munitions. The size and precise content of Cambodia’s stockpile of cluster munitions is not known.

In December 2008, a Ministry of Defense official said that Cambodia has “some missile launchers that use cluster munitions that weigh more than 20 kg,” and that Cambodia needs to determine whether it would still be able to use those cluster munitions in times of war. He also said Cambodia has stockpiles of cluster munitions weighing 250kg left over from the 1980s which Cambodia intends to destroy.¹⁰⁶ Weapons with submunitions that weigh more than 20kg each are not defined as cluster munitions in the Convention on Cluster Munitions and are not prohibited.¹⁰⁷

In July 2009, it was reported that the armed forces was still engaged in a study of its cluster munition stockpile.¹⁰⁸ In December 2009, Cambodian officials said the review, which could take a year or more, is looking at how many cluster munitions are in stock, which are prohibited by the convention, and how many years it would take to replace them.

¹⁰⁰ The official is Leng Sochea, Secretary-General, Cambodian Mine Action and Victim Assistance Authority. Irwin Loy and Phak Seangly, “Govt holds out on cluster ban,” *Phnom Penh Post*, 2 August 2010.

¹⁰¹ The official is Prak Sokun, Secretary of State, Council of Ministers. Pich Samnang, “No Cluster Munition Ban for Cambodia,” *Khmer NZ*, 3 August 2010.

¹⁰² Statement of Cambodia, Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions, Bali, 17 November 2009. Notes by AOAV.

¹⁰³ ICBL, “Cambodia Announces Support for New Treaty Banning Cluster Munitions,” Press release, 14 March 2007, www.icbl.org.

¹⁰⁴ For detail on Cambodia’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 193–195.

¹⁰⁵ Statement by Amb. Hor Nambora, Convention on Cluster Munitions Signing Conference, Oslo, 4 December 2008.

¹⁰⁶ The official is Chau Phirun, Ministry of Defense. Lea Radick and Neou Vannarin, “No Rush to Sign Cluster Munition Ban: Gov’t,” *Cambodia Daily*, 5 December 2008.

¹⁰⁷ Article 2.2 states: “‘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.”

¹⁰⁸ Sam Rith and Sebastian Strangio, “Officials announce further delay on cluster bomb ban,” *Phnom Penh Post*, 9 July 2009.

The review is being assisted by the German Society for Technical Cooperation (Deutsche Gesellschaft für Technische Zusammenarbeit, GTZ) and DynCorp.¹⁰⁹

The United States dropped large numbers of cluster bombs on Cambodia in the 1960s and 1970s.

China

Policy

The People's Republic of China has not acceded to the Convention on Cluster Munitions.

In April 2010, China stated that it is “irresponsible use and transfer of cluster munitions that cause the global concern over such munitions. China is of the view that every state should abide by all applicable principles of International Humanitarian Law, remain cautious and self-restraint when making decisions on use or transfer of cluster munitions, and take actual steps to improve its management on the development, production, storage and transportation of cluster munitions.”¹¹⁰

China issued a statement at the time of the Convention on Cluster Munitions Signing Conference in Oslo in December 2008, saying that it would continue to work for an “early and proper solution on the humanitarian problems arising from cluster bombs.”¹¹¹

China did not participate in any of the Oslo Process diplomatic conferences in 2007 and 2008 that produced the convention, and did not attend any of the regional or international diplomatic meetings related to the convention in 2009 or 2010 through July.

Convention on Conventional Weapons

China is party to the Convention on Conventional Weapons (CCW), but has yet to ratify Protocol V on explosive remnants of war.

China has for many years maintained that the CCW is the only appropriate forum to address cluster munitions.¹¹² Until 2008, China stated that Protocol V and existing international humanitarian law were sufficient to deal with the issue of cluster munitions. However, in recent years, China has engaged in the CCW deliberations aimed specifically at cluster munitions.

In April 2010, China summarized its views on the CCW process on cluster munitions. It said it “welcomes the latest Chair’s text, which managed to address defense needs and humanitarian considerations in a balanced way and maximally accommodated concerns of different parties.... Therefore China supports the GGE [Group of Governmental Experts] to continue its negotiation on the basis of this text.” It also assured others that, “The Chinese delegation stands ready to share detailed information of our policies and practices in the negotiations.”¹¹³

China stated that “during the negotiation, we should also take full consideration of the concerns on limited economic and technical capabilities, excessive burden of implementing the future instrument, and the unique security environments of different states as well.”¹¹⁴ China has insisted that a lengthy transition period is needed to be “fair” to all states, and has said that a 10-year period, with a possible five-year extension, should be adequate.¹¹⁵

It expressed its view that “State users of cluster munitions shall be responsible for timely and effective clearance of unexploded munitions generated from their use,” and should also provide assistance to victims and contribute to post-conflict reconstruction efforts. “Such a provision will prompt states to exercise maximum restraint when considering using or acquiring cluster munitions.”¹¹⁶

China is not party to the Mine Ban Treaty.

¹⁰⁹ CMC/ICBL meeting with the Cambodian delegation, Second Review Conference of the Mine Ban Treaty, Cartagena, 1 December 2009. Notes by the ICBL.

¹¹⁰ Statement by Amb. Wang Qun, Head, Chinese Delegation, CCW GGE on Cluster Munitions, Geneva, 12 April 2010.

¹¹¹ Wang Hongjiang, ed., “Ministry: China supports int’l efforts to ban cluster bombs,” *Chinese Government’s Official Web Portal*, 2 December 2008, www.gov.cn.

¹¹² For details on China’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 195–196.

¹¹³ Statement by Amb. Wang Qun, CCW GGE on Cluster Munitions, Geneva, 12 April 2010.

¹¹⁴ Ibid.

¹¹⁵ Statement of China, CCW GGE on Cluster Munitions, Geneva, 13 April 2010. Notes by AOA.

¹¹⁶ Statement by Amb. Wang Qun, CCW GGE on Cluster Munitions, Geneva, 12 April 2010.

Use, production, transfer, and stockpiling

China is not known to have used cluster munitions. In 2010, it stated that “China has never used cluster munitions outside its territories.”¹¹⁷ China produces, stockpiles, and exports the weapons.

China Northern Industries (NORINCO) produces a range of conventional air-dropped and surface-launched cluster munitions including bombs, artillery projectiles, and rockets. The Sichuan Aerospace Industry Corporation produces and markets 302mm (WS-1, WS-1B, and WS-1E) and 320mm (WS-2) unguided multiple-launch surface-to-surface artillery rockets. Among the warheads available for these rockets are “armor-defeating and killing double use cluster,” “comprehensive effect cluster,” and “sensor fused cluster.”¹¹⁸ Additionally, a number of China’s ballistic missile systems are reported to have warheads that contain conventional explosive submunitions, but few details are available.¹¹⁹

Cluster munitions produced in China¹²⁰

Type	Caliber	Carrier name	Number	Submunition type
Projectiles	120mm	Type W01	30	DPICM
	122mm	Type-83	30	Type-81 DPICM
	130mm	Type-59	35	Type-81 DPICM
	152mm	Type-62	63	Type-81 DPICM
	152mm	Type-66	63	Type-81 DPICM
	155mm	Unknown	72	Type-81 DPICM
	203mm	Unknown	100	DPICM
Bombs		Anti-Runway	12	Unknown
		Anti-Tank	16	Unknown
		BL-755 clone	147	Unknown
		340 Kg.	189	Unknown
		Type 2	42	AP bomblets
		Type 2	26	AT bomblets
		Type 2	28	APAM
Rockets	107mm	Type-63	16	Type-81 DPICM
	122mm	Type-81	39	Type-90 DPICM
	122mm	Type-90A	39	DPICM
	273mm	WM-80	320	DPICM
	302mm	WS-1, -1B, -1E	–	DPICM, CEM, SFW
	320mm	WS-2	–	DPICM, CEM, SFW

In 2010, China stated that it “always takes a cautious and responsible attitude towards the transfer of arms including the cluster munitions.”¹²¹ While the full extent of Chinese exports of cluster munitions is not known, explosive remnants of war from cluster munitions of Chinese origin have been found in Iraq, Israel, Lebanon, and Sudan. Hezbollah fired over 100 Chinese Type-81 122mm rockets containing Type-90 (also called MZD-2) dual purpose improved conventional

¹¹⁷ Ibid.

¹¹⁸ Sichuan Aerospace Industry Corporation, “Our Products,” www.scaic.com.

¹¹⁹ Chinese ballistic missile systems reported to be capable of delivering conventional explosive submunitions among the warhead options include the DF-11, DF-15, DF-21, and M-7 (Project 8610). For details, see Duncan Lennox, *Jane’s Strategic Weapons Systems 46* (Surrey, UK: Jane’s Information Group Limited, January 2007).

¹²⁰ The primary sources for information on China’s cluster munitions are Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), p. 837, and Leland S. Ness and Anthony G. Williams, eds., *Jane’s Ammunition Handbook 2007–2008* (Surrey, UK: Jane’s Information Group Limited, 2007). This is supplemented with information from US Defense Intelligence Agency, Department of Defense, “Improved Conventional Munitions and Selected Controlled-Fragmentation Munitions (Current and Projected) DST-1160S-020-90,” 8 June 1990, partially declassified and made available to Human Rights Watch under a Freedom of Information Act request.

¹²¹ Statement by Amb. Wang Qun, CCW GGE on Cluster Munitions, Geneva, 12 April 2010.

munition (DPICM) submunitions into northern Israel in July/August 2006. Submunitions from these weapons were also found in southern Lebanon by UN and Lebanese deminers after the cessation of the conflict.¹²²

Another type of DPICM submunition of Chinese origin, called Type-81, was found and photographed by American deminers in Iraq in 2003.¹²³ The United States military's UXO identification guide also identifies the Chinese 250kg Type-2 dispenser as being present in Iraq.¹²⁴ Additionally, the NGO Landmine Action photographed a Rockeye type cluster bomb with Chinese-language external markings in Yei, Sudan in October 2006.

Cuba

Policy

The Republic of Cuba has not acceded to the Convention on Cluster Munitions. In the past, its position has been that it supports the prohibition of some cluster munitions because of their grave humanitarian impact on civilian populations and indiscriminate nature, but cannot support a comprehensive prohibition as in the Convention on Cluster Munitions.¹²⁵

However, since late 2009, Cuba has stated on several occasions that it supports a "total ban" on cluster munitions. It has made these statements during discussions on cluster munitions in the context of the Convention on Conventional Weapons (CCW). Cuba has participated regularly in the CCW deliberations on cluster munitions in recent years.

In April 2010, Cuba said that it supports a total prohibition of cluster munitions, but understands with realism that what can be achieved in the CCW is a protocol that regulates and limits the use of cluster munitions, and balances military and humanitarian considerations.¹²⁶ Nevertheless, it said the objective of the CCW should be to free the world of cluster munitions as soon as possible, noting that no delegation questions the humanitarian damage caused by cluster munitions.¹²⁷

Similarly, in November 2009, Cuba said that it is unlikely that improved technology alone will resolve the humanitarian problems posed by cluster munitions and proclaimed the weapon should be banned totally.¹²⁸

However, Cuba has not expressed any support for the Convention on Cluster Munitions or given any indications that it is considering acceding. At a CCW meeting in November 2008, six months after the successful conclusion of negotiations on the Convention on Cluster Munitions, Cuba stated that it considered the UN to be the only framework in which to negotiate an international instrument to address the humanitarian concerns associated with cluster munitions.¹²⁹ In November 2009, Cuba spoke of its support for a new protocol on cluster munitions negotiated in the CCW, "where major users and producers are participating."¹³⁰

Cuba did not participate in the Oslo Process that created the Convention on Cluster Munitions and did not attend any of the regional or international diplomatic meetings on the convention in 2009 or 2010 through July.

While Cuba is party to the CCW, it has not joined Protocol V on explosive remnants of war. It is not party to the Mine Ban Treaty.

Use, production, transfer, and stockpiling

Cuba is not believed to have used, produced, or exported cluster munitions. It has a stockpile of cluster munitions of Russian origin. Jane's Information Group lists Cuba as possessing KMG-U dispensers that deploy submunitions, and RBK-250, RBK-275, and RBK-500 cluster bombs.¹³¹

¹²² Human Rights Watch "Lebanon/Israel: Hezbollah Hit Israel with Cluster Munitions during Conflict," Jerusalem, 18 October 2006, www.hrw.org.

¹²³ Colin King, ed., *Jane's Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane's Information Group Limited, 2008).

¹²⁴ US Navy Explosive Ordnance Disposal Technical Division, "Iraq Ordnance Identification Guide, Dispenser, Cluster and Launcher-2," maic.jmu.edu.

¹²⁵ See for example, Statement of Cuba, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 4 November 2008. Notes by Landmine Action.

¹²⁶ Statement of Cuba, CCW GGE on Cluster Munitions, Geneva, 12 April 2010. Notes by AOAV.

¹²⁷ Ibid, 16 April 2010.

¹²⁸ Statement of Cuba, CCW Meeting of States Parties, Geneva, 12 November 2009. Notes by the CMC.

¹²⁹ Statement of Cuba, CCW GGE on Cluster Munitions, Geneva, 4 November 2008. Notes by Landmine Action.

¹³⁰ Statement of Cuba, CCW Meeting of States Parties, Geneva, 12 November 2009. Notes by the CMC.

¹³¹ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 837.

Dominica

Policy

The Commonwealth of Dominica has not yet acceded to the Convention on Cluster Munitions. In April 2010, a Ministry of Finance official wrote to Landmine and Cluster Munition Monitor, “I have been directed to inform that the Government of Dominica has no interest in being a party to the Convention on Cluster Munitions.”¹³²

Dominica did not participate in the Oslo Process that resulted in the negotiation and signing of the convention. It did not attend the Regional Conference for Latin America and the Caribbean on Cluster Munitions in Santiago, Chile in September 2009 or the International Conference on the Convention on Cluster Munitions, also held in Santiago, in June 2010.

Dominica is party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

Dominica confirmed in April 2010 that it has not used, produced, transferred, or stockpiled cluster munitions.¹³³

Egypt

Policy

The Arab Republic of Egypt had not acceded to the Convention on Cluster Munitions.¹³⁴ Egypt has acknowledged that cluster munitions “have proven to cause high levels of civilian deaths and injury both during and after armed conflicts,” and called for “a gradual and incremental process towards...regulating cluster munitions.”¹³⁵

Egypt did not make any public statements regarding its policy on cluster munitions or the convention in 2009 or 2010 through July. However, it did participate in the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

Egypt participated in the Oslo Process that produced the convention from the outset. At the initial Oslo Conference on Cluster Munitions in February 2007 it endorsed the Oslo Declaration, committing states to conclude in 2008 a new convention prohibiting cluster munitions that cause unacceptable harm to civilians. It subsequently attended all three of the diplomatic conferences that developed the convention text and made a number of concrete proposals. However, it appeared to increasingly distance itself from the Oslo Process and decided to attend the final negotiations in Dublin in May 2008 only as an observer.¹³⁶

In October 2008, Egypt expressed concerns about both the “substantive content” of the convention and “the process which led to its conclusion outside the framework of the United Nations.”¹³⁷ It did not attend the Convention on Cluster Munitions Signing Conference in December 2008.

Egypt is not party to the Mine Ban Treaty or the Convention on Conventional Weapons.

Use, production, transfer, and stockpiling

Egypt has said that it has never used cluster munitions.¹³⁸ But it is a producer, importer, and stockpiler of the weapon. It is unclear if it has exported cluster munitions.¹³⁹

¹³² Letter from H. Bazil, for the Financial Secretary, Ministry of Finance, 21 April 2010. This was in response to a letter from Landmine and Cluster Munition Monitor addressed to the Foreign Minister inquiring about Dominica’s cluster munition policy and practice.

¹³³ Ibid.

¹³⁴ For details on Egypt’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 197–199.

¹³⁵ Statement by Ehab Fawzy, Deputy Assistant Foreign Minister for International Political Affairs, Oslo Conference on Cluster Munitions, 22 February 2007. Notes by the CMC/WILPF.

¹³⁶ See Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 197–198.

¹³⁷ Egypt’s explanation of vote, UN General Assembly, First Committee, 30 October 2008.

¹³⁸ Statement by Ehab Fawzy, Oslo Conference on Cluster Munitions, 22 February 2007. Notes by CMC/WILPF.

¹³⁹ A number of SAKR rockets were found in the arsenal of Iraq by UN weapons inspectors possibly indicating export activity. The SAKR rockets were the “cargo variant” but had been modified by the Iraqis to deliver chemical weapons. “Sixteenth quarterly report on the activities of the United Nations Monitoring, Verification and Inspection Commission in accordance with paragraph 12 of Security Council resolution 1284 (1999) S/2004/160,” Annex 1, p. 10.

The Helipolis Company for Chemical Industries produces 122mm and 130mm artillery projectiles which contain 18 and 28 M42D DPICM submunitions, respectively.¹⁴⁰ The SAKR Factory for Developed Industries produces two types of 122mm surface-to-surface rockets: the SAKR-18 and SAKR-36, containing 72 and 98 M42D submunitions, respectively.¹⁴¹

Egypt has also imported a significant number of cluster munitions, primarily from the United States. The US provided at least 760 CBU-87 cluster bombs to Egypt as part of a foreign military sales program in the early 1990s.¹⁴² Lockheed Martin Corporation was awarded a US\$36,132,500 contract to produce 485 M26A1 Extended Range Multiple Launch Rocket System rockets for Egypt in November 1991.¹⁴³ Between 1970 and 1995, the US also supplied Egypt with 1,300 Rockeye cluster bombs.¹⁴⁴

Jane's Information Group notes that KMG-U dispensers are in service for Egypt's aircraft.¹⁴⁵ Additionally, Egypt possesses Grad 122mm surface-to-surface rockets, but it is not known if these include versions with submunition payloads.¹⁴⁶

Equatorial Guinea

Policy

The Republic of Equatorial Guinea has not acceded to the Convention on Cluster Munitions.

It attended only one meeting of the Oslo Process that resulted in the negotiation and signing of the convention in 2008. At the Vienna Conference on Cluster Munitions in December 2007, Equatorial Guinea stated its support for the aims of the Oslo Process, and called for an end to the production and use of cluster munitions and for the destruction of all stockpiles.¹⁴⁷

Equatorial Guinea has not made a public statement on cluster munitions since 2007, and has not participated in any of the African regional or international diplomatic conferences on cluster munitions since that time, through July 2010.

Equatorial Guinea is party to the Mine Ban Treaty, but not the Convention on Conventional Weapons.

Equatorial Guinea is not known to have ever used, produced, transferred, or stockpiled cluster munitions.

Eritrea

Policy

Eritrea has not acceded to the Convention on Cluster Munitions. It has not made a statement on why it has not joined. In 2008, Eritrea said that as a contaminated state, it understood the problems caused by cluster munitions and supported a prohibition on the weapon.¹⁴⁸

Eritrea attended the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions held in Pretoria, South Africa in March 2010, but did not make a statement.

Eritrea did not participate in the four Oslo Process international conferences to develop the convention in 2007 and 2008, but did attend the two Africa regional meetings, where it supported a comprehensive ban convention.¹⁴⁹ However, it decided to attend only as an observer the formal negotiations in Dublin in May 2008 and the Convention on Cluster Munitions Signing Conference in Oslo in December 2008.

Eritrea is a State Party to the Mine Ban Treaty. It is not party to the Convention on Conventional Weapons.

¹⁴⁰ Leland S. Ness and Anthony G. Williams, eds., *Jane's Ammunition Handbook 2007–2008* (Surrey, UK: Jane's Information Group Limited, 2007), p. 582, pp. 589–590.

¹⁴¹ Ibid, p. 707.

¹⁴² "Dozen + Mideast Nations Bought Weapons since Gulf War," *Aerospace Daily*, 10 December 1991; and Barbara Starr, "Apache buy will keep Israeli edge," *Jane's Defence Weekly*, 1 October 1992.

¹⁴³ US Department of Defense, "US Army Aviation & Missile Command Contract Announcement: DAAH01-00-C-0044," Press release, 9 November 2001, www.defenselink.mil.

¹⁴⁴ US Defense Security Cooperation Agency, Department of Defense, "Cluster Bomb Exports under FMS, FY1970-FY1995," 5 November 1995, obtained by Human Rights Watch in a Freedom of Information Act request, November 28, 1995.

¹⁴⁵ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 838.

¹⁴⁶ International Institute for Strategic Studies, *The Military Balance 2005–2006* (London: Routledge, 2005), p. 185; and Colin King, ed., *Jane's Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008, (Surrey, UK: Jane's Information Group Limited, 2008).

¹⁴⁷ Statement of Equatorial Guinea, Vienna Conference on Cluster Munitions, 6 December 2007. Notes by the CMC/WILPF.

¹⁴⁸ CMC, "Report on the Kampala Conference on the Convention on Cluster Munitions," September 2008, www.stopclustermunitions.org.

¹⁴⁹ At the conferences, it endorsed the Livingstone Declaration, calling for a comprehensive treaty with a prohibition that should be "total and immediate," and the Kampala Action Plan, which declared that states should sign and "take all necessary measures to ratify the convention as soon as possible." For details on Eritrea's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 199.

Use, production, transfer, and stockpiling

Eritrea has not produced cluster munitions, but it has stockpiled and used them. Eritrea reportedly inherited Chilean-manufactured CB-500 cluster bombs when it achieved independence from Ethiopia.¹⁵⁰ The status and composition of current stocks is not known.

Eritrean and Ethiopian forces both used cluster munitions during their 1998–2000 border war. Eritrean aircraft attacked the Mekele airport in Ethiopia with cluster bombs in 1998.¹⁵¹

Cluster Munition Remnants

It is not known to what extent Eritrea still has cluster munition remnants on its territory. In addition to use by Ethiopia in the 1998–2000 conflict, Ethiopia is reported to have dropped cluster bombs on Eritrean forces in the late 1980s and early 1990s during the struggle for independence.¹⁵² The UN Mission in Eritrea and Ethiopia's Mine Action Coordination Center (UNMEE MACC) reported that in 2007, unexploded PTAB 2.5 and BL755 submunitions were found in Eritrea.¹⁵³

Estonia

Policy

The Republic of Estonia has not signed the Convention on Cluster Munitions. Estonia has consistently stated its preference for work on the issue of cluster munitions in the forum of the Convention on Conventional Weapons (CCW).

Estonia participated throughout the Oslo Process to develop the Convention on Cluster Munitions and in the final negotiations in Dublin in May 2008. While it joined consensus in the adoption of the convention in Dublin, Estonia was uncertain as to whether it would be in a position to sign it. Estonia called the convention a remarkable achievement and the best available compromise, but stated that signature would need further consideration.¹⁵⁴ Estonia then attended the Convention on Cluster Munitions Signing Conference in Oslo in December 2008, but only as an observer.¹⁵⁵

In March 2010, the Minister of Foreign Affairs welcomed the pending entry into force of the Convention on Cluster Munitions, but reiterated Estonia's policy of support for an instrument in the CCW, noting that "we strive towards international agreements on cluster munitions to which all the nations that produce or use cluster munitions would commit to."¹⁵⁶

In further explaining why Estonia has not yet joined the convention, the Minister said, "Cluster munitions are part of Estonia's defense system, the replacement of cluster bombs, especially in the case of small countries such as Estonia, is costly and time consuming while the Convention on Cluster Munitions establishes an absolute ban on cluster munitions and requires states to destroy their stockpiles of cluster munitions within eight years."¹⁵⁷

In July 2010, Estonian Members of the European Parliament voted five to one (with one abstention) in favor of a European Parliament resolution that was passed in support of the Convention on Cluster Munitions and that expressed concerns about work in the CCW.¹⁵⁸

¹⁵⁰ Rae McGrath, *Cluster Bombs: The Military Effectiveness and Impact on Civilians of Cluster Munitions* (London: Landmine Action, 2000), p. 38.

¹⁵¹ See *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: Handicap International, 2007), p. 52, citing Eritrea–Ethiopia Claims Commission, Partial Award – Central Front – Ethiopia's Claim 2 between The Federal Democratic Republic of Ethiopia and the State of Eritrea, The Hague, 28 April 2004, p. 24.

¹⁵² Africa Watch, "Ethiopia: 'Mengistu has Decided to Burn Us like Wood,' Bombing of Civilians and Civilian Targets by the Air Force," *News from Africa Watch*, 24 July 1990, pp. 16–17; and Africa Watch, "Evil Days: 30 Years of War and Famine in Ethiopia," September 1991, pp. 241–242.

¹⁵³ UNMEE MACC, "Annual Report 2008," undated draft, p. 1, provided by email from Anthony Blythen, Programme Officer, UNMAS, 7 April 2009.

¹⁵⁴ Statement of Estonia, Closing Ceremony, Dublin Diplomatic Conference on Cluster Munitions, 30 May 2008. Notes by Landmine Action.

¹⁵⁵ For details on Estonia's cluster munition policy and practice through early 2009 see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 200–201.

¹⁵⁶ Letter No. 03.3-1/4591 from Urmas Paet, Minister of Foreign Affairs, 29 March 2010. See also, Letter No. 3.3-1/5341 from Urmas Paet, Minister of Foreign Affairs, to Judith Majlath, CMC Austria, 27 April 2010.

¹⁵⁷ Letter No. 03.3-1/4591 from Urmas Paet, Minister of Foreign Affairs, 29 March 2010. See also, Letter No. 3.3-1/5341 from Urmas Paet, Minister of Foreign Affairs, 27 April 2010, which states, "Due to the fact that the Convention on Cluster Munitions establishes an immediate ban on cluster munitions and imposes an eight-year deadline for state party to dispose of all stocks of cluster munitions, Estonia is currently not in a position to sign up to the convention."

¹⁵⁸ The resolution called for European Union members to sign and ratify the Convention on Cluster Munitions, promote the convention to states not party, implement and provide assistance for the implementation of the Convention on Cluster Munitions, participate in the First Meeting of States Parties in Lao PDR, and not to support a protocol within the CCW that would be incompatible with the provisions of the Convention on Cluster Munitions. See, European Parliament, "Joint Motion for a Resolution," 7 July 2010, www.europarl.europa.eu. Voting record available at www.votewatch.eu.

As part of activities that took place in 58 countries during the Global Week of Action against cluster munitions in May–June 2009, CMC member organizations Handicap International (HI) Belgium, HI France, HI Germany, and IKV PaxChristi targeted the Estonia’s Minister of Foreign Affairs as part of a letter writing action urging non-signatory NATO countries to sign the convention.¹⁵⁹

Estonia is party to the Mine Ban Treaty.

Convention on Conventional Weapons

Estonia is party to CCW and its Protocol V on explosive remnants of war.

Estonia supported the extension of the CCW’s mandate on cluster munitions for the year 2010, but has stated that it would have preferred a stronger wording for the mandate.¹⁶⁰ According to the Minister of Foreign Affairs, Estonia is endeavoring for an extensive legal international instrument in the CCW, which would be compatible with the Convention on Cluster Munitions and include provisions on assistance.¹⁶¹

In February 2009, the Minister of Foreign Affairs stated, “We believe a future CCW protocol on cluster munitions and CCM [the Convention on Cluster Munitions] could co-exist side by side similarly to the Amended Protocol II of CCW and the Ottawa Convention on landmines.”¹⁶²

During the 2009 CCW Group of Governmental Expert (GGE) meetings on cluster munitions, Estonia supported provisions regulating cluster munitions based on a 1% failure rate¹⁶³ and stated it was prepared to support a prohibition based on requiring cluster munitions to have “one or two” safeguards, as opposed to an option requiring cluster munitions to have “two or more.”¹⁶⁴ Estonia called for a transition period of 15 years to meet its national security needs.¹⁶⁵

Use, production, transfer, and stockpiling

In March 2010, Estonia’s Foreign Minister declared, “Estonia has never produced or used cluster munitions and has no intention of doing so in the future.”¹⁶⁶ According to the Minister, “the use of cluster munitions has been restricted only to the defence of our own territory.”¹⁶⁷ Estonia is not known to have exported cluster munitions.

The Minister stated that the “Estonian Defence Forces possess cluster munitions in small amounts (type DM-632) which can only be used on howitzers for training and defensive purposes.”¹⁶⁸

Ethiopia

Policy

The Federal Democratic Republic of Ethiopia has not acceded to the Convention on Cluster Munitions. During a meeting with campaigners in October 2008, a representative of the Ministry of Foreign Affairs indicated that it was not a question of whether Ethiopia would sign, but rather when.¹⁶⁹

Ethiopia attended the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa in March 2010, but did not make any statements. Ethiopian cluster munition survivor Berihu Mesele spoke on behalf of the CMC at the conference.

¹⁵⁹ CMC, “Report on the Global Week of Action against Cluster Bombs, 29 May–4 June,” www.stopclustermunitions.org.

¹⁶⁰ Email from Kai-Helin Kaldas, Advisor to the International Cooperation Department, Ministry of Defense, 18 March 2010.

¹⁶¹ Letter No. 03.3-1/4591 from Urmas Paet, Minister of Foreign Affairs, 29 March 2010. See also, Letter No. 3.3-1/5341 from Urmas Paet, Minister of Foreign Affairs, to Judith Majlath, CMC Austria, 27 April 2010.

¹⁶² Letter from Urmas Paet, Minister of Foreign Affairs, 12 February 2009.

¹⁶³ Statement of Estonia, CCW GGE on Cluster Munitions, Geneva, 14 April 2009. Notes by Landmine Action.

¹⁶⁴ Ibid, 18 August 2009.

¹⁶⁵ Ibid.

¹⁶⁶ Letter No. 03.3-1/4591 from Urmas Paet, Minister of Foreign Affairs, 29 March 2010. See also, Letter No. 3.3-1/5341 from Urmas Paet, Minister of Foreign Affairs, to Judith Majlath, CMC Austria, 27 April 2010.

¹⁶⁷ Letter No. 3.3-1/5341 from Urmas Paet, Minister of Foreign Affairs, to Judith Majlath, CMC Austria, 27 April 2010.

¹⁶⁸ Letter No. 03.3-1/4591 from Urmas Paet, Minister of Foreign Affairs, 29 March 2010. See also, letter from Urmas Paet, Minister of Foreign Affairs, 12 February 2009. The DM-632 projectile contains 63 DM-1383 dual purpose improved conventional munition (DPICM) submunitions equipped with a pyrotechnic self-destruct back-up fuze. The DM designation is German, but there is no specific information on transfer of these weapons from Germany to Estonia.

¹⁶⁹ CMC, “CMC Newsletter, October 2008,” Issue 4, 17 November 2008, www.stopclustermunitions.org.

Ethiopia had limited participation in the Oslo Process to develop the convention in 2007 and 2008.¹⁷⁰ It attended only as an observer the formal negotiations in Dublin in May 2008, where it issued a statement saying its observer status “should not... cast any doubt on its acceptance of, and commitment to the Oslo Process, which it principally and, to a large extent, substantively supports.”¹⁷¹ Ethiopia raised concerns about the need for all states in its region to join the convention.

Ethiopia is a State Party to the Mine Ban Treaty. It is not party to the Convention on Conventional Weapons.

Use, production, transfer, and stockpiling

Ethiopia and Eritrea both used cluster munitions during 1998–2000 border war. Ethiopia attacked several areas of Eritrea with cluster munitions. The Mine Action Coordination Center of the UN Mission in Ethiopia and Eritrea has identified approximately 30–40 cluster munition strikes inside Eritrea.¹⁷² There have also been reports of Ethiopia using cluster bombs in the late 1980s and early 1990s.¹⁷³

Ethiopia is still believed to possess cluster munition stockpiles, including United Kingdom-produced BL-755 cluster bombs, Soviet-produced PTAB cluster bombs, and Chilean-produced CB-500 cluster bombs.¹⁷⁴ Ethiopia is not known to have produced or exported cluster munitions.

Cluster Munition Remnants

It is not known if current explosive remnants of war contamination includes cluster munition remnants.

Finland

Policy

The Republic of Finland has not acceded to the Convention on Cluster Munitions.

In late April and early May 2010, Ministry of Foreign Affairs and Ministry of Defense officials indicated that Finland’s position on the convention and on cluster munitions has not changed from that laid out in the 2009 Government Report on Finnish Security and Defense Policy.¹⁷⁵

This document states that, “Finland regards the Convention as important from the humanitarian standpoint. Finland also supports the goals of the Convention as well as the efforts towards its universalisation.”¹⁷⁶ It notes, “Even if Finland is not a party to the Oslo Convention banning cluster munitions, the convention significantly impacts Finland’s defence and its resource requirements.”¹⁷⁷ The report declares, “Once a study relating to the Defence Forces’ capabilities has been completed and the international development work on cluster munitions, procurement options and costs have been analysed, the Oslo Convention will be reassessed. The Cabinet Committee on Foreign and Security Policy will review the developments yearly.”¹⁷⁸

¹⁷⁰ It attended the Belgrade Conference for States Affected by Cluster Munitions in October 2007 and the international preparatory meeting in Vienna in December 2007. For details on Ethiopia’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 201–202.

¹⁷¹ “Perspectives and considered position of the government of the Federal Democratic Republic of Ethiopia on the global process to conclude a legally binding treaty aimed at banning cluster munitions,” Dublin Diplomatic Conference on Cluster Munitions, CCM/CRP/1, 19 May 2008.

¹⁷² For additional information, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 201.

¹⁷³ Africa Watch, “Ethiopia: ‘Mengistu has Decided to Burn Us like Wood,’ Bombing of Civilians and Civilian Targets by the Air Force,” *News from Africa Watch*, 24 July 1990, pp. 16–17; and Africa Watch, “Evil Days: 30 Years of War and Famine in Ethiopia,” September 1991, pp. 241–242.

¹⁷⁴ Mines Action Canada, Actiongrouplandmine.de, and Landmine Action, *Explosive remnants of war and mines other than anti-personnel mines: Global Survey 2003–2004* (London: Landmine Action, 2005), pp. 60, 64–65; Landmine Action, *Explosive remnants of war: Unexploded ordnance and post-conflict communities* (London: Landmine Action, 2002), pp. 50–53; and Rae McGrath, *Cluster Bombs: The Military Effectiveness and Impact on Civilians of Cluster Munitions* (London: Landmine Action, 2000), p. 38.

¹⁷⁵ Email from Pia Nordberg, First Secretary, Ministry for Foreign Affairs, 7 May 2010; and email from Pentti Olin, Adviser, Ministry of Defense, 27 April 2010.

¹⁷⁶ “Finnish Security and Defence Policy 2009, Government Report,” Prime Minister’s Office Publications 13/2009, 5 February 2009, p. 76, www.vnk.fi.

¹⁷⁷ *Ibid.*, p. 64.

¹⁷⁸ *Ibid.*, p. 76. This was also stated in a letter from Mari Männistö, Attaché, Unit for Arms Control, Ministry of Foreign Affairs, 26 February 2009. Similarly, a November 2008 media report said Finland will review its position on the convention “once studies on the capacity of the Finnish armed forces have been carried out, as well as studies on the existence, availability and cost of alternative systems.” “Disarmament: Finland refuses to sign cluster bomb ban,” *Europolitics*, 4 November 2008.

The Finnish government also stated in December 2009 that “the entry into force of the Oslo Convention and its effects will be monitored in line with the Government Report on Finnish Security and Defence Policy 2009.”¹⁷⁹

Finland has continued to show interest in the convention and attended the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010. It did not make any statements.

In July 2010, the 13 Finnish Members of the European Parliament voted seven to six in favor of a European Parliament resolution that was passed in support of the Convention on Cluster Munitions and that expressed concerns about work on cluster munitions in the Convention on Conventional Weapons (CCW).¹⁸⁰

Finland participated throughout the Oslo Process, from the first conference in Oslo in February 2007 through the formal negotiations in Dublin in May 2008. Finland consistently expressed reservations about the process and the convention text and was not supportive of a broad categorical ban on cluster munitions.¹⁸¹ While Finland joined the consensus to adopt the convention at the end of the negotiations, it did not make a commitment to sign the convention, stating that the text would have to be considered in capital.

In late October 2008, Finland announced that it would not sign the convention in Oslo in December 2008.¹⁸² Minister of Defense Jyri Häkämies stated that “cluster munitions play an important role in the credibility [and] autonomy...of Finnish defense.” The Finnish military claimed that due to costs and other factors it would not be possible to replace Finland’s stockpile of cluster munitions with alternative weapons within five to 10 years.¹⁸³ Finland has also cited security concerns over its border with Russia for its refusal to sign the convention.¹⁸⁴ Finland attended the Convention on Cluster Munitions Signing Conference in Oslo in December 2008 only as an observer.

Previously, in the context of Finland’s position on joining the Mine Ban Treaty, the Finnish Defense Force suggested replacing some of its national stockpiles of antipersonnel mines with cluster munitions.¹⁸⁵ In March 2010, however, an adviser in the Ministry of Defense stated that the ministry was now looking for different alternatives, and said that the Finnish media had oversimplified the issue of replacing antipersonnel mines with cluster munitions. He also noted that the Convention on Cluster Munitions will affect the availability of cluster munitions on the arms market.¹⁸⁶

Finland is the only European Union (EU) country not to have signed, ratified, or acceded to the Mine Ban Treaty. Finland has however stated its intention to join the treaty in 2012 and to destroy its stockpiles of antipersonnel mines by 2016.¹⁸⁷

Finland is party to CCW and its Protocol V on explosive remnants of war. Finland has been an active participant in and supporter of the work on cluster munitions in the CCW. In 2009 and the first half of 2010, Finland attended all meetings of the CCW on cluster munitions, but has not made public statements on its views of the draft text for a protocol under consideration.

In 2009, the Finnish Campaign to Ban Landmines organized an advocacy campaign to ban landmines and cluster munitions. This included a bus tour which visited more than 20 municipalities over six weeks. The campaign produced press and advocacy materials, including citizen petitions and letters to Members of Parliament and the President.¹⁸⁸

¹⁷⁹ Government Communications Unit, “Crisis Management in Afghanistan,” Press release no. 372/2009, 9 December 2009, formin.finland.fi.

¹⁸⁰ The resolution called for EU members to sign and ratify the Convention on Cluster Munitions, promote the convention to states not party, implement and provide assistance for the implementation of the convention, participate in the First Meeting of States Parties in Lao PDR, and not to support a protocol within the CCW that would be incompatible with the provisions of the Convention on Cluster Munitions. See, European Parliament, “Joint Motion for a Resolution,” 7 July 2010, www.europarl.europa.eu. Voting record available at www.votewatch.eu.

¹⁸¹ For details on Finland’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 202–204.

¹⁸² “Disarmament: Finland Refuses to Sign Cluster Bomb Ban,” *Europolitics*, 4 November 2008. In a February 2009 letter to Human Rights Watch, Finland said the decision was made by the President and the Cabinet Committee on Foreign and Security Policy. Letter from Mari Mannistö, Ministry of Foreign Affairs, 26 February 2009.

¹⁸³ “Disarmament: Finland refuses to sign cluster bomb ban,” *Europolitics*, 4 November 2008; and “Finland opts out of cluster munitions ban treaty,” *BBC Monitoring European*, 3 November 2008.

¹⁸⁴ “Why is Finland reluctant to ban cluster bombs?” *Mainichi Daily News*, 7 December 2008, mdn.mainichi.jp.

¹⁸⁵ See *Landmine Monitor Report 2007*, p. 821.

¹⁸⁶ Telephone interview with Pentti Olin, Ministry of Defense, 22 March 2010.

¹⁸⁷ See *Landmine Monitor Report 2009*, p. 913.

¹⁸⁸ Email from Laura Lodenius, Executive Chief, Peace Union of Finland, 18 March 2010.

Use, production, transfer, and stockpiling

According to the Ministry of Foreign Affairs, “Finland does not produce cluster munitions nor has is never [sic] used them.”¹⁸⁹ A Finnish company was set to co-produce cluster munitions with a Spanish company, but the deal was cancelled when Spain joined the Convention on Cluster Munitions.¹⁹⁰

In 2010, a Ministry of Defense official stated that information on the size and composition of Finland’s stockpile of cluster munitions was confidential.¹⁹¹ Finland has acknowledged possessing one type of cluster munition, the DM-662 155mm artillery projectile which contains 49 dual purpose improved conventional munition (DPICM) submunitions with back-up self-destruct fuzes.¹⁹²

In January 2006, the Dutch Ministry of Defense announced the transfer of 18 Multiple Launch Rocket System (MLRS) launchers to Finland.¹⁹³ It was reported that 400 M26 rockets (each containing 644 M77 DPICM submunitions) were to be included in the sale for qualification testing and conversion into training rockets.¹⁹⁴

Gabon

Policy

The Gabonese Republic has not acceded to the Convention on Cluster Munitions. It has not made a public statement on its cluster munition policy.

Gabon did not participate in the Oslo Process that resulted in the negotiation and signing of the convention, and has not attended any of the African regional or international diplomatic conferences on cluster munitions in 2009 and 2010 through July.

Gabon is party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), but has yet to ratify its Protocol V on explosive remnants of war. Gabon has not engaged in the CCW discussions on cluster munitions in recent years.

Gabon is not known to have ever used, produced, transferred, or stockpiled cluster munitions.

Georgia

Policy

Georgia has not acceded to the Convention on Cluster Munitions. Georgian officials, in an April 2010 letter to Landmine and Cluster Munition Monitor, stated, “The Georgian government has expressed its support to the spirit of the Mine Ban Treaty and the Cluster Munitions Convention, but the bitter reality on the ground with reference to the security situation in the region didn’t allow us to adjoin the mentioned conventions. Unfortunately the situation has not changed much and has even worsened security-wise that does not leave us any option other than to stay reluctant to join the conventions until the credible changes occur in the security environment of the region.”¹⁹⁵

Georgia attended the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, but did not make any statements.

¹⁸⁹ Letter from Mari Männistö, Ministry of Foreign Affairs, 26 February 2009.

¹⁹⁰ In 2005, a Spanish company announced that it was going to co-produce with the Finnish defense company Patria a 120mm mortar projectile with submunitions. In 2006, Patria advertised a 120mm mortar projectile that contains 21 submunitions. In May 2008, Finland said that it was in the process of acquiring cluster munitions from a Spanish manufacturer. However, there is no indication that a production line was ever opened up, and the deal was canceled in light of Spain’s decision to sign the Convention on Cluster Munitions. See Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 204.

¹⁹¹ Email from Pentti Olin, Ministry of Defense, 27 April 2010.

¹⁹² Email from Tiina Raijas, Ministry of Defense, 8 June 2005.

¹⁹³ Dutch Ministry of Defense, “Finland Receives Two MLRS Batteries,” Press release, 13 January 2006, translated by Defense-aerospace.com.

¹⁹⁴ Joris Janssen, “Dutch Plan to Update Cluster Weapons,” *Jane’s Defence Weekly*, 19 October 2005.

¹⁹⁵ Letter No. 8/37-02 from Amb. Giorgi Gorgiladze, Permanent Mission of Georgia to the UN in Geneva, 30 April 2010.

Georgia participated in a limited way in the Oslo Process that resulted in the negotiation and signing of the Convention on Cluster Munitions, attending the regional conference in Brussels in October 2007, the international conference in Vienna in December 2007, and the Convention on Cluster Munitions Signing Conference in December 2008 as an observer. It did not make any formal statements during any of these meetings.¹⁹⁶

Georgia is party to the Convention on Conventional Weapons (CCW) and ratified Protocol V on explosive remnants of war on 22 December 2008. Georgia has attended CCW sessions devoted to cluster munitions in recent years, but has rarely intervened.

Use, production, transfer, and stockpiling

Georgia is not known to have produced or exported cluster munitions. It inherited some air-dropped cluster bombs from the Soviet Union, but these appear to be obsolete and slated for destruction.¹⁹⁷ Georgia acquired 160mm surface-to-surface rockets equipped with cluster munition payloads from Israel in 2007.¹⁹⁸

Cluster munitions were used by both Georgian and Russian forces during their conflict in August 2008. On 31 August 2008, the Ministry of Defense acknowledged that the Georgian Armed Forces used cluster munitions against the Russian military near the Roki tunnel.¹⁹⁹ However, remnants of Georgian cluster munitions were also found by Human Rights Watch (HRW) in civilian areas in the north of Gori district, south of the South Ossetian administrative border.²⁰⁰

During these attacks, Georgian forces used M85 submunitions delivered by Mk.-4 160mm unguided surface-to-surface rockets, weapons that it bought pre-packaged from Israel. The Ministry of Defense said Georgia launched 24 volleys of 13 Mk.-4 rockets each.²⁰¹

During the conflict, Abkhazian and Russian forces moved into the upper Kodori Gorge and retook it from Georgian forces. Abkhazia has asserted that Georgia fired large numbers of cluster munitions with M095 submunitions from LAR-160 rockets in the Kodori Valley.²⁰² Landmine and Cluster Munition Monitor has not been able to independently investigate and confirm this information.

Cluster Munition Remnants

After the August 2008 conflict, HALO Trust conducted a survey in Georgia to identify the level of contamination. It estimated that some 37km² were contaminated with cluster munition remnants and other explosive remnants of war (ERW).²⁰³ HALO reported completion of clearance of unexploded submunitions in its tasked areas in December 2009.²⁰⁴ Norwegian People's Aid (NPA) completed clearance of its tasked areas in May 2010.²⁰⁵

Clearance of cluster munition remnants

In 2009, a total of 31.8km² of cluster munition contaminated area was cleared with the destruction of 2,126 submunitions.²⁰⁶

¹⁹⁶ For details on Georgia's cluster munition policy and practice up to early 2009, see HRW and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 205–207.

¹⁹⁷ In 2004 and 2007, Jane's Information Group reported that the Georgian Air Force had KMGU and RBK-500 cluster bombs, both of which can carry a variety of submunitions. The Georgian Ministry of Defense told HRW in February 2009 that it still has RBK-500 cluster munitions and BKF blocks of submunitions that are delivered by KMGUs, but that their shelf-lives have expired and they are slated for destruction. Then-First Deputy Minister of Defense Batu Kutelia said its air force planes are not fitted for delivering these air-dropped weapons. See, HRW and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 207.

¹⁹⁸ The transfer of the launchers was reported in: Submission of Georgia, UN Register of Conventional Arms, Report for Calendar Year 2007, 7 July 2008.

¹⁹⁹ Ministry of Foreign Affairs, "Response to Human Rights Watch inquiry about the use of M85 bomblets," 2 September 2008, georgiamfa.blogspot.com.

²⁰⁰ For more information, see HRW and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 206; and, HRW, "A Dying Practice: Use of Cluster Munitions by Russia and Georgia in August 2008," April 2009, p. 57, www.hrw.org. The Georgian Ministry of Defense said in February 2009 that it is investigating the possibility of "failure of the weapons system."

²⁰¹ "Some Facts," attachment to email from David Nardaia, Head, Analytical Department, Ministry of Defense, 18 November 2008. The rockets would have carried 32,448 M85 submunitions.

²⁰² Email from Maxim Gunjia, Deputy Foreign Minister of Abkhazia, 24 August 2009. See *Landmine Monitor Report 2009*, p. 1,159. The Deputy Foreign Minister provided photographs of submunitions and containers. The M095 is described as an M85-type submunition.

²⁰³ ERWCC, "Explosive Remnants of War Coordination Centre (ERWCC) in Facts and Figures," November 2009, p. 17, www.erwcc.org.ge.

²⁰⁴ HALO, "The HALO Trust completes cluster munitions clearance in Georgia — December 2009," www.halousa.org.

²⁰⁵ Email from Jonathon Guthrie, Programme Manager, NPA, 27 May 2010.

²⁰⁶ Emails from Andrew Moore, Caucasus and Balkans Desk Officer, HALO, 26 February 2010; Jonathon Guthrie, NPA, 19 March and 10 June 2010; Irakli Kochashvili, Deputy Head, International Relations and Euro-Atlantic Integration Department, Ministry of Defense, 31 March 2010; and Sulaiman Mukahhal, Support Manager/Assistant Program Coordinator, ERWCC/iMMAP, 1 July 2010. ERWCC/iMMAP notes that of the unexploded submunitions destroyed, 226 were destroyed by explosive ordnance disposal teams outside the defined contaminated area.

Greece

Policy

The Hellenic Republic (Greece) has not acceded to the Convention on Cluster Munitions.²⁰⁷ Officials have expressed on several occasions Greece's preference for pursuing an instrument on cluster munitions within the framework of the Convention on Conventional Weapons (CCW).²⁰⁸ In 2010, a Ministry of Foreign Affairs official said Greece favors the CCW because it views the CCW as containing the major users and producers of the weapon.²⁰⁹

Greece has also said it is hesitant to sign the Convention on Cluster Munitions because of the continued perception of the need to use cluster munitions for national defense, concerns regarding the stockpile destruction deadline and the costs of destruction, and the fact that others in the region are not ready to sign.²¹⁰

In July 2010, 15 of the 22 Greek Members of the European Parliament voted in favor (with five abstaining and two absent) of a European Parliament resolution that was passed in support of the Convention on Cluster Munitions and that expressed concerns about work in the CCW.²¹¹

Greece did not attend any of the regional or international diplomatic conferences on the Convention on Cluster Munitions in 2009 or 2010 through July.

Greece was not an active participant in the Oslo Process that resulted in the negotiation and signing of the convention, although it attended two of the international diplomatic conferences to develop the convention text. Greece attended the negotiations in Dublin in May 2008 and the Convention on Cluster Munitions Signing Conference in December 2008 only as an observer.

Greece is party to CCW, but has yet to ratify Protocol V on explosive remnants of war. Greece attended the first 2010 session and all 2009 sessions of the CCW Group of Governmental Experts (GGE) on cluster munitions, but did not make any statements. During the 2008 CCW sessions on cluster munitions, Greece stated that it considers an "adequate" transition period essential in order to support a future instrument.²¹²

Greece is a State Party to the Mine Ban Treaty.

Use, production, transfer, and stockpiling

Greece is not known to have used cluster munitions, but is a producer, importer, and stockpiler of the weapon. It is unclear if Greece has exported cluster munitions.²¹³

Hellenic Defence Systems S.A. (EBO-PYRKAL), also known as EAS, has produced two versions of the GRM-49 155mm artillery projectile with 49 dual purpose improved conventional munitions (DPICM) submunitions and the 107mm high explosive/improved conventional munition (HE/ICM) GRM20 mortar projectile containing 20 DPICM.²¹⁴

²⁰⁷ For details on Greece's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 207–208.

²⁰⁸ CMC meeting with George Petmezakis, First Secretary, Permanent Mission of Greece to the UN in Geneva, 15 April 2010; CMC meeting with Eleftherios Kouvaritakis, First Counsellor, Permanent Mission of Greece to the UN in New York, 10 September 2008; and, CMC, "Report on the Global Week of Action against Cluster Bombs, 29 May–4 June," www.stopclustermunitions.org.

²⁰⁹ CMC meeting with George Petmezakis, Permanent Mission of Greece to the UN in Geneva, 15 April 2010.

²¹⁰ CMC meeting with Eleftherios Kouvaritakis, Permanent Mission of Greece to the UN in New York, 10 September 2008. He also noted that US policy based on the elimination of cluster munitions in 2018 would influence Greece's thinking greatly.

²¹¹ The resolution called for European Union members to sign and ratify the Convention on Cluster Munitions, promote the convention to states not party, implement and provide assistance for the implementation of the Convention on Cluster Munitions, participate in the First Meeting of States Parties, and not to support a protocol within the CCW that would be incompatible with the provisions of the Convention on Cluster Munitions. See, European Parliament, "Joint Motion for a Resolution," 7 July 2010, www.europarl.europa.eu. Voting record available at www.votewatch.eu.

²¹² Statement of Greece, CCW GGE on Cluster Munitions, Geneva, 3 September 2008. Notes by Landmine Action.

²¹³ A UN explosive ordnance disposal team in the area of Melhadega in Eritrea identified and destroyed a dud M20G DPICM grenade of Greek origin in October 2004. UN Mission in Ethiopia and Eritrea Mine Action Coordination Center, "Weekly Update," Asmara, 4 October 2004, p. 4.

²¹⁴ Hellenic Defence Systems S.A., "Our Products," www.eas.gr. The Greek Powder and Cartridge Company (Pyrkal) was merged into EAS in 2004.

Greece has imported 203mm DPICM artillery projectiles, M26 Multiple Launch Rocket System (MLRS) rockets, and Rockeye bombs from the United States.²¹⁵ According to US export records, Greece also imported 4,008 CBU-55B cluster bombs at some point between 1970 and 1995.²¹⁶ Greece is the sole reported customer for the Autonomous Free Flight Dispenser System (AFDS), which disperses a variety of explosive submunitions, developed by General Dynamics (US) and LFK (Germany).²¹⁷ Jane's Information Group lists Greece as also possessing BLG-66 Belouga and CBU-71 cluster bombs.²¹⁸

In addition, Greece has imported DM-702 SMARt-155 sensor-fuzed munitions from Germany. These contain two submunitions but are not considered cluster munitions under the terms of the Convention on Cluster Munitions.²¹⁹

Grenada

Policy

Grenada has not yet acceded to the Convention on Cluster Munitions. Grenada has not made any public statement on cluster munitions, but in October 2009, a government representative told the CMC that a review of international treaties has resulted in a desire by the government to join the convention and said, "The will is there, but we have not been able to follow through yet."²²⁰

Grenada participated in the Regional Conference for Latin America and the Caribbean on Cluster Munitions in Santiago, Chile in September 2009, but not the International Conference on the Convention on Cluster Munitions, also held in Santiago, in June 2010.

Grenada participated in one of the regional meetings of the Oslo Process that created the convention, but did not engage in any of the international preparatory conferences or the formal negotiations in Dublin in May 2008.

Grenada is party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

Grenada is not believed to have used, produced, transferred, or stockpiled cluster munitions.

United States Navy aircraft dropped 21 Mk.-20 Rockeye cluster bombs on Grenada in close air support operations during the invasion of Grenada in October–November 1983.²²¹ According to a government official, the area where the cluster munitions were used is still regarded as dangerous by local inhabitants.²²²

Guyana

Policy

The Republic of Guyana has not yet acceded to the Convention on Cluster Munitions. In October 2009, Guyana attended an informal briefing convened by the United Kingdom to promote the convention with Commonwealth states, where its representative stated that Guyana expects to sign the convention in the future.²²³

Guyana did not participate in the Oslo Process that created the convention. It did not attend the Regional Conference for Latin America and the Caribbean on Cluster Munitions in Santiago, Chile in September 2009, or the International Conference on the Convention on Cluster Munitions, also held in Santiago, in June 2010.

Guyana is party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

Guyana is not believed to have used, produced, transferred, or stockpiled cluster munitions.

²¹⁵ The US sent 50,000 M509 203mm projectiles to Greece in 1996 under the Excess Defense Article program. Each M509A1 contains 180 M42/M46 DPICM. US Defense Security Cooperation Agency, "Excess Defense Articles," www.dsca.osd. For the M26, see US Defense Security Cooperation Agency news release, "Greece – M26A2 MLRS Extended Range Rocket Pods," Transmittal No. 06–47, 29 September 2006. For Rockeye bombs, see Colin King, ed., *Jane's Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane's Information Group Limited, 2008).

²¹⁶ US Defense Security Cooperation Agency, Department of Defense, "Cluster Bomb Exports under FMS, FY1970-FY1995," November 15, 1995, obtained by Human Rights Watch in a Freedom of Information Act request, November 28, 1995.

²¹⁷ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), pp. 365–367.

²¹⁸ Ibid, p. 839. The Belouga was produced by France, and the CBU-71 was produced by the US.

²¹⁹ Leland S. Ness and Anthony G. Williams, eds., *Jane's Ammunition Handbook 2007–2008* (Surrey, UK: Jane's Information Group Limited, 2007), p. 668. Greece may also have imported DPICM artillery projectiles from Germany.

²²⁰ Meeting with Michael Mitchell, Minister Counsellor, Permanent Mission of Grenada to the UN in New York, 15 October 2009. Notes by the CMC.

²²¹ US records state that this took place in November 1983. US Department of the Navy, Attack Squadron Fifteen, Memorandum from Commanding Officer, Attack Squadron Fifteen, to Chief of Naval Operations, "Command History: Enclosure 5, Ordnance Expenditure for 1983," 18 February 1984, declassified 28 April 2000, www.history.navy.mil.

²²² Meeting with Michael Mitchell, Permanent Mission of Grenada to the UN in New York, 15 October 2009. Notes by the CMC.

²²³ Meeting with Guy Pollard, Second Secretary, Permanent Mission of the UK to the UN in Geneva, Geneva, 20 October 2009.

India

Policy

The Republic of India has not acceded to the Convention on Cluster Munitions.

In April 2010, India reiterated that while it shares concerns about the humanitarian impact of the irresponsible use of cluster munitions, it considers the use of cluster munitions legitimate when done in accordance with international humanitarian law.²²⁴ It has called for “effective regulation rather than the prohibition on the use” of cluster munitions.²²⁵

India has expressed the view that the Convention on Cluster Munitions will create space in the international market for more advanced varieties of cluster munitions, forcing countries down an expensive path of adapting their cluster munition stocks.²²⁶

India did not participate in any of the Oslo Process diplomatic conferences in 2007 and 2008 that produced the convention, but did attend one regional meeting, the South East Asia Regional Conference in October 2008 in Lao PDR.²²⁷

India did not attend any of the regional or international diplomatic meetings related to the convention in 2009 or 2010 through July.

India is not party to the Mine Ban Treaty.

Convention on Conventional Weapons

India is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. India has been an active participant in CCW deliberations on cluster munitions in recent years.

India has asserted that a new protocol on cluster munitions in the CCW, one that strikes a proper balance of humanitarian and military concerns, and that has the participation of a large number of producing and stockpiling states, will make a real difference on the ground.²²⁸

During the deliberations, India has questioned the real humanitarian benefits of requirements related to accuracy and reliability and has insisted on the need for a phased approach with a transition period.²²⁹

Use, production, transfer, and stockpiling

Landmine and Cluster Munition Monitor has not been able to verify any use of cluster munitions by India. The size and precise content of India's stockpile of clusters munitions is not known.

The India Ordnance Factories produces and advertises for export 130mm and 155mm artillery projectiles containing dual purpose improved conventional munition (DPICM) submunitions, which are equipped with a self-destruct feature.²³⁰ These projectiles are the result of a transfer of production technology from Israel Military Industries and are produced at Khamaria Ordnance Factory near Jabalpur in Madhya Pradesh.²³¹

In addition to artillery projectiles, the Defence Research and Development Organization of the Ministry of Defence produces a cargo rocket containing anti-tank/anti-material submunitions for the 214mm Pinaka multi-barrel rocket system.²³² Other sources have claimed that warheads containing submunitions were developed for the Agni, Dhanush, and Prithvi missile systems.²³³

²²⁴ Statement of India, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 12 April 2010. Notes by AOAV.

²²⁵ Statement by Amb. Hamid Ali Rao, Permanent Mission of India, Conference on Disarmament, CCW GGE on Cluster Munitions, Geneva, 7 July 2008. He said that “until [cluster munitions] can be replaced by other alternatives which are cost effective and perform the required military tasks, [cluster munitions] will continue to find a place in military armories as both point target as well as area target weapons.”

²²⁶ Statement of India, CCW GGE on Cluster Munitions, Geneva, 14 April 2009. Notes by Landmine Action.

²²⁷ For more details on India's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 208–209.

²²⁸ Statements of India, CCW GGE on Cluster Munitions, Geneva, 12 and 14 April 2010. Notes by AOAV.

²²⁹ Statements of India, CCW GGE on Cluster Munitions, Geneva, 14 and 17 April 2009. Notes by Landmine Action.

²³⁰ The 130mm projectile contains 24 submunitions, and the 155mm projectile contains 49 submunitions. India Ordnance Factories, www.ofbindia.gov.in.

²³¹ “Ordnance Board to produce ‘cargo ammunition’ with Israeli company,” *The Hindu* (online edition), 6 August 2006, www.hindu.com.

²³² Leland S. Ness and Anthony G. Williams eds., *Jane's Ammunition Handbook 2007–2008* (Surrey, UK: Jane's Information Group Limited, 2007), p. 715.

²³³ Duncan Lennox, ed., *Jane's Strategic Weapons Systems 46* (Surrey, UK: Jane's Information Group Limited, January 2007), pp. 49–56, 85–87; and Duncan Lennox, ed., *Jane's Strategic Weapons Systems 42* (Surrey, UK: Jane's Information Group Limited, January 2005), pp. 85–87.

India has also imported cluster munitions. Jane's Information Group lists India as possessing KMG-U dispensers, and BL-755, BLG-66 Belouga, RBK-250, RBK-275, and RBK-500 cluster bombs.²³⁴ In February 2006, India bought 28 launch units for the Russian-produced 300mm Smerch Multiple Launch Rocket System fitted with dual-purpose and Sensor Fuzed Submunitions; it was the third export customer for the system.²³⁵

The United States announced in September 2008 that at the request of India, it was intending to sell 510 CBU-105 air-dropped Sensor Fuzed Weapons in an arms deal valued at as much as US\$355 million.²³⁶ According to the US Department of Defense, "India intends to use the Sensor Fuzed Weapons to modernize its armed forces and enhance its defensive ability to counter ground-armored threats."²³⁷ The US has attached a term to the transfer, in compliance with Public Law 110-161 (26 December 2008), which requires that the submunitions have a 99% or higher reliability rate and stipulates that "the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present."²³⁸

Iran

Policy

The Islamic Republic of Iran has not acceded to the Convention on Cluster Munitions. It has not made a public statement on its cluster munition policy.

Iran did not participate in the diplomatic Oslo Process that resulted in the negotiation and signing of the convention in 2008, nor has it attended any of the international or regional meetings on cluster munitions in 2009 or 2010 through July.

Iran is not party to the Mine Ban Treaty or the Convention on Conventional Weapons.

Iran is not known to have used cluster munitions, but has a stockpile. It has imported cluster munitions and may have produced them.

Jane's Information Group lists Iran as possessing KMG-U dispensers that deploy submunitions, PROSAB-250 cluster bombs, and BL-755 cluster bombs.²³⁹ Media reports indicate that in November 2006 it tested a domestically-produced version of the Shahab-2 missile capable of delivering 1,400 bomblets.²⁴⁰

Additionally, Iran possesses Grad 122mm surface-to-surface rockets, but it is not known if these include versions with submunition payloads.²⁴¹

According to one source, Iraq used air-dropped cluster bombs against Iranian troops in 1984 during their border war.²⁴²

According to a United States Navy document, on 18 April 1988, US Navy aircraft attacked Iranian Revolutionary Guard speedboats and an Iranian Navy ship with 18 Mk.-20 Rockeye bombs during Operation Praying Mantis.²⁴³

²³⁴ Robert Hewson, ed., *Jane's Air Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 840. While there is no information about specific transfers, the manufacturers are the United Kingdom (BL-755), France (BLG-66), and Russia/USSR (RBKs).

²³⁵ "India, Russia sign \$500 mn rocket systems deal," *Indo-Asian News Service* (New Delhi), 9 February 2006. Each Smerch rocket can carry five Sensor Fuzed Submunitions and either 72 or 646 dual-purpose, high explosive submunitions.

²³⁶ US Defense Security Cooperation Agency, Department of Defense, "India: CBU-105 Sensor Fuzed Weapons," Transmittal No. 08-105, Press release, 30 September 2008.

²³⁷ "Policy Justification" information provided with a letter from Vice Admiral Jeffrey A. Wieringa, Director of the US Defense Security Cooperation Agency, to Senator Robert C. Byrd, Chairman of the Senate Committee on Appropriations (USP012679), 26 September 2008.

²³⁸ Letter from Vice Admiral Jeffrey A. Wieringa to Senator Robert C. Byrd, 26 September 2008. The law prohibits the export of cluster munitions that do not have a 99% or higher reliability rate.

²³⁹ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 840.

²⁴⁰ Nasser Karimi, "Iran Test-Fires New Longer-Range Missile," *Associated Press* (Tehran), 2 November 2006.

²⁴¹ International Institute for Strategic Studies, *The Military Balance 2005–2006* (London: Routledge, 2005), p. 188; and Colin King, ed., *Jane's Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane's Information Group Limited, 2008).

²⁴² Anthony H. Cordesman and Abraham R. Wagner, *Lessons of Modern War Volume II: The Iran-Iraq War* (Boulder, Colorado: Westview Press, 1990), p. 210. The bombs were reportedly produced by Chile.

²⁴³ Memorandum from the Commanding Officer of the USS Enterprise (CVN-65) to the Director of Naval History (OP-09BH), "1988 Command History," 27 February 1989, p. 20.

Israel

Policy

The State of Israel has not acceded to the Convention on Cluster Munitions. In 2009, Israel stated that while it “shares the views of those states wishing to alleviate the humanitarian concerns that may be associated with the use of cluster munitions,” it “believes that this could be best achieved within the framework of the CCW [Convention on Conventional Weapons].” Israel said that it “welcomes and supports the ongoing negotiations” in the CCW “aimed at urgently addressing the humanitarian impact of cluster munitions. In Israel’s view, the CCW is the appropriate forum to negotiate such matters, one that has traditionally enjoyed the membership and expertise of relevant states.”²⁴⁴

Israel continued to engage actively in CCW deliberations on cluster munitions in 2009 and 2010. During the April 2010 session, in response to comments from Convention on Cluster Munitions supporters, Israel said that it was not its intention to see a CCW instrument be an interim transition to a total ban on cluster munitions.²⁴⁵

Israel did not participate at all in the diplomatic Oslo Process to develop and negotiate the Convention on Cluster Munitions in 2007 and 2008.²⁴⁶ It did not attend any of the international or regional diplomatic conferences related to the convention in 2009 or 2010 through July.

Israel had long been resistant to any new international restrictions or prohibitions on cluster munitions. From 2000, when the CCW first began discussing cluster munitions, until mid-2008, Israel opposed any new rules or regulations for states on the use of cluster munitions, insisting that existing international law was sufficient. In justifying its use of cluster munitions in Lebanon in July and August 2006, Israel stressed that it did so in conformity with international humanitarian law. It said, “Both international law and accepted practice do not prohibit the use of... ‘cluster bombs.’ Consequently, the main issue... should be the method of their use, rather than their legality.”²⁴⁷

Israel is not party to the Mine Ban Treaty. While Israel is party to CCW, it has not ratified Protocol V on explosive remnants of war.

Use

Israel used cluster munitions in 1973 in Syria against non-state armed group training camps near Damascus, in 1978 in south Lebanon, in 1982 in Lebanon against Syrian forces and non-state armed groups, and in 2006 in south Lebanon against Hezbollah.²⁴⁸

Israel fired cluster munitions containing some 4 million submunitions into south Lebanon in 2006. According to the UN, 90% of the cluster munitions were fired in the last 72 hours of the conflict.²⁴⁹ A spokesperson for the UN Mine Action Coordination Centre for Southern Lebanon (MACC SL) said Israel’s use of cluster munitions “was unprecedented and one of the worst, if not the worst, use of submunitions in history.”²⁵⁰ In January 2008, the Winograd Commission of inquiry appointed by the Israeli government reported that there was a lack of clarity regarding the acceptable or appropriate use of these weapons.²⁵¹

During the 2006 war between Israel and Hezbollah, Hezbollah fired over 100 Chinese made Type-81 122mm cluster munitions rockets into northern Israel.²⁵² Israel has said that it has cleared all known UXO from these cluster munition attacks.²⁵³

²⁴⁴ Letter from Rodica Radian-Gordon, Director, Arms Control Department, Ministry of Foreign Affairs, to Human Rights Watch (HRW), 23 February 2009.

²⁴⁵ Statement of Israel, CCW Group of Governmental Experts on cluster munitions, Geneva, 15 April 2010. Notes by AOAV.

²⁴⁶ For details on Israel’s cluster munition policy and practice through early 2009, see HRW and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 212–215.

²⁴⁷ Ministry of Foreign Affairs, “Behind the Headlines: Legal and operational aspects of the use of cluster bombs,” 5 September 2006, www.mfa.gov.il.

²⁴⁸ HRW, “Cluster Munition Information Chart,” April 2009, www.hrw.org. During the 1978 and 1982 Lebanon conflicts, the US placed restrictions on the use of its cluster munitions by Israel. In response to Israel’s use of cluster munitions in 1982 and the civilian casualties that they caused, the US issued a moratorium on the transfer of cluster munitions to Israel. The moratorium was lifted in 1988. HRW, “Flooding South Lebanon: Israel’s Use of Cluster Munitions in Lebanon in July and August 2006,” Vol. 20, No.2(E), February 2008, p. 26.

²⁴⁹ For details on Israel’s use of cluster munitions in Lebanon and its impact, see HRW, “Flooding South Lebanon: Israel’s Use of Cluster Munitions in Lebanon in July and August 2006,” Vol. 20, No.2(E), February 2008, p. 26; and, Landmine Action, “Foreseeable harm: the use and impact of cluster munitions in Lebanon: 2006,” October 2006, www.landmineaction.org.

²⁵⁰ UN Office for the Coordination of Humanitarian Affairs, “Lebanon: Deminers find new cluster bomb sites without Israeli data,” *IRIN*, 22 January 2008, quoting Dalya Farran, Spokesperson, MACC SL, www.reliefweb.int.

²⁵¹ Landmine Action, “Cluster Munitions: A survey of legal responses,” 2008, pp. 18–26, www.landmineaction.org.

²⁵² HRW, “Civilians Under Assault: Hezbollah’s Rocket Attacks on Israel in the 2006 War,” Vol. 19, No. 3(E), August 2007, pp. 44–48.

²⁵³ However, no systematic survey was conducted, nor was there any attempt to identify strikes that may have landed in the desert. HRW interview with the Commander of the National Police Bomb Squad, Ramla, 17 October 2006.

Production, transfer, and stockpiling

Israel has been a major producer and exporter of cluster munitions, primarily artillery projectiles and rockets containing the M85 dual purpose improved conventional munition (DPICM) submunition equipped with a back-up pyrotechnic self-destruct fuze. Israel Military Industries (IMI) produces, license-produces, and exports cluster munitions including artillery projectiles (105mm, 122mm, 130mm, 152mm, 155mm, 175mm, and 203mm), mortar bombs (120mm), and rockets (EXTRA, GRADLAR, and LAR-160).²⁵⁴

IMI has reportedly produced over 60 million M85 DPICM submunitions.²⁵⁵ IMI concluded licensing agreements in 2004 with companies in India (Indian Ordnance Factories) and the United States (Alliant Techsystems) to produce DPICM. Companies in Argentina (CITEFA), Germany (Rheinmetall), Romania (Romtecnica), Switzerland (RAUG), and Turkey (MKEK and Roketsan) have also assembled or produced these submunitions under license.²⁵⁶

Israel transferred four GRADLAR 122mm/160mm rocket launcher units to Georgia in 2007. Georgia has acknowledged using the launchers with 160mm Mk.-4 rockets, each containing 104 M85 DPICM submunitions, during its August 2008 conflict with Russia.²⁵⁷ Cluster munitions of Israeli origin have been reported in the stockpiles of Colombia.²⁵⁸

Israel has also produced several types of air-dropped cluster munitions. The Rafael Corporation is credited with producing the ATAP-300, ATAP-500, ATAP-1000 RAM, TAL-1, and TAL-2 cluster bombs, as well as the BARAD Helicopter Submunition Dispenser.²⁵⁹

Israel has imported cluster munitions from the US, including M26 rockets (each with 644 submunitions) for its Multiple Launch Rocket System (MLRS) launchers and 155mm M483A1 projectiles (each with 88 submunitions), both used in south Lebanon in 2006. The US has also supplied Rockeye cluster bombs (with 202 bomblets each) and CBU-58B cluster bombs (with 650 bomblets each).²⁶⁰

The size and composition of Israel's current stockpile of cluster munitions is not known. Additionally, it captured and possesses Grad 122mm surface-to-surface rocket launchers, but it is not known if the ammunition for these weapons includes versions with submunition payloads.²⁶¹

Cluster Munition Remnants

It is not known whether Israel remains affected by cluster munition remnants. According to the commander of the bomb squad of the National Police, all known strike locations of cluster munitions fired into Israel from Lebanon by Hezbollah 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.²⁶² Survivor Corps has claimed that Ktura Valley in Arava is contaminated by unexploded submunitions.²⁶³

²⁵⁴ Information on surface-launched cluster munitions produced and possessed by Israel is taken primarily from IMI's corporate website, www.imi-israel.com. It has been supplemented with information from Leland S. Ness and Anthony G. Williams, *Jane's Ammunition Handbook 2007–2008* (Surrey, UK: Jane's Information Group Limited, 2007) and US Defense Intelligence Agency, "Improved Conventional Munitions and Selected Controlled-Fragmentation Munitions (Current and Projected) DST-1160S-020-90."

²⁵⁵ Mike Hiebel, Alliant TechSystems, and Ilan Glickman, IMI, "Self-Destruct Fuze for M864 Projectiles and MLRS Rockets," Presentation to the 48th Annual Fuze Conference, Charlotte, North Carolina, 27–28 April 2004, Slide 9, www.dtic.mil.

²⁵⁶ HRW, "Flooding South Lebanon: Israel's Use of Cluster Munitions in Lebanon in July and August 2006," Vol. 20, No.2(E), February 2008, p. 27.

²⁵⁷ The transfer of the GRADLAR launchers was reported in UN Register of Conventional Arms, Submission of Georgia, UN Register of Conventional Arms, Report for Calendar Year 2007, 7 July 2008. The Georgian Ministry of Defense on 1 September 2008 admitted to using Mk.-4 rockets against Russian forces on its website. "Georgian Ministry of Defence's Response to the Human Rights Watch Inquire about the Usage of M85 Bomblets," www.mod.gov.ge.

²⁵⁸ The CMC has received information from Colombian military sources that Colombia stockpiled M971 120mm mortar projectiles produced by Israel, which contain 24 DPICM submunitions. Regional Conference for Latin America and the Caribbean on Cluster Munitions, Quito, 7 November 2008. Notes by the CMC.

²⁵⁹ Robert Hewson, ed., *Jane's Air Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), pp. 370–380.

²⁶⁰ HRW, "Flooding South Lebanon: Israel's Use of Cluster Munitions in Lebanon in July and August 2006," Vol. 20, No.2(E), February 2008, pp. 27–28.

²⁶¹ International Institute for Strategic Studies, *The Military Balance 2005–2006* (London: Routledge, 2005), p. 193; and Colin King, ed., *Jane's Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane's Information Group Limited, 2008).

²⁶² Human Rights Watch interview with the Commander of the National Police Bomb Squad, Ramla, Israel, 17 October 2006. See also Human Rights Watch, "Lebanon/Israel: Hezbollah Hit Israel with Cluster Munitions During Conflict," Press release, 18 October 2006, Jerusalem, www.hrw.org.

²⁶³ Survivor Corps, "Explosive Litter, Status Report on Minefields in Israel and the Palestinian Authority," Draft report, April 2010, p. 19 (Appendix I: Table of Mined Areas in Israel and West Bank).

Jordan

Policy

The Hashemite Kingdom of Jordan has not acceded to the Convention on Cluster Munitions. It has not provided an explanation for why it has not joined.

Jordan participated in the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, but did not make any statements. In a meeting with the CMC, the Jordanian delegation said the government is considering including the convention in its political agenda, and that it is a matter of when Jordan will join and not if it will join.²⁶⁴

At the end of May 2010, the CMC held a week of action to convince Jordan to sign the Convention on Cluster Munitions. The CMC wrote to King Abdullah II, noting that joining the convention would be consistent with Jordan's leadership on the Mine Ban Treaty and "powerful commitment to human security."²⁶⁵ On 25–26 May 2010, Handicap International hosted a victim assistance workshop in Amman, promoting the provisions in the Convention on Cluster Munitions.²⁶⁶

In March 2009, a diplomatic official told the CMC that Jordan considered the Convention on Cluster Munitions as the second most important disarmament treaty after the Mine Ban Treaty. She stated that in principle Jordan sees no impediment to joining, and said that relevant authorities in Amman were actively considering the convention.²⁶⁷

Jordan displayed early concern about the humanitarian impact of cluster munitions.²⁶⁸ It participated in the initial conference to launch the Oslo Process in February 2007 and at the end endorsed the Oslo Declaration, which committed states to conclude a new convention prohibiting cluster munitions in 2008. However, Jordan subsequently only attended one more major Oslo Process meeting, in Vienna in December 2007, where it did not make any statements. It did not attend even as an observer the formal negotiations in Dublin in May 2008.

Jordan is a State Party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), but has not ratified Protocol V on explosive remnants of war. Jordan has not engaged in CCW deliberations on cluster munitions in recent years.

Use, production, transfer, and stockpiling

Jordan is not believed to have used or produced cluster munitions, but it has imported them. The current status and content of Jordan's stockpile of cluster munitions is not known.

The United States transferred 31,704 artillery projectiles (M509A1, M483) containing over 3 million dual purpose improved convention munition (DPICM) submunitions to Jordan in 1995 as these were being phased out of the US inventory.²⁶⁹ According to US export records, Jordan also imported 200 CBU-71 and 150 Rockeye cluster bombs at some point between 1970 and 1995.²⁷⁰ Jordan is also reported to possess the Hydra-70 air-to-surface unguided rocket system, but it is not known if the ammunition types available to it include the M261 Multi-Purpose Submunition rocket.²⁷¹

Cluster Munition Remnants

There may be cluster munition remnants in remote areas of Jordan, as a result of the armed forces testing cluster munitions on firing ranges.²⁷² The National Committee for Demining and Rehabilitation (NCDR) has no data on the extent of possible contamination, but believes that it is not extensive. A NATO-funded explosive remnants of war survey initiated in September 2008 had recorded no findings of unexploded submunitions as of the end of June 2010.²⁷³

²⁶⁴ CMC meeting with the Jordanian delegation, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010. Notes by the CMC. The delegation noted that the process to join is first recommendation by the Ministry of Foreign Affairs, then ratification by the Parliament, then signature by the King.

²⁶⁵ Letter to His Majesty King Abdullah II of Jordan, 16 December 2009.

²⁶⁶ CMC, "Countdown to entry into force—Week 5: Jordan," 24 May 2010, www.stopclustermunitions.org.

²⁶⁷ CMC interview with Tamara Raqqad, Third Secretary, Jordanian Embassy in London, 4 March 2009. She indicated she had consulted with authorities in Jordan's capital about the issue.

²⁶⁸ For more details on Jordan's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 215–216.

²⁶⁹ US Defense Security Cooperation Agency, Department of Defense, "Excess Defense Article database," undated, www.dsca.osd.mil.

²⁷⁰ US Defense Security Cooperation Agency, "Cluster Bomb Exports under FMS, FY1970–FY1995."

²⁷¹ Colin King, ed., *Jane's Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane's Information Group Limited, 2008).

²⁷² See, for example, Dalya Dajani, "Mine action authority to tackle unexploded ordnance," *Jordan Times*, 22 January 2009, www.jordantimes.com; and email from Stephen Bryant, former Program Manager, Norwegian People's Aid, 2 February 2009.

²⁷³ Email from Muna Alalul, Head of International Relations, NCDR, 1 August 2010.

Kazakhstan

Policy

The Republic of Kazakhstan has not acceded to the Convention on Cluster Munitions. In its first official statement on the issue, Kazakhstan wrote to Landmine and Cluster Muniton Monitor in August 2010 that “Kazakhstan highly values the humanitarian focus of the Convention on Cluster Munitions, but at this stage does not consider its possible accession to the Convention.”²⁷⁴

It went on to state, “We proceed from the point that cluster munitions as weapons are not prohibited under international humanitarian law. Each State shall determine on the feasibility and timing of accession according to the interests of national security and their own economic potential.”²⁷⁵

Kazakhstan participated minimally in the Oslo Process—the diplomatic process that resulted in the development, negotiation, and signing of the convention. A representative from Kazakhstan’s embassy to the United Kingdom attended as an observer the formal negotiations in Dublin in May 2008, but made no statements. Kazakhstan did not attend any regional or international meetings on cluster munitions in 2009 or 2010 through July.

Kazakhstan became a party to the Convention on Conventional Weapons (CCW) in July 2009, but has not been involved in CCW discussions on cluster munitions. It has not joined CCW Protocol V on explosive remnants of war. It is not party to the Mine Ban Treaty.

In August 2010, Kazakhstan stated, “Currently, Kazakhstan does not produce and does not intend to produce and acquire cluster munitions in the medium term.”²⁷⁶ Kazakhstan is not known to have used, produced, or exported cluster munitions in the past.

It inherited a stockpile of cluster munitions from the Soviet Union. Jane’s Information Group reports that RBK-500 cluster bombs are in service with the country’s air force.²⁷⁷ It also possesses Grad 122mm and Uragan 220mm surface-to-surface rockets, but it is not known if these include versions with submunition payloads.²⁷⁸ Kazakhstan has stated that it “cannot be a source of proliferation of cluster munitions” because it has “an effective system of export control of arms.”²⁷⁹

Kiribati

Policy

Kiribati has not yet acceded to the Convention on Cluster Munitions. Kiribati did not participate in the Oslo Process and has never attended a meeting on cluster munitions or made a public statement on this issue.

Kiribati is a party to the Mine Ban Treaty and during the treaty’s Second Review Conference in Colombia in November–December 2009, the Kiribati representative said that he would follow up on the question of the government joining the Convention on Cluster Munitions.²⁸⁰

Kiribati is not party to the Convention on Conventional Weapons.

Kiribati is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

In August 2008, an Australian Defence Force joint task force deployed to Kiribati in response to a request from the government of Kiribati to assist in the disposal of UXO from World War II.²⁸¹ Betio and South Tarawa, where the Battle of Tarawa was fought on 20 November 1943, are particularly affected by UXO, but presumably not cluster munition remnants.²⁸²

²⁷⁴ Letter No. 10-2/2176 from A. Tanalinov, Head, Division of International Security, Ministry of Foreign Affairs, 1 August 2010.

²⁷⁵ Ibid.

²⁷⁶ Ibid.

²⁷⁷ Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), p. 841.

²⁷⁸ International Institute for Strategic Studies, *The Military Balance 2005–2006* (London: Routledge, 2005), p. 240.

²⁷⁹ Letter No. 10-2/2176 from A. Tanalinov, Ministry of Foreign Affairs, 1 August 2010.

²⁸⁰ ICBL meeting with Tawaria Komwenga, Desk Officer, Multilateral Affairs, Ministry of Foreign Affairs and Immigration, in Cartagena, December 2009.

²⁸¹ Australia Department of Defence, “Operation Kiribati Assist,” www.defence.gov.au.

²⁸² The government has stated that Kiribati is not believed to be affected by antipersonnel mines. Statement of Kiribati, Second Review Conference of the Mine Ban Treaty, Cartagena, 4 December 2009.

Democratic People's Republic of Korea

Policy

The Democratic People's Republic of Korea (North Korea) has not acceded to the Convention on Cluster Munitions. It has not made a public declaration regarding its cluster munition policy.

North Korea did not participate at all in the diplomatic Oslo Process that resulted in the negotiation and signing of the convention in 2007 and 2008. It has not attended any subsequent diplomatic meetings related to cluster munitions.

North Korea is not party to the Mine Ban Treaty or the Convention on Conventional Weapons

Jane's Information Group lists North Korea as producing and stockpiling submunition warheads for 122mm, 170mm, and 240mm rockets. Jane's Information Group also cites the North Korean air force as possessing KMG-U dispensers (which deploy submunitions), RBK-500 cluster bombs, and unspecified types of anti-armor and anti-runway cluster bombs.²⁸³

North Korea is not known to have used or exported cluster munitions.

Republic of Korea

Policy

The Republic of Korea (South Korea) has not acceded to the Convention on Cluster Munitions.

In October 2009, it said, "The Republic of Korea fully recognizes the need to reduce humanitarian suffering caused by cluster munitions and supports international efforts to address the problems associated with the use of cluster munitions.... However, due to the unique security situation on the Korean peninsula, my government is unable to take an active stance on the Convention on Cluster Munitions which bans the use of all cluster munitions."²⁸⁴

It continued, "Meanwhile, the Republic of Korea will continue to participate actively in consultations on cluster munitions within the framework of the CCW [Convention on Conventional Weapons], with an aim to concluding a CCW Protocol on Cluster Munitions which strikes an appropriate balance between humanitarian concerns and military needs."²⁸⁵

South Korea continues to maintain that cluster munitions are legitimate weapons that are "efficient...in deterring enemy attacks."²⁸⁶

In August 2008, the Ministry of National Defense adopted a new directive requiring that in the future it only acquire cluster munitions with self-deactivation devices and a 1% or lower failure rate. The directive also recommends "the development of alternative weapon systems which could potentially replace cluster munitions in the long run."²⁸⁷

Until the launch of the Oslo Process that resulted in the Convention on Cluster Munitions, South Korea was remained opposed to addressing the issue within the framework of the CCW.²⁸⁸ In more recent years, South Korea has maintained that the CCW is the most appropriate forum for work on cluster munitions.

South Korea did not participate in any of the Oslo Process diplomatic conferences in 2007 and 2008. It attended as an observer the signing conference in Oslo in December 2008, where it stated, "We value the intent of the [convention], but considering the current relations between the North and the South, we can't sign it."²⁸⁹

South Korea did not attend any of the regional or international diplomatic meetings related to the convention in 2009 or 2010 through July.

²⁸³ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 841; and Terry J. Gander and Charles Q. Cutshaw, eds., *Jane's Ammunition Handbook 2001–2002* (Surrey, UK: Jane's Information Group Limited, 2001).

²⁸⁴ Republic of Korea, "Explanation of Vote on L. 16, UN General Assembly, 64th Session, First Committee," New York, 11 October 2009.

²⁸⁵ Ibid.

²⁸⁶ Statement by Amb. Dong-hee Chang, Permanent Representative of the Republic of Korea to the Conference on Disarmament, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 14 January 2008.

²⁸⁷ Republic of Korea, "Explanation of Vote on L. 16, UN General Assembly, 64th Session, First Committee," New York, 11 October 2009. See also, statement of the Republic of Korea, CCW Meeting of States Parties, Geneva, 13 November 2008; and Republic of Korea, "Explanation of Vote on Cluster Munitions," UN General Assembly, First Committee, New York, 30 October 2008.

²⁸⁸ For more details on South Korea's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 217–219.

²⁸⁹ "Facing military confrontation, South Korea clings to cluster munitions," *Mainichi Daily News*, 8 December 2008, mdn.mainichi.jp.

South Korea is party to the CCW, and ratified its Protocol V on explosive remnants of war on 23 January 2008. South Korea has participated regularly in CCW deliberations on cluster munitions. In 2010, it has expressed general support for the draft text under consideration. It has stressed the need for a lengthy transition period in any future CCW protocol before restrictions and other obligations take effect.²⁹⁰

South Korea is not party to the Mine Ban Treaty.

Use, production, transfer, and stockpiling

South Korea has stated on several occasions that it has never used cluster munitions.²⁹¹ It is, however, a known producer, importer, exporter, and stockpiler of the weapon.

The Ministry of National Defense has said that “South Korea stopped production of old types of cluster munitions,” and “cluster munitions currently in production have a high level of reliability and most are equipped with [self-destruct] mechanisms.”²⁹² As noted above, in 2008 South Korea issued a directive requiring that in the future it only acquire cluster munitions with self-deactivation mechanisms and a 1% or lower failure rate.²⁹³

The United States concluded a licensing agreement with South Korea in 2001 for production of dual purpose improved conventional munition (DPICM) submunitions for Multiple Launch Rocket System (MLRS) rockets.²⁹⁴

Two companies in South Korea, Hanwha and Poongsan, produce cluster munitions.²⁹⁵ Hanwha has acknowledged that it has produced MLRS with 2.75 inch (70mm) Multi-Purpose Submunition rockets, as well as KCBU-58B cluster bombs.²⁹⁶ In March 2008, Hanwha apparently exported an unknown quantity of M261 Multi-Purpose Submunition rockets (each containing nine M73 submunitions) to Pakistan.²⁹⁷

Poongsan's website has advertised a 155mm projectile containing 88 submunitions designated DP-ICM TP, and another 155mm projectile with submunitions designated DP-ICM K305.²⁹⁸ In April 2009, Poongsan listed among its products the following two types of 155mm artillery projectiles that contain submunitions: K308 DP-ICM TP containing 88 K224 submunitions, and K310 DP-ICM B/B containing 49 K221 submunitions.²⁹⁹

Poongsan entered into a licensed production agreement with Pakistan Ordnance Factories in November 2004 to co-produce K310 155mm extended-range (base bleed) DPICM projectiles in Pakistan at Wah Cantonment. While the ammunition is primarily being produced for Pakistan's army, the two firms will also co-market the projectiles to export customers.³⁰⁰

According to the report “Worldwide Investments in Cluster Munitions: a shared responsibility,” 17 Korean financial entities are involved in investments in manufacturers of cluster munitions. Both Hanwha and Poongsan are invested in by 16 Korean financial entities, 10 US financial entities, three in the United Kingdom and one each in both Canada and Switzerland.³⁰¹

South Korea has imported a variety of cluster munitions from the US. It is known to possess M26 rockets, M26A1 extended range rockets and ATACMS missiles for its MLRS launchers. Between 1993 and 1999, the US provided 393 M26A1 Extended Range rocket pods, 271 M26 rocket pods, 111 ATACMS-1 missiles, and 111 ATACMS missiles.³⁰² South Korea also stockpiles several artillery projectiles with DPICM submunitions (M483A1, M864, and M509A1) imported

²⁹⁰ Statements of the Republic of Korea, CCW GGE on Cluster Munitions, Geneva, 13 and 14 April 2010. Notes by AOA. See also, statement of the Republic of Korea, CCW GGE on Cluster Munitions, Geneva, 4 November 2008. Notes by Landmine Action.

²⁹¹ Statement by Amb. Dong-hee Chang, CCW GGE on Cluster Munitions, Geneva, 7 July 2008. Earlier, the ambassador said, “What should be noted here is that we have never used that weapon system in the real battlefield, and have never caused any harm to civilians.” Statement by Amb. Dong-hee Chang, CCW GGE on Cluster Munitions, Geneva, 14 January 2008.

²⁹² Communication from the Ministry of National Defense through the Permanent Mission of the Republic of Korea to the UN in Geneva, to Pax Christi Netherlands, 3 June 2005.

²⁹³ Republic of Korea, “Explanation of Vote on L. 16, UN General Assembly, 64th Session, First Committee,” New York, 11 October 2009.

²⁹⁴ Notification to Congress pursuant to Section 36(c) and (d) of the Arms Export Control Act, Transmittal No. DTC 132–00, 4 April 2001, www.pmdtc.state.gov.

²⁹⁵ Both companies were excluded from investment under the Norwegian Petroleum Fund's ethical guidelines for producing cluster munitions, Poongsan in December 2006 and Hanwha in January 2008. For more details on production by these companies, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 219.

²⁹⁶ Norwegian Ministry of Finance, “Recommendation on exclusion of the companies Rheinmetall AG and Hanwha Corp.,” 15 May 2007, www.regjeringen.no. MLRS are ground rocket systems. The 2.75 inch rockets are usually fired from helicopters. The MKCBU-58B is an air-dropped cluster bomb.

²⁹⁷ See Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 219.

²⁹⁸ Letter from Council on Ethics for the Norwegian Government Pension Fund–Global, to the Norwegian Ministry of Finance, “Recommendation of 6 September 2006,” 6 September 2006, www.regjeringen.no.

²⁹⁹ Poongsan, “Defence Products, Howitzer Ammunition,” www.poongsan.co.kr.

³⁰⁰ “Pakistan Ordnance Factory, S. Korean Firms Sign Ammunition Pact,” *Asia Pulse* (Karachi), 24 November 2006.

³⁰¹ IKV Pax Christi and Netwerk Vlaanderen, “Worldwide Investments in Cluster Munitions: a shared responsibility,” April 2010, pp.17–21.

³⁰² Data from US Defense Security Cooperation Agency, Department of Defense, “Notifications to Congress of Pending U.S. Arms Transfers,” “Foreign Military Sales,” “Direct Commercial Sales,” and “Excess Defense Articles” databases, www.dsca.osd.mil. M26 rockets each contain 644 submunitions, and there are six rockets to a pod. M26A1 rockets have 518 submunitions each. ATACMS 1 missiles have 950 submunitions each.

from the US.³⁰³ In 2001, the US supplied South Korea with 16 each of the following cluster bombs: CBU-87, CBU-97, CBU-103, and CBU-105.³⁰⁴ Jane's Information Group lists it as possessing CBU-87 and Rockeye cluster bombs.³⁰⁵

The current size and content of South Korea's stockpile of cluster munitions is not known. In 2005, South Korea's Ministry of National Defense acknowledged that it "maintains stockpiles of old types of cluster munitions with a high failure rate" and stated, "There are currently no plans to upgrade these holdings.... Equipping old types of submunitions with [self-destruct] mechanisms is not considered feasible due to technical and financial problems."³⁰⁶

Kuwait

Policy

The State of Kuwait has not acceded to the Convention on Cluster Munitions. It has not yet made a clear statement regarding its cluster munition policy. In December 2009, officials said that Kuwait was looking at the issue of joining the convention.³⁰⁷

Kuwait participated in several of the Oslo Process diplomatic conferences to develop the convention, including the Belgrade Conference for States Affected by Cluster Munitions in October 2007, the Vienna Conference on Cluster Munitions in December 2007, and the Wellington Conference on Cluster Munitions in February 2008.³⁰⁸ It endorsed the Wellington Declaration, indicating its intention to participate fully in formal negotiations of an instrument to prohibit cluster munitions.

Kuwait subsequently chose to attend the Dublin negotiations in May 2008 only as an observer, and thus did not adopt the convention along with the 107 full participants. It did not attend the Convention on Cluster Munitions Signing Conference in Oslo in December 2008. It has not attended any regional or international cluster munition meetings in 2009 or 2010 through July.

Kuwait became a State Party to the Mine Ban Treaty on 1 January 2008. It is not a party to the Convention on Conventional Weapons.

Kuwait is not believed to have used, produced, or exported cluster munitions, but it has stockpiles. In 1995, Kuwait was the first export customer for the Russian produced Smerch 300mm multiple launch rocket system fitted with dual purpose and sensor-fuzed submunitions, buying 27 launch units.³⁰⁹

Cluster Munition Remnants

Kuwait remains affected by cluster munitions, which were used extensively during the 1991 Gulf War, especially by United States forces, but also by British and French forces. The precise extent of contamination is not known, although unexploded submunitions continue to be found occasionally.

Clearance of cluster munition remnants

From the end of the conflict in 1991 through December 2002, 108 tons (108,000kg) of cluster munitions were discovered and destroyed by mine clearance and explosive ordnance disposal teams in Kuwait.³¹⁰ In 2002, more than a decade after the fighting stopped, 2,400 submunition duds were detected and destroyed. These included: M42/M46/M77 (dual purpose improved conventional munition, DPICM); Mk-118 (Rockeye); BLU-61A/B; BLU-77B; BLU-97 (CBU-87); and Belouga (a French airdropped cluster munition). Almost 20% of submunition duds found in 2002 were from Rockeye air-dropped bombs.³¹¹

³⁰³ M483A1 shells have 88 submunitions, M864 have 72 submunitions.

³⁰⁴ US Defense Security Cooperation Agency, "Republic of Korea—F-15E/K Aircraft Munitions and Avionics," Press release, 15 February 2001, www.dsca.mil. It also provided 45 AGM-54 JSOW bombs, but it is not known if these were the version with submunitions.

³⁰⁵ Robert Hewson, ed., *Jane's Air Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 841. CBU-87 bombs have 202 submunitions, and Rockeye cluster bombs have 247 submunitions.

³⁰⁶ Communication from the Ministry of National Defense through the Permanent Mission of the Republic of Korea to the UN in Geneva, to Pax Christi Netherlands, 3 June 2005.

³⁰⁷ ICBL meeting with the Kuwaiti delegation to the Second Review Conference of the Mine Ban Treaty, Cartagena, 30 November–4 December 2009.

³⁰⁸ For details on Kuwait's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 220.

³⁰⁹ "Kuwait to get smart submunitions for Smerch MRL," *Jane's Defence Weekly*, 21 April 1995.

³¹⁰ Kuwait Ministry of Defense, Headquarters Land Forces Command, "Monthly Ammunition and Explosive Destroyed/Recovery Report," Annex A, 21 December 2002.

³¹¹ Ibid. According to the same document, a similar number of cluster munitions were cleared in 2001.

Kyrgyzstan

Policy

The Kyrgyz Republic has not acceded to the Convention on Cluster Munitions. In April 2010, the Ministry of Foreign Affairs told Landmine and Cluster Munion Monitor that adherence to the convention “is actually under consideration.”³¹²

Kyrgyzstan did not participate in any of the regional or international meetings on cluster munitions in 2009 or 2010 through July.

Kyrgyzstan participated in the work of the Oslo Process that led to the creation of the convention. It attended two of the international diplomatic conferences to develop the convention text, in Vienna in December 2007 and Wellington in February 2008. At the conclusion of the Wellington Conference on Cluster Munitions, Kyrgyzstan made a statement welcoming progress made during the meeting and expressed its support for the Oslo Process and intention to continue to participate in its work. It endorsed the Wellington Declaration, which enabled states to be full participants in the negotiations on the convention text in Dublin in May 2008.³¹³ Kyrgyzstan attended the negotiations, but did not express its views on the text.

While Kyrgyzstan was among the 107 countries that adopted the convention text in Dublin, it did not sign the convention in Oslo in December 2008. Prior to the signing ceremony, Kyrgyz officials informed the CMC that they were still studying the convention text.³¹⁴

Kyrgyzstan is not party to the Mine Ban Treaty or the Convention on Conventional Weapons.

The Ministry of Foreign Affairs declared in April 2010 that Kyrgyzstan has never used, produced, transferred, or stockpiled cluster munitions.³¹⁵

Latvia

Policy

The Republic of Latvia has not acceded to the Convention on Cluster Munitions. It has consistently stated its preference for work on the issue of cluster munitions in the forum of the Convention on Conventional Weapons (CCW).

Latvia participated in the first conference of the Oslo Process, that led to the negotiation and signing of the convention, held in Oslo in February 2007. During the conference, Latvia was among a handful of states that expressed concerns about the possible impact of the Oslo Process on work on cluster munitions in the CCW.³¹⁶ While it endorsed the Oslo Declaration calling for a prohibition on cluster munitions that cause unacceptable harm to civilians, Latvia stated that it would have liked to have seen a direct reference to the CCW in the text of the declaration.³¹⁷

Latvia attended only one of the subsequent international conferences to develop the convention text—in Vienna in December 2007. It also attended the European Regional Conference on Cluster Munitions in Brussels in October 2007. Latvia did not endorse the Wellington Declaration, which enabled countries to fully participate in the formal negotiations of the convention. Latvia then attended only as observer both the negotiations in Dublin in May 2008 and the Convention on Cluster Munitions Signing Conference in Oslo in December 2008.

In March 2010, Latvia informed Landmine and Cluster Munion Monitor that due to the effects of the economic crisis and the political environment in Latvia, a number of internal coordination procedures, including the one on Latvia possibly joining the Convention on Cluster Munitions, had been stopped temporarily. Elections are scheduled for October 2010 after which time the new government may be able to resume consideration of issues that have been put on hold.³¹⁸

In April 2010, a senior Foreign Affairs official stated, “The entry into force of the Oslo Convention is an important event in the international humanitarian law as it stigmatizes the weapon in a number of countries. Latvia believes this achievement will serve as a catalyst for the efforts to agree on the strongest possible instrument within a much broader framework of the [CCW]..... In our view, the essential element is the universality of such a new legally binding instrument that may be achieved by including states producers and users of this weapon.... Latvia regards the United Nations and the

³¹² Letter No. 011-14/809 from the Ministry of Foreign Affairs of the Kyrgyz Republic, 30 April 2010.

³¹³ Statement of Kyrgyzstan, Wellington Conference on Cluster Munitions, 22 February 2008. Notes by the CMC.

³¹⁴ Email from Laura Cheeseman, Campaigning Officer, CMC, 12 December 2008.

³¹⁵ Letter No. 011-14/809 from the Ministry of Foreign Affairs of the Kyrgyz Republic, 30 April 2010.

³¹⁶ Katherine Harrison, “Report from the Oslo Conference on Cluster Munitions, 23–25 February 2007,” WILPF, March 2007, p. 6.

³¹⁷ Statement of Latvia, Oslo Conference on Cluster Munitions, 23 February 2007. Notes by the CMC/WILPF.

³¹⁸ Email from Amb. Jānis Kārklīš, Ministry of Foreign Affairs, 16 March 2010.

respective work of the Group of Governmental Experts of CCW as an adequate multilateral forum to deal with this issue. Latvia is committed to provide all its support to the efforts of the United Nations until the intended result is achieved.”³¹⁹

Latvia has not been notably active in CCW discussions on cluster munitions in 2009 and 2010, but it served as chair of the Group of Governmental Experts (GGE) on cluster munitions in 2007.³²⁰

Latvia ratified CCW Protocol V on explosive remnants of war on 16 September 2009. Latvia is also a State Party to the Mine Ban Treaty.

In July 2010, seven of the eight Latvian Members of the European Parliament voted in favor of a European Parliament resolution in support of the Convention on Cluster Munitions.³²¹

In May–June 2009, during the activities taking place across 58 nations during the Global Week of Action against cluster munitions, CMC member organizations Handicap International (HI) Belgium, HI France, HI Germany, and IKV Pax Christi targeted the Foreign Minister of Latvia as part of a letter writing action urging non-signatory NATO countries to sign the convention.³²²

In April 2010, a Foreign Affairs official confirmed that Latvia has “never used, produced, stockpiled, or transferred cluster munitions.”³²³

Libya

Policy

The Great Socialist People’s Libyan Arab Jamahiriya has not acceded to the Convention on Cluster Munitions. It has not made a clear statement of its cluster munition policy.

Libya did not participate in any of the international preparatory meetings to develop the text of the convention, but did attend two regional conferences promoting it and endorsed declarations supporting the ban convention.³²⁴ Libya chose to attend the formal negotiations in Dublin in May 2008 only as an observer, and thus did not join the 107 full participants in adopting the convention.

Libya attended the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa in March 2010, but did not attend the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

Libya is not a party to the Mine Ban Treaty or the Convention on Conventional Weapons.

Use, production, transfer, and stockpiling

Libya has used cluster munitions in the past and is believed to possess a stockpile, although the current status and composition of the stockpile are unknown. Libya is not thought to have produced or exported cluster munitions.

Libyan forces used aerial cluster bombs, likely RBK bombs of Soviet/Russian origin, containing AO-1Sch and PTAB-2.5 submunitions at various locations during its intervention in Chad during the 1986–1987 conflict.³²⁵ Jane’s Information Group lists Libya as possessing KMG-U dispensers (which deploy submunitions) and RBK-500 aerial cluster bombs, again presumably of Soviet/Russian origin.³²⁶

³¹⁹ Letter No. 32/112-1697 from Kaspars Ozolins, Director, Security Policy Department, Ministry of Foreign Affairs, 23 April 2010.

³²⁰ Latvia attended the 2009 Meeting of States Parties of the CCW and the 2009 and April 2010 sessions of the GGE on cluster munitions, but did not make any statements in its national capacity.

³²¹ The resolution calls for European Union members to sign and ratify the Convention on Cluster Munitions, promote the convention to states not party, implement and provide assistance for the implementation of the Convention on Cluster Munitions, participate in the First Meeting of States Parties in Lao PDR, and not to support a protocol within the CCW that would be incompatible with the provisions of the Convention on Cluster Munitions. See, European Parliament, “Joint Motion for a Resolution,” 7 July 2010, www.europarl.europa.eu. Voting record available at www.votewatch.eu.

³²² CMC, “Report on the Global Week of Action against Cluster Bombs, 29 May–4 June,” www.stopclustermunitions.org.

³²³ Letter No. 32/112-1697 from Kaspars Ozolins, Ministry of Foreign Affairs, 23 April 2010.

³²⁴ At the Livingstone Conference on Cluster Munitions in April 2008, Libya endorsed the Livingstone Declaration, which called on African states to support the negotiation of a “total and immediate” prohibition on cluster munitions. At the Kampala Conference on the Convention on Cluster Munitions in September 2008, Libya endorsed the Kampala Action Plan, which called on all African states to sign and ratify the convention as soon as possible. For more details on Libya’s cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 220–221.

³²⁵ *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: Handicap International, 2007), p. 48.

³²⁶ Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), p. 842.

On 25 March 1986, United States Navy aircraft attacked Libyan ships using Mk-20 Rockeye cluster bombs in the Gulf of Sidra. On the night of 14–15 April 1986, US Navy aircraft dropped 60 Rockeye bombs on the airfield at Benina.³²⁷

Cluster Munition Remnants

The extent of residual contamination from cluster munition remnants is not known. On 27 November 2009, a commercial oil company survey crew in Libya found remnants of a German World War II-era “butterfly bomb” (an early version of a cluster bomb). Subsequently, an explosive ordnance disposal (EOD) expert identified six more such cluster munition remnants.³²⁸

Malaysia

Policy

Malaysia has not acceded to the Convention on Cluster Munitions. In March 2010, a Ministry of Defense spokesperson told Landmine and Cluster Munition Monitor that Malaysia was in the process of formulating its policy toward the convention.³²⁹

Malaysia did not attend the first two diplomatic conferences of the Oslo Process in the first half of 2007, but participated in the international treaty preparatory conferences in Vienna in December 2007 and Wellington in February 2008. At the Wellington conference, it expressed support for a complete prohibition on cluster munitions without exceptions. It endorsed the Wellington Declaration, which committed states to negotiate a convention banning cluster munitions on the basis of the existing text. Malaysia participated in the formal negotiations in Dublin in May 2008. It was one of 107 states that adopted the convention text at the end of the negotiations, but was absent from the Convention on Cluster Munitions Signing Conference in Oslo in December 2008.

Malaysia subsequently attended the Special Event on the Convention on Cluster Munitions at the UN in New York in March 2009 to promote the convention. It also participated in the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in Bali, Indonesia in November 2009.

Malaysia is a State Party to the Mine Ban Treaty. Malaysia is not party to the Convention on Conventional Weapons (CCW). It has occasionally attended as an observer the CCW deliberations on cluster munitions in recent years.

Malaysia is not believed to have used, produced, or exported cluster munitions. It is uncertain if Malaysia has a stockpile.³³⁰ During a March 2010 mission to Malaysia by Landmine and Cluster Munition Monitor, officials would neither confirm nor deny the existence of a stockpile of cluster munitions.³³¹

Malaysia possesses Brazilian-made Astros rocket launchers, but it is not known if this includes variants that contain submunition payloads.³³² It is also reported to possess the Hydra-70 air-to-surface unguided rocket system, but it is not known if the ammunition types available to it include the M261 Multi-Purpose Submunition Rocket.³³³

³²⁷ Daniel P. Bolger, *Americans at War: 1975–1986, An Era of Violent Peace* (Novato, CA.: Presidio Press, 1988), p. 423.

³²⁸ Daily report by Jan-Ole Robertz, EOD Technical Advisor, Countermine Libya, 27 November 2009.

³²⁹ Interview with Col. Abdul Rahim Sebeli, Principal Assistant Secretary, Policy Division, Ministry of Defense, Kuala Lumpur, 12 March 2010.

³³⁰ On 18 March 2009, Human Rights Watch (HRW) wrote to the Malaysian Minister of Foreign Affairs asking for clarification on whether or not Malaysia possessed a stockpile of cluster munitions. The letter noted that a news article in *Berita Harian Online* included an undated photo of a member of the Royal Malaysian Air Force with a CB-250K cluster bomb produced by Chile. The accompanying caption indicated that the soldier was offering an explanation of the weapon’s function and suggests the weapon is part of the air force’s arsenal. HRW did not receive a response. However, Malaysian officials told Landmine and Cluster Munition Monitor in March 2010 that a reply had been sent to HRW, stating that the cluster bomb in the photo was only a mock version. The news article is available at www.bharian.com.my.

³³¹ Interview with Ministry of Defense officials, Kuala Lumpur, 12 March 2010. One official did note that he had previously asked a CMC campaigner why Malaysia was not on the CMC list of countries which stockpile cluster munitions.

³³² Submission of Brazil, UN Register of Conventional Arms, Report for Calendar year 2002, 28 April 2004. It reported the transfer of 12 launch units. The Arms Transfers Database of the Stockholm International Peace Research Institute notes that the US\$300 million deal was signed in 2007, and deliveries began in 2009.

³³³ Colin King, ed., *Jane’s Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane’s Information Group Limited, 2008).

Maldives

Policy

The Republic of Maldives has not acceded to the Convention on Cluster Munitions. It did not participate in the Oslo Process that led to the development, negotiation and signing of the convention in 2007 and 2008 or any subsequent meetings in 2009 and 2010 through July. Maldives is not known to have made any public statements regarding its policy on cluster munitions.

Maldives is party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW) and its Amended Protocol II on landmines, but not its Protocol V on explosive remnants of war. Maldives has not participated in CCW discussions on cluster munitions in recent years.

Maldives is not believed to have used, produced, transferred, or stockpiled cluster munitions.

Marshall Islands

Policy

The Republic of the Marshall Islands has not yet acceded to the Convention on Cluster Munitions.

In February 2008, the Marshall Islands participated in the Wellington Conference on Cluster Munitions, and endorsed the Wellington Declaration, thereby indicating its intention to participate in the formal negotiations in Dublin of an instrument prohibiting cluster munitions. The Marshall Islands also made a statement in plenary supporting a ban on cluster munitions and noted that its support was drawn from a desire to end human suffering caused by the weapon.³³⁴ The Marshall Islands did not, however, attend the Dublin negotiations in May 2008 or the Convention on Cluster Munitions Signing Conference in Oslo in December 2008.

In October 2009, a government representative indicated that that Marshall Islands did not disagree with the importance of the issue, but said that joining the convention required a realistic assessment of their existing treaty commitments.³³⁵

It did not attend the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in Bali, Indonesia in November 2009.

The Marshall Islands has signed, but not yet ratified, the Mine Ban Treaty. The Marshall Islands is not party to the Convention on Conventional Weapons.

The Marshall Islands is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

Mauritius

Policy

The Republic of Mauritius has not acceded to the Convention on Cluster Munitions. Mauritius has not made any public statements on its cluster munition policy.

Officials have said that there are no obstacles to Mauritius joining the convention, other than the fact that it is a small country with limited capacity, and the convention is not high on the political agenda.³³⁶

In March 2010, Mauritius attended the Africa Regional Conference on the Universalization and Implementation on the Convention on Cluster Munitions in Pretoria, South Africa, and the International Conference on the Convention on Cluster Munitions in June 2010 in Santiago, Chile, but did not make any statements.

Mauritius did not participate in the negotiations of the convention in Dublin in May 2008, or any of the international preparatory conferences of the Oslo Process. It did attend the Kampala Conference on the Convention on Cluster Munitions in September 2008 where it supported the Kampala Action Plan, calling for African states to sign and ratify the convention and to take interim measures to ensure its effective implementation.³³⁷

³³⁴ Statement of the Marshall Islands, Wellington Conference on Cluster Munitions, 22 February 2008. Notes by the CMC.

³³⁵ CMC/ICBL meeting with Caleb Christopher, Legal Advisor, Permanent Mission of the Republic of the Marshall Islands to the UN in New York, 16 October 2009. Notes by the CMC/ICBL.

³³⁶ CMC meeting with the delegation of Mauritius, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010.

³³⁷ CMC, "Report on the Kampala Conference on the Convention on Cluster Munitions, September 2008," www.stopclustermunitions.org; and Kampala Action Plan, Kampala Conference on the Convention on Cluster Munitions, 30 September 2008.

Mauritius is party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), but has yet to ratify its Protocol V on explosive remnants of war. Mauritius has not actively participated in the CCW discussions on cluster munitions that have taken place in recent years.

Mauritius is not known to have used, produced, transferred, or stockpiled cluster munitions.

Micronesia

Policy

The Federated States of Micronesia (FSM) has not yet acceded to the Convention on Cluster Munitions. FSM did not participate in the Oslo Process and has never attended a meeting on cluster munitions or made a public statement on this issue.

In October 2009, an FSM representative said that the government has three principal concerns with the Convention on Cluster Munitions. First, it wishes to complete accession to the Mine Ban Treaty. Second, it faces capacity constraints with meeting all its treaty obligations. Third, the FSM's Compact of Free Association with the United States requires that FSM clear any strategic defense decisions with the US before it can join any international weapons treaties. This process has not yet started for the Convention on Cluster Munitions.³³⁸

FSM is not party to the Mine Ban Treaty or the Convention on Conventional Weapons.

FSM is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

Mongolia

Policy

Mongolia has not acceded to the Convention on Cluster Munitions. It has not made a statement on its policy toward cluster munitions.

Mongolia did not participate in the diplomatic Oslo Process in 2007 and 2008 that resulted in the development, negotiation, and then signing of the convention in Oslo in December 2008.

Mongolia participated in its first diplomatic meeting related to the convention when it sent a delegation to the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in Bali, Indonesia, in November 2009. It did not make any interventions.

Mongolia is not a party to the Mine Ban Treaty. It is party to the Convention on Conventional Weapons (CCW), but not its Protocol V on explosive remnants of war. Mongolia has not engaged in CCW deliberations on cluster munitions in recent years.

Mongolia is not known to have used, produced, or exported cluster munitions, but is believed to have a stockpile. Jane's Information Group reports that KMG-U dispensers which deliver submunitions are in service with the country's air force.³³⁹

Morocco

Policy

The Kingdom of Morocco has not acceded to the Convention on Cluster Munitions. It did not make a public statement on its policy toward cluster munitions, and did not participate in any of the diplomatic conferences related to the convention in 2009 or 2010 through July.

After attending several of the Oslo Process preparatory meetings, Morocco was a full participant in the negotiations of the convention held in Dublin in May 2008. It was one of the 107 states that adopted the convention text by consensus at the conclusion of the negotiations. However, it attended the Convention on Cluster Munitions Signing Conference in

³³⁸ CMC/ICBL meeting with Martin Zvachula, Second Secretary, Permanent Mission of the FSM to the UN in New York, 19 October 2009. Notes by the CMC/ICBL.

³³⁹ Robert Hewson, ed., *Jane's Air-Launched Weapons, Issue 44* (Surrey, UK: Jane's Information Group Limited, 2004), p. 842.

December 2008 only as an observer, and did not make a statement. It has yet to offer an explanation for why it has not joined the convention.³⁴⁰

Even while participating in the Oslo Process, Morocco expressed its preference for work on cluster munitions to be done in the context of the Convention on Conventional Weapons (CCW). In a September 2008 CCW session, Morocco spoke of the need for a legally-binding instrument on cluster munitions that struck a balance between military and humanitarian considerations. It also stated that a CCW instrument should be compatible with the Convention on Cluster Munitions.³⁴¹ In November 2009, Morocco expressed regret that an agreement on cluster munitions had not been reached in the CCW, and spoke in favor of continued work in 2010.³⁴²

Morocco is not party to the Mine Ban Treaty. While it is party to CCW, it has not ratified CCW Protocol V on explosive remnants of war.

Use, production, transfer, and stockpiling

Moroccan forces used cluster munitions in the past. Morocco is not known to have produced cluster munitions, but has imported them and maintains a stockpile.

Moroccan forces used artillery-fired and air-dropped cluster munitions against the Polisario Front in the disputed territory of Western Sahara during their conflict from 1975–1988. Between 1980 and 1981, the Royal Moroccan Air Force conducted attacks on Akka, Guelta Zemmour, Hausa, and Messeid using French-made cluster bombs.³⁴³ In March 1982, the Royal Moroccan Air Force attacked the Bu-Crag area with United States-supplied cluster bombs.³⁴⁴

The British NGO Landmine Action has reported significant contamination in Western Sahara from US-made CBU-71 cluster bombs with BLU-63 submunitions, and from US-made M483A1 155mm artillery projectiles with M42 and M46 dual purpose improved conventional munition (DPICM) submunitions.³⁴⁵

There are also remnants of cluster munitions of the same types used by Morocco in Western Sahara present in neighboring Mauritania. It is unclear when such attacks took place.

The current status and composition of Morocco's stockpile of cluster munitions is not known. Between 1970 and 1995, the US transferred to Morocco 2,994 CBU-52, 1,752 CBU-58, 748 CBU-71, and 850 Rockeye cluster bombs.³⁴⁶ Combined, those cluster bombs contained nearly 2.5 million submunitions. The M483A1 155mm artillery projectiles noted above are also produced in the US.

Morocco also possesses Grad 122mm surface-to-surface rocket launchers, but it is not known if the ammunition for these weapons includes versions with submunition payloads.³⁴⁷

Myanmar

Policy

The Union of Myanmar³⁴⁸ has not acceded to the Convention on Cluster Munitions. Myanmar's only participation in the diplomatic Oslo Process in 2007 and 2008 that produced the convention was at the the South East Asia Regional Conference in Xiengkhuang, Lao PDR in October 2008. The conference was aimed at promoting signature to the convention at the Convention on Cluster Munitions Signing Conference in Oslo in December 2008.

³⁴⁰ For details on Morocco's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 221–223.

³⁴¹ Statement of Morocco, CCW Group of Governmental Experts on Cluster Munitions, Geneva, 1 September 2008. Notes by Landmine Action.

³⁴² Statement of Morocco, CCW Meeting of States Parties, Geneva, 12 November 2009. Notes by Landmine Action.

³⁴³ Lt.-Col. David Dean, "The Air Force Role in Low-Intensity Conflict," US Air Force, Air University Center for Aerospace Doctrine, Research, and Education, 1986, p. 45. Undated photographs of Royal Moroccan Air Force Mirage aircraft on static display with its weaponry clearly show BLG-66 Belouga bombs.

³⁴⁴ Ibid, p. 70.

³⁴⁵ Landmine Action, "Explosive Ordnance Disposal and technical survey in Polisario-controlled areas of Western Sahara," Project proposal, February 2006, p. 4. Email from Simon Conway, Director, Landmine Action, 3 May 2006; and *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: Handicap International, 2007), p. 134, citing email from Capt. Muhammad Aimaar Iqbal, UN Mission for the Referendum in Western Sahara, Western Sahara, 19 April 2007.

³⁴⁶ US Defense Security Assistance Agency, Department of Defense, "Cluster Bomb Exports under FMS, FY1970–FY1995," 15 November 1995, obtained by Human Rights Watch in a Freedom of Information Act request, 28 November 1995.

³⁴⁷ International Institute for Strategic Studies, *The Military Balance 2005–2006* (London: Routledge, 2005), p. 202; Colin King, ed., *Jane's Explosive Ordnance Disposal 2008*, CD version, (Surrey, UK: Jane's Information Group Limited, 2008).

³⁴⁸ The military junta ruling the country changed the name from Burma to Myanmar. Many ethnic groups in the country and a number of states still prefer to use the name Burma.

More recently, Myanmar participated in the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in Bali, Indonesia in November 2009. Representatives from both the Ministry of Foreign Affairs and the Ministry of Defense attended.

At that meeting, Myanmar made its first notable public statement on cluster munitions. The Foreign Affairs official said the convention “is young but the threat is real,” and stated that although Myanmar had “not yet signed” the convention, “Myanmar criticizes the use of such weapons with indiscriminate area effect and which can cause humanitarian consequences.”³⁴⁹

The official went on to say, “Myanmar is currently paying attention in the study of this Treaty and its articles bearing in mind the national interests, so that necessary inputs for decision making would be sufficient, thus paving a path for the process of considerations and consultations among the relevant government agencies before the decision for signature or ratification.”³⁵⁰

He said that due to “common objectives...it is necessary for Myanmar to continue to participate in such future conferences” on the convention, and that “Myanmar congratulates the global and regional efforts in the prevention of atrocities caused by the use of cluster munitions and Myanmar stands ready to cooperate in ways possible... The momentum of this process would not have reached this level without the role of civil society and advocacy groups, our delegation congratulates them.”³⁵¹

Myanmar did not subsequently attend the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

Myanmar is not party to the Mine Ban Treaty or the Convention on Conventional Weapons.

Use, production, transfer, and stockpiling

In Bali, Myanmar also stated, “We do not use cluster munitions, develop, produce, otherwise acquire, retain or transfer to anyone, directly or indirectly, nor assist, encourage or induce anyone to engage in any activity prohibited under this Convention.”³⁵²

Nepal

Policy

The Republic of Nepal has not acceded to the Convention on Cluster Munitions. It participated in some of the meetings of the Oslo Process that led to the development, negotiation, and signing of the convention. It attended the Vienna Conference on Cluster Munitions in December 2007, as well as the Wellington conference in February 2008, where it subscribed to the Wellington Declaration supporting the negotiation of an international instrument banning cluster munitions.

However, Nepal did not participate in the negotiations in Dublin in May 2008 and did not attend the Convention on Cluster Munitions Signing Conference in Oslo in December 2008. It did not participate in any regional or international meetings on cluster munitions in 2009 or 2010 through July.

In December 2009, the Minister of Peace and Reconstruction told representatives of the CMC and the Nepal Campaign to Ban Landmines (NCBL) that Nepal does not have a problem with signing the Convention on Cluster Munitions, and that there are not any issues preventing the government from ratifying the convention. The Minister expressed an interest in organizing a South Asian regional meeting on cluster munitions in Nepal.³⁵³

On 17 June 2010, the NCBL organized a Seminar on Human Rights and Cluster Munitions, at which the Minister of Peace and Reconstruction said, “It is our moral responsibility to stand against any kind of inhumane weapon.” He pledged to take the issue forward for discussion in the government.³⁵⁴

The NCBL also mobilized members of the Constituent Assembly of Nepal, affiliated to different religions, to sign a collective memorandum expressing their commitment to campaign for a ban on cluster munitions.

Nepal is not party to the Mine Ban Treaty or the Convention on Conventional Weapons.

In June 2010, Nepal confirmed that it does not possess cluster munitions and has never used, produced, transferred, or stockpiled cluster munitions.³⁵⁵

³⁴⁹ Statement by Ye Minn Thein, Assistant Director, International Organizations Department, Ministry of Foreign Affairs, Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions. Bali, 16 November 2009.

³⁵⁰ Ibid.

³⁵¹ Ibid.

³⁵² Ibid.

³⁵³ NCBL and CMC interview with Rakam Chemjong, Minister for Peace and Reconstruction, in Cartagena, 3 December 2009.

³⁵⁴ Email from Purna Shova Chitrakar, Coordinator, NCBL, 4 August 2010.

³⁵⁵ Letter No. GE/2010/577 from Hari Pd. Odari, Second Secretary, Permanent Mission of Nepal to the UN in Geneva, 21 June 2010. This was also stated by Minister Rakam Chemjong, in an interview in Cartagena, 3 December 2009.

Niue

Policy

Niue has not yet acceded to the Convention on Cluster Munitions. In February 2008, Niue participated in the Wellington Conference on Cluster Munitions, and endorsed the Wellington Declaration, thereby indicating its intention to participate in the formal negotiations in Dublin of an instrument prohibiting cluster munitions. Niue expressed concern at the damage and injury inflicted by cluster munitions and stated that it supported the ban because Niue is a “small nation” with a “big heart towards world peace.”³⁵⁶

However, Niue did not attend the Dublin negotiations of the Convention on Cluster Munitions in May 2008 and did not participate in the Convention on Cluster Munitions Signing Conference in December 2008. It did not attend the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in Bali, Indonesia in November 2009. It has made no statement on cluster munitions since February 2008.

Niue is party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

Niue is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

Oman

Policy

The Sultanate of Oman has not acceded to the Convention on Cluster Munitions. It has not made any public statements regarding its cluster munition policy.

Oman participated in two of the Oslo Process international meetings to develop the convention text, in Vienna in December 2007 and in Wellington in February 2008. It never endorsed the Oslo or Wellington declarations in support of a convention banning cluster munitions. It attended the formal negotiations in Dublin in May 2008 only as an observer, and thus did not join the 107 full participants in adopting the convention. It did not sign the convention in Oslo in December 2008.

Oman did not attend any regional or international meetings on cluster munitions in 2009 or 2010 through July.

Oman is not party to the Mine Ban Treaty or the Convention on Conventional Weapons.

Oman is not known to have used, produced, or exported cluster munitions, but does possess a stockpile. The United States announced the sale of 50 CBU-97/105 Sensor Fuzed Weapons to Oman in April 2002.³⁵⁷ Jane’s Information Group reports that Oman owns BL-755 and Rockeye cluster bombs.³⁵⁸

Pakistan

Policy

The Islamic Republic of Pakistan has not acceded to the Convention on Cluster Munitions.

In February 2009, Pakistan said that it is “supporting international efforts to address the humanitarian concerns arising from the irresponsible use of cluster munitions,” but that “in view of Pakistan’s security environment and legitimate defence needs, we do not support a ban on use, production, and transfer of cluster munitions due to their military utility.”³⁵⁹ In November 2009, Pakistan again asserted that cluster munitions are legitimate weapons with military utility, but said that Pakistan was opposed to their use against civilians.³⁶⁰

Pakistan did not participate in any of the Oslo Process diplomatic conferences in 2007 and 2008 that produced the convention, and did not attend any of the regional or international diplomatic meetings related to the convention in 2009 or the first half of 2010.³⁶¹

Pakistan is not party to the Mine Ban Treaty.

³⁵⁶ Statement of Niue, Wellington Conference on Cluster Munitions, 22 February 2008. Notes by the CMC.

³⁵⁷ US Defense Security Cooperation Agency, “News Release: Oman-F-16 Aircraft Munitions,” Transmittal No. 02-16, 10 April 2002.

³⁵⁸ Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), p. 843.

³⁵⁹ Letter from Dr. Irfan Yusuf Shami, Director General for Disarmament, Ministry of Foreign Affairs, 16 February 2009.

³⁶⁰ Statement of Pakistan, CCW Meeting of States Parties, Geneva, 12 November 2009. Notes by Landmine Action.

³⁶¹ For more details on Pakistan’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 225–226.

Convention on Conventional Weapons

Pakistan is party to the Convention on Conventional Weapons (CCW), and it consented to be bound by Protocol V on explosive remnants of war on 3 February 2009.

Pakistan has asserted that the CCW framework “is the only mechanism that brings the users and producers of cluster munitions and promoters of development and application of IHL [international humanitarian law] on one common platform.”³⁶² It has also said that it “is important to avoid encouraging extra-UN mechanisms” and that the Convention on Cluster Munitions “should supplement and not supplant the CCW process.”³⁶³

Pakistan has been an active participant in the CCW deliberations on cluster munitions in recent years. In April 2009, it expressed satisfaction with progress made, and optimism that states are at a point where they can “conclude something.”³⁶⁴ In April 2010, it called on states to “focus on the irresponsible use and transfer of cluster munitions.” It opposed proposals to limit cluster munitions “through a technological approach,” stating that such an approach “will affect 100 percent” of Pakistan’s stockpiles. It said that a transition period before key provisions take effect is essential.³⁶⁵

Use, production, transfer, and stockpiling

Pakistan states that it has “never used cluster munitions in any conflict to date.”³⁶⁶

Pakistan Ordnance Factories (POF) produces and offers for export M483A1 155mm artillery projectiles containing 88 M42/M46 dual purpose improved conventional munition (DPICM) grenades.³⁶⁷ The South Korean company Poongsan entered into a licensed production agreement with POF in November 2004 to co-produce K-310 155mm extended-range DPICM projectiles in Pakistan at Wah Cantonment. While the ammunition is being produced for Pakistan’s army, the two firms have said they will also co-market the projectiles to export customers.³⁶⁸ The Pakistani army took delivery of the first production lots in April 2008.³⁶⁹

Jane’s Information Group reports that the Pakistan Air Weapons Center produces the Programmable Submunitions Dispenser (PSD-1), which is similar to the United States Rockeye cluster bomb, and dispenses 225 anti-armor submunitions.³⁷⁰ Jane’s states that the Pakistan National Development Complex produces and markets the Hijara Top-Attack Submunitions Dispenser (TSD-1) cluster bomb.³⁷¹ It lists Pakistan’s Air Force as possessing BL-755 cluster bombs.³⁷² The US transferred to Pakistan 200 Rockeye cluster bombs at some point between 1970 and 1995.³⁷³

Papua New Guinea

Policy

Papua New Guinea (PNG) has not yet acceded to the Convention on Cluster Munitions. PNG joined the Oslo Process in February 2008, when it attended the Wellington Conference on Cluster Munitions and endorsed the Wellington Declaration, thereby indicating its intention to participate in the formal negotiations in Dublin of an instrument prohibiting cluster munitions. During the conference, PNG urged states to adopt a total ban on cluster munitions, noting, “our heart goes out to the victims [of cluster munitions].... We all must accept responsibility for allowing this to take place and we must find remedial measures to correct those wrongs.”³⁷⁴

³⁶² Statement by Amb. Masood Khan, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 7 July 2008.

³⁶³ Pakistan, Explanation of Vote on UN General Assembly First Committee draft resolution A/C.1/63/L.56, “Convention on Cluster Munitions” (UNGA 63/71), 63rd Session, 30 October 2008.

³⁶⁴ Statement of Pakistan, CCW GGE on Cluster Munitions, Geneva, 17 April 2009. Notes by Landmine Action.

³⁶⁵ Ibid, 12 April 2010. Notes by AOAV. In 2008, Pakistan said that “the cost of destroying current stocks of cluster munitions and moving to newer technologies would be huge.” Statement by Amb. Masood Khan, Permanent Mission of Pakistan to the Conference of Disarmament, CCW GGE on Cluster Munitions, Geneva, 14 January 2008.

³⁶⁶ Statement by Amb. Masood Khan, CCW Meeting of States Parties, Geneva, 7 November 2007. Pakistan again said that it has never used cluster munitions in November 2009. Statement of Pakistan, CCW Meeting of States Parties, Geneva, 12 November 2009. Notes by Landmine Action.

³⁶⁷ POF, “Products, Ordnance, Artillery Ammunition, 155mm HOW HE M483A1-ICM,” www.pof.gov.pk.

³⁶⁸ “Pakistan Ordnance Factory, S. Korean Firms Sign Ammunition Pact,” *Asia Pulse* (Karachi), 24 November 2006.

³⁶⁹ “Pak Army Gets First Lot of DPICM Ammunition,” *PakTribune*, 13 April 2008, www.paktribune.com.

³⁷⁰ Robert Hewson, ed., *Jane’s Air Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), p. 389.

³⁷¹ Ibid.

³⁷² Ibid, p. 843. BL-755s are manufactured by the United Kingdom.

³⁷³ US Defense Security Cooperation Agency, Department of Defense, “Cluster Bomb Exports under FMS, FY1970-FY1995,” 15 November 1995, obtained by Human Rights Watch in a Freedom of Information Act request, 28 November 1995.

³⁷⁴ Statement of PNG, Wellington Conference on Cluster Munitions, 21 February 2008. Notes by the CMC.

PNG participated in the negotiations and adopted the Convention on Cluster Munitions in Dublin on 30 May 2008. A representative of the Department of Foreign Affairs and Trade was present at the Convention on Cluster Munitions Signing Conference in Oslo in December 2008, but indicated that he did not have the correct paperwork ready to sign the convention at the time.³⁷⁵

PNG did not attend the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in Bali, Indonesia in November 2009, or any other cluster munition meetings in 2009 and 2010 through July.

During the Commonwealth Heads of Government Meeting in November 2009, PNG associated itself with the Port of Spain Declaration on Cluster Munitions, committing to “sign and ratify the Convention as soon as practicable” and to “strive to abide by as many of the Convention’s provisions as possible in the meantime.”³⁷⁶

PNG is party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

PNG is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

Poland

Policy

The Republic of Poland has not acceded to the Convention on Cluster Munitions. In 2010, Poland reiterated its position that it does not foresee joining the Convention on Cluster Munitions at present due to “legitimate security needs” and a lack of alternatives to cluster munitions.³⁷⁷ Poland has consistently expressed a preference for work on the issue of cluster munitions within the framework of the Convention on Conventional Weapons (CCW).

In July 2010, the Ministry of Foreign Affairs repeated that Poland attaches “the utmost importance to the humanitarian aspects of the use of cluster munitions and supports measures designed to reduce civilian losses and suffering,” but confirmed that Poland was not in a position to join the convention, “nor to introduce a moratorium on the use/production/acquisition and transfer of cluster munitions. No new decisions or actions on this subject have been taken recently.”³⁷⁸

Poland has emphasized that it considers cluster munitions which meet “high reliability criteria” to be “legitimate weapons of significant military value.”³⁷⁹ When asked to define “high reliability criteria,” the Ministry of Foreign Affairs responded to Landmine and Cluster Munition Monitor that “high reliability criteria” are met by “types of munitions for which the rate of unexploded submunitions does not exceed 3% or which are equipped with self-destruct or self-neutralize mechanisms.”³⁸⁰

Poland did not attend any of the international or regional conferences on the convention in 2009 or 2010 through July. Poland has, however, stated it is planning to attend as an observer the First Meeting of States Parties to the convention in November 2010.³⁸¹

In July 2010, 43 Polish Members of the European Parliament voted 35 to seven (with one abstention) in favor of a European Parliament resolution that was passed in support of the Convention on Cluster Munitions and that expressed concerns about work on cluster munitions in the Convention on Conventional Weapons (CCW).³⁸²

Poland participated in a number of the international preparatory conferences of the Oslo Process that led to the creation of the convention. However, from the start, Poland made it clear that it did not support a comprehensive prohibition on cluster munitions and that it preferred to address the issue within the framework of the CCW. Poland was one of three states present at the initial conference launching the process in February 2007 that did not endorse the Oslo Declaration, in which states pledged to negotiate a legally-binding instrument by the end of 2008 prohibiting cluster munitions that cause unacceptable humanitarian harm. Poland attended both the negotiations of the convention in Dublin in May 2008 and the Convention on Cluster Munitions Signing Conference in Oslo in December 2008 only as an observer.³⁸³

³⁷⁵ Interview with Yu Minibi, Foreign Service Officer, Department of Foreign Affairs and Trade, in Oslo, 3 December 2008.

³⁷⁶ “Port of Spain Declaration on Cluster Munitions,” Commonwealth Heads of Government Meeting, Port of Spain, Trinidad and Tobago, 27–29 November 2009.

³⁷⁷ Letters from Adam Kobieracki, Director, Security Policy Department, Ministry of Foreign Affairs, 8 April 2010, 10 March 2009, and 22 September 2008.

³⁷⁸ Letter from Marek Sczygiel, Ministry of Foreign Affairs, 16 July 2010.

³⁷⁹ Letter from Adam Kobieracki, Ministry of Foreign Affairs, 10 March 2009.

³⁸⁰ Ibid, 8 April 2010.

³⁸¹ Ibid.

³⁸² The resolution called for European Union members to sign and ratify the Convention on Cluster Munitions, promote the convention to states not party, implement and provide assistance for the implementation of the Convention on Cluster Munitions, participate in the First Meeting of States Parties in Lao PDR, and not to support a protocol within the Convention on Conventional Weapons that would be incompatible with the provisions of the Convention on Cluster Munitions. See, European Parliament, “Joint Motion for a Resolution,” 7 July 2010, www.europarl.europa.eu. Voting record available at www.votewatch.eu.

³⁸³ For details on Poland’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 226–227.

Poland signed the Mine Ban Treaty, but has yet to ratify it. Poland has indicated that it will do so in 2012.³⁸⁴

Convention on Conventional Weapons

Poland is party to the CCW, but has yet to ratify Protocol V on explosive remnants of war. According to the Ministry of Foreign Affairs, Poland intends to ratify Protocol V by the end of 2010.³⁸⁵

Poland actively engaged in the work of the CCW in 2009 and the first half of 2010 on cluster munitions. Within the CCW forum, Poland has stated that it is prepared to accept restrictions for certain types of munitions that cause unacceptable harm to civilians and stated that “in our opinion it would be counterproductive to insist on establishing any ban covering the whole category of cluster munitions or any immediate prohibitions without a possibility for states to ask for a transitional period.”³⁸⁶

The Ministry of Foreign Affairs told Landmine and Cluster Munition Monitor that in its view, restrictions on cluster munitions, or a ban on cluster munitions after a transition period, should cover types of submunitions not equipped with self-destruction or self-neutralization devices, or those exceeding a 3% failure rate.³⁸⁷

During discussions in the CCW in April 2010, Poland stated that it was still technically feasible to produce cluster munitions with only one safeguard that “will not cause humanitarian harm” and opposed provisions requiring additional safeguards.³⁸⁸ It strongly objected to proposals requiring a self-destruct mechanism to be “in addition to the primary fuzing mechanism.”³⁸⁹

Poland has emphasized that in its view a future CCW agreement on cluster munitions would not be contradictory to the Convention on Cluster Munitions.³⁹⁰ Poland has said that countries that have adopted a higher standard on cluster munitions should have no problem with others adopting a lesser one. For those adopting the lesser standard, it should be seen as a time of transition.³⁹¹

Use

According to the Ministry of Foreign Affairs, “The Polish Armed Forces have never used cluster munitions in combat.”³⁹² However, Polish forces deployed in Afghanistan possessed the weapon. In a July 2010 letter, the Ministry of Foreign Affairs acknowledged that the Polish Military Contingent (PMC) in Afghanistan “has been equipped with 98mm mortars and appropriate cluster munitions.”³⁹³ The ministry stated, “To date, cluster munitions have never been used in combat in Afghanistan by members of the PMC.”³⁹⁴

One press report suggested that Polish forces in Afghanistan came close to using cluster munitions in September 2007 at Nangar Khel. Allegedly, a platoon was ordered to take cluster munitions for its 98mm mortars to the operation. During combat, the platoon commander allegedly refused to fire cluster munitions at some of the targets fearing they might be civilian objects.³⁹⁵

Asked about the 2007 Nangar Khel incident and whether the PMC received orders to fire cluster munitions, the ministry replied, “PMC patrols are not equipped with 98 mm mortars, so the order could not have been given.”³⁹⁶

The Foreign Ministry also described the Polish rules of engagement for the use of cluster munitions in Afghanistan, stating, “Pursuant to the 2008 order of the Chief of General Staff of the Polish Armed Forces cluster munitions at the disposal of the PMC in Afghanistan may be used exclusively to repel a direct attack on a PMC base, as a last resort when the lives of base personnel are under threat. They may be used exclusively at the order of the PMC Commander. These principles constitute part of the rules of engagement of the PMC.” The ministry said that NATO’s International Security Assistance Force policy not to use cluster munitions in Afghanistan “has been put into effect through the order of the Chief of General Staff” described above.³⁹⁷

Poland acknowledged that before the 2008 order of the Chief of General Staff was issued, cluster munitions “had been used for test firing” in Afghanistan, stating, “When such tests were conducted, the area used was specially secured and checked before and after firing tests by an Explosive Ordnance Disposal Unit. Additionally, during the firings, the area

³⁸⁴ See *Landmine Monitor Report 2009*, p. 865.

³⁸⁵ Letter from Adam Kobieracki, Ministry of Foreign Affairs, 8 April 2010.

³⁸⁶ Statement of Poland, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 16 February 2009.

³⁸⁷ Letter from Adam Kobieracki, Ministry of Foreign Affairs, 8 April 2010.

³⁸⁸ Statement of Poland, CCW GGE on Cluster Munitions, 14 April 2010. Notes by AOAV.

³⁸⁹ Statements of Poland, CCW GGE on Cluster Munitions, 12, 13, and 14 April 2010. Notes by AOAV.

³⁹⁰ Statement of Poland, CCW GGE on Cluster Munitions, Geneva, 16 February 2009.

³⁹¹ Statement of Poland, CCW GGE on Cluster Munitions, Geneva, 2 September 2008. Notes by Landmine Action.

³⁹² Letter from Adam Kobieracki, Ministry of Foreign Affairs, 10 March 2009.

³⁹³ Letter from Marek Sczygieł, Ministry of Foreign Affairs, 16 July 2010.

³⁹⁴ Ibid.

³⁹⁵ Marcin Górka, Marcin Kącki, and Adam Zadworny, “Cztery szybkie w wioskę” (“Four Quick in the Village”), *Gazeta Wyborcza*, 29 July 2008, wyborcza.pl.

³⁹⁶ Letter from Marek Sczygieł, Ministry of Foreign Affairs, 16 July 2010.

³⁹⁷ Ibid.

was under observation by designated troops from the unit conducting the firings. Meticulous checks conducted in the firing zone proved in every case that the cluster munitions were 100% effective (no unexploded remnants).”³⁹⁸

In another communication with Landmine and Cluster Munition Monitor, Poland confirmed that it did not use cluster munitions in combat operations in 2009, but noted that Polish Air Force Su-22M4 aircraft crews dropped cluster bombs in 2009 on training grounds.³⁹⁹

Stockpiling

Poland acknowledges possessing both air-dropped and surface-launched cluster munitions.⁴⁰⁰ Polish Land Forces are equipped with the following types:

- 122mm unguided rocket projectile M-21FK “FENIKS-Z,” containing 42 GKO submunitions. These munitions are deployed by BM-21/21M or RM-70/85 Multiple Launch Rocket Systems.
- 122mm unguided artillery shell “HESYT-1,” containing 20 GKO submunitions. These munitions are deployed by the self-propelled howitzer HS 2S1 “GOŹDZIK.”
- 98mm unguided mortar shell “RAD-2,” containing 12 GKO submunitions and deployed by M-98 mortars.

The Polish Air Force possesses the following types of cluster munitions:

- ZK-300 cluster bomb, containing 315 PLBOK fragmentation bomblets; both the carrier and bomblets were designed and produced in Poland.
- BKF expendable unit loader with anti-tank, incendiary and fragmentation bomblets, imported from the former Soviet Union.

According to the Ministry of Foreign Affairs, “The GKO submunitions are typical DPICM (Dual Purpose Improved Conventional Munitions) that combine anti-personnel fragmentation feature with an anti-armour shaped charge. It should be stressed that the GKO – the entirely Polish design – is relatively new and modern. Both the GKO submunitions and their carriers, which the Polish Armed Forces are equipped with, have been produced in Poland since 2001. The GKO incorporate a back-up self-destruction mechanism, which destroys the unexploded on impact submunitions after a set delay of about 20 seconds. The simple and reliable fuse sequence with two independent detonators ensures negligible failure rate of the submunitions in all environmental conditions. High reliability of the GKO has been confirmed during acceptance trials and field trials in different conditions.”⁴⁰¹

The Ministry of Foreign Affairs also stated that the “obsolete [air-dropped] cluster munitions entered into service in 1980s during the Warsaw Pact Era. These weapons are carried by Su-22 aircrafts. It should be stressed that the current military Air Forces doctrine does not anticipate any use of air-delivered cluster munitions in military operations. Therefore, it is almost certain that those weapons will be left untouched in their storage sites until their life span expires.”⁴⁰²

However, as indicated above, Poland acknowledged in April 2010 that the Polish Air Force used cluster munitions in 2009 for training crews of Su-22M4 aircraft. It confirmed that the Polish Armed Forces are equipped with cluster munitions for the Su-22M4 aircraft and stated, “If this ammunition is not fully used in training purposes, after the exhaustion of services life, they will be subject to disposal and destruction.”⁴⁰³

In 2010, in response to a Landmine and Cluster Munition Monitor inquiry about contradictory information on whether Poland purchased CBU-87 and CBU-97 cluster munitions along with F-16 multirole fighter planes from the United States, the Ministry of Foreign Affairs stated that “Poland did not seek to purchase cluster munitions for the aircraft. Accordingly, no purchases of cluster munitions – including CBU-87 and CBU-97 – have been made. There are no plans to acquire cluster munitions under the F-16 program in the future. Furthermore, cluster munitions have not been acquired for other aviation weapons systems.”⁴⁰⁴

A standard reference work has listed Poland as also possessing KMG-U dispensers, RBK-250, RBK-275, and RBK-500 cluster bombs.⁴⁰⁵ However, in 2010, the Ministry of Foreign Affairs stated that the “Armed Forces do not any longer possess cluster bombs of the RBK-250, RBK-275 and RBK-500 types. In view of their aging (distant production dates) these bombs were withdrawn from use during the Nineties and destroyed in accordance with the rules in forces at the time.”⁴⁰⁶

³⁹⁸ Ibid.

³⁹⁹ Letter from Adam Kobieracki, Ministry of Foreign Affairs, 8 April 2010.

⁴⁰⁰ All information on current stockpiles provided by letter from Adam Kobieracki, Ministry of Foreign Affairs, 10 March 2009.

⁴⁰¹ Ibid.

⁴⁰² Ibid.

⁴⁰³ Letter from Adam Kobieracki, Ministry of Foreign Affairs, 8 April 2010.

⁴⁰⁴ Letter from Marek Szczygiel, Ministry of Foreign Affairs, 16 July 2010. See Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 228.

⁴⁰⁵ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 844.

⁴⁰⁶ Letter from Marek Szczygiel, Ministry of Foreign Affairs, 16 July 2010.

Poland has acknowledged that Polish Su-22 aircraft are equipped with KMG-U dispensers. The Ministry of Foreign Affairs stated that this information was not previously declared however as “in line with the terminology used in the Polish Armed Forces they were not considered to constitute cluster munitions.”⁴⁰⁷

Production

Several Polish companies produce cluster munitions. According to the Ministry of Foreign Affairs, the types of cluster munitions it lists as being in the Polish arsenal “are produced by the Polish companies exclusively for the needs of the Polish Armed Forces.”⁴⁰⁸ The ministry confirmed in 2010 that cluster munitions “are still produced by the Polish companies” for its armed forces.⁴⁰⁹

The Polish company Zakłady Metalowe “Dezamet” S.A. has produced the ZK-300 Kisajno cluster bomb and also lists producing another type of cluster bomb called the LBKas-250, which contains 120 LBok-1 bomblets.⁴¹⁰ The Kraśnik defense plant has produced cluster munitions for 98mm mortars, 122mm artillery, and 152mm artillery.⁴¹¹ The Polish company Tlocznia Metali Pressta Spolka Akcyjna has manufactured 122mm rockets.⁴¹²

Regarding future procurement of cluster munitions, Poland stated in 2005, “The Ministry of Defense requires during acceptance tests less than 2.5% failure rate for the purchased submunitions.”⁴¹³

Transfer

In 2010, the Foreign Ministry told Landmine and Cluster Munion Monitor, “Poland has not exported any cluster munitions in 2009–2010 or in previous years. We do not have any information on past exports of cluster munitions from Poland.”⁴¹⁴ In 2009, the ministry said Poland “has not exported any cluster munitions in recent years.”⁴¹⁵

The Ministry of Foreign Affairs has informed Landmine and Cluster Munion Monitor, however, that Polish companies could—theoretically—be granted permission to export cluster munitions, if an application was requested. It informed that, unlike landmines, cluster munitions are not banned from export under regulations regarding trade control of goods of strategic importance. It emphasized that administrative decisions regarding permissions for export of arms are taken on an individual basis, in consultation with relevant authorities, including the Ministry of Foreign Affairs.⁴¹⁶

As noted above, the Ministry of Foreign Affairs has stated Poland is not prepared to introduce a moratorium on the use, production, or transfer of cluster munitions.⁴¹⁷

Qatar

Policy

The State of Qatar has not acceded to the Convention on Cluster Munitions. It has not made any recent statements on its cluster munition policy. It participated in the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, but did make any interventions.

⁴⁰⁷ Ibid.

⁴⁰⁸ Letter from Adam Kobieracki, Ministry of Foreign Affairs, 10 March 2009.

⁴⁰⁹ Letter from Marek Sczygieł, Ministry of Foreign Affairs, 16 July 2010.

⁴¹⁰ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 391; and Dezamet, “Air Armament,” undated, www.dezamet.com.pl.

⁴¹¹ Dezamet, “Cargo Ammunition,” www.dezamet.com.pl; and Marcin Górka, “Poland Sees Nothing Wrong in Cluster Bombs,” *Gazeta Wyborcza*, 9 September 2008, wyborcza.pl.

⁴¹² Terry J. Gander and Charles Q. Cutshaw, eds., *Jane's Ammunition Handbook 2001–2002* (Surrey, UK: Jane's Information Group Limited, 2001), p. 626.

⁴¹³ Communication from the Polish Ministry of Defense, to Pax Christi Netherlands, 14 February 2005. The information was provided to Pax Christi Netherlands with the proviso that the “content of the paper does not necessarily reflect the official position of Poland.”

⁴¹⁴ Letter from Marek Sczygieł, Ministry of Foreign Affairs, 16 July 2010.

⁴¹⁵ Letter from Adam Kobieracki, Ministry of Foreign Affairs, 10 March 2009.

⁴¹⁶ Ibid, 8 April 2010. The response stated: “Currently regulations on control of trade in goods of strategic importance do not provide for a total ban on exports of cluster munitions, as opposed to anti-personnel mines falling within CN code 9306 90 10 Combined Nomenclature, whose export from the territory of the Republic of Poland shall be prohibited (with limited exceptions) under the Regulations Ministers of 20 October 2009 amending Regulation on the introduction of bans and restrictions on goods of strategic importance for national security (Journal of Acts 2009, No. 183, pos. 1427). Administrative decisions on the granting of permits to export weapons are considered on an individual basis with the involvement of consulting authorities, in accordance with the provisions of the Act of 29 November 2000 on foreign trade in goods, technologies and services of strategic importance for national security and for the maintenance of international peace and security (Journal of Laws of 2004 No. 229, item. 2315, as amended later). Obtaining permission for export of cluster munitions is theoretically possible, in the case of approval of the transaction by the trade control authority, after having received a positive opinion of consulting bodies, including the Foreign Ministry.” Translation by Marta Kulikowska, Polish Red Cross, 30 May 2010.

⁴¹⁷ Letter from Marek Sczygieł, Ministry of Foreign Affairs, 16 July 2010.

In a March 2009 letter to Human Rights Watch, Qatar stated that it “is very zealous about the prohibition of cluster bombs.” It said that it established a committee to study the convention and to produce recommendations regarding Qatar’s accession to it. The committee indicated that Qatar should postpone signing the convention “for a further period” in order to study the positions of countries producing cluster munitions and “study the measures that it should take regarding these countries.” Qatar stated that this would also allow it to seek clarification on the positions of Arabic countries regarding the convention, as Qatar is a member of the Arab League.⁴¹⁸

Earlier, Qatar participated in two of the international conferences to develop the convention text, then took part in the Dublin negotiations in May 2008 as a full participant, and joined the consensus in formally adopting the convention text. However, it decided to attend the Convention on Cluster Munitions Signing Conference in December 2008 only as an observer. It did not make any statements at any of these meetings.⁴¹⁹

Qatar is party to the Mine Ban Treaty and joined the Convention on Conventional Weapons on 16 November 2009, including Protocol V on explosive remnants of war.

Qatar is not believed to have used, produced, or exported cluster munitions, but does have a stockpile. It acquired ASTROS rockets with cluster munition warheads from Brazil.⁴²⁰

Romania

Policy

Romania has not acceded to the Convention on Cluster Munitions. Romania has consistently expressed its preference for an instrument that only regulates the use of cluster munitions to be negotiated in the framework of the Convention on Conventional Weapons (CCW).⁴²¹

In June 2010, Romania reiterated that it “recognizes the serious humanitarian concerns associated with the use of cluster munition[s],” and said it remains convinced that the CCW “is the adequate multilateral UN framework to examine and negotiate a legal instrument to regulate this use of this type of munition.”⁴²²

In March 2010, Romania said it looked forward to CCW negotiations “leading to broad agreement on an effective regulation of cluster munitions.”⁴²³ During CCW deliberations on cluster munitions in 2010, Romania called for a transition period of 10 years at minimum, with a possible extension of another five years at minimum, during which cluster munitions deemed unacceptable could still be used.⁴²⁴

In July 2010, Romanian Members of the European Parliament voted in favor (with 15 in favor and 13 abstaining) of a European Parliament resolution that was passed in support of the Convention on Cluster Munitions and that expressed concerns about work in the CCW.⁴²⁵

Romania was among the 49 states present at the initial conference launching the Oslo Process in February 2007, but was one of only three states that chose not to endorse the Oslo Declaration at the outcome of the conference, in which countries pledged to conclude in 2008 a legally-binding instrument prohibiting cluster munitions that cause unacceptable harm to civilians. Romania stated that it would wait for the outcome of the CCW work on cluster munitions before making further commitments.⁴²⁶

⁴¹⁸ Letter from Amb. Nassir Abdulaziz Al-Nasser, Permanent Mission of the Qatar to the UN in New York, to Human Rights Watch, 9 March 2009. The letter stated this was “the response of the concerned authority” in Qatar, and contained an Annex with an unofficial translation into English.

⁴¹⁹ For more details on Qatar’s cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 228–229.

⁴²⁰ Terry J. Gander and Charles Q. Cutshaw, eds. *Jane’s Ammunition Handbook 2001–2002* (Surrey, UK: Jane’s Information Group Limited, 2001), pp. 630–631.

⁴²¹ For details on Romania’s cluster munition policy and practice through early 2009 see HRW and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 229–230.

⁴²² Letter from Mihail Dumitru, Diplomatic Counselor, Organization for Security and Cooperation in Europe (OSCE), Assymetrical Risks and Nonproliferation Department, Ministry of Foreign Affairs, to Judith Majlath, CMC-Austria, 24 June 2010.

⁴²³ Statement by Bogdan Aurescu, State Secretary for Strategic Affairs, Conference on Disarmament, Geneva, 3 March 2010.

⁴²⁴ Statement of Romania, CCW Group of Governmental Experts on cluster munitions, Geneva, 13 April 2010. Notes by AOAV.

⁴²⁵ The resolution called for European Union members to sign and ratify the Convention on Cluster Munitions, promote the convention to states not party, implement and provide assistance for the implementation of the convention, participate in the First Meeting of States Parties in Lao PDR, and not to support a protocol within the CCW that would be incompatible with the provisions of the Convention on Cluster Munitions. See, European Parliament, “Joint Motion for a Resolution,” 7 July 2010, www.europarl.europa.eu. Voting record available at www.votewatch.eu.

⁴²⁶ Statement of Romania, Oslo Conference on Cluster Munitions, 23 February 2007. Notes by the CMC/WILPF. Japan and Poland also did not endorse the Oslo Declaration.

Romania attended a number of diplomatic conferences of the Oslo Process thereafter but did not actively engage in discussions. Romania did not join consensus on the adoption of the convention text in Dublin in May 2008, as it attended the negotiations only as an observer. Romania did not attend the Convention on Cluster Munitions Signing Conference in Oslo in December 2008.

Romania is party to the Mine Ban Treaty. It ratified CCW Protocol V on explosive remnants of war on 29 January 2008.

Use, production, transfer, and stockpiling

In June 2010, Romania confirmed its previous statement that, “Romania did not use, is not using and does not intend to use cluster munitions in the operational theatres where it is engaged with military personnel. This type of munitions is used exclusively on our territory, under the national defense programme.”⁴²⁷

Romania produces and stockpiles cluster munitions. Two types of 152mm dual purpose improved conventional munition (DPICM) artillery projectiles called the CG-540 and CG-540 ER appear on the website of the company Romarm.⁴²⁸ According to Jane’s Information Group, these cluster munitions, which contain GAA-001 submunitions, are a joint production and marketing venture with Israel Military Industries. The GAA-001 submunition is described as identical to the Israeli M85 and is produced by the Romanian company Aerotech SA.⁴²⁹

Jane’s Information Group reports that the company ROMAIR has developed and produced the CL-250 cluster bomb, which is described as similar in appearance to the Soviet RBK-250. It reportedly carries BAAT-10 antitank bomblets and BF-10T antipersonnel bomblets.⁴³⁰

Jane’s Information Group also lists Romania as possessing KMG-U dispensers (which deploy submunitions), and RBK-250, RBK-275, and RBK-500 cluster bombs.⁴³¹

Jane’s Information Group has reported that Aerostar SA has produced the LAR-160 Multiple Launch Rocket System, which can use the MK4 rocket that contains 104 M85 submunitions.⁴³² In August 2008, Aerostar SA told Human Rights Watch (HRW) that it “is not involved in any way in the production of cluster munitions or their components.”⁴³³

Russia

Policy

The Russian Federation has not acceded to the Convention on Cluster Munitions. Russia attended the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, but did not make any statements.

The Deputy Minister of Foreign Affairs has stated that Russia “cannot agree to the classifications and restrictions of cluster munitions outlined in [the Convention on Cluster Munitions] because they were established with disregard for the input from the Russian Federation. Therefore, we are not considering the ratification.”⁴³⁴ Russia has also said that “the definitions of cluster munitions and their prohibition” were decided “with no account for Russia’s opinion and groundless and we cannot accept them.”⁴³⁵

Russia did not participate in the diplomatic Oslo Process in 2007 and 2008 that produced the Convention on Cluster Munitions. However, it did attend as an observer the European Regional Conference on Cluster Munitions in Brussels in October 2007.

In a statement released at the opening of the convention for signature in Oslo in December 2008, the Ministry of Foreign Affairs stated that cluster munitions are “a legitimate type of weapon that is not banned by international humanitarian law and plays a significant role in the defense interests of Russia.... We cannot stop using [cluster munitions]. We base our

⁴²⁷ Letter from Mihail Dumitru, Ministry of Foreign Affairs, to Judith Majlath, CMC-Austria, 24 June 2010; and letter from Amb. Adrian Vierita, Embassy of Romania to the United States, to HRW, 3 March 2009.

⁴²⁸ Romarm, “Artillery Ammunition,” www.romarm.ro.

⁴²⁹ Terry J. Gander and Charles Q. Cutshaw, eds., *Jane’s Ammunition Handbook 2001–2002* (Surrey, UK: Jane’s Information Group Limited, 2001), p. 322.

⁴³⁰ Robert Hewson, ed., *Jane’s Air Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004) p. 290.

⁴³¹ *Ibid.*, p. 844.

⁴³² Leland S. Ness and Anthony G. Williams, eds., *Jane’s Ammunition Handbook 2007–2008* (Surrey, UK: Jane’s Information Group Limited, 2007), p. 714.

⁴³³ Letter from Grigore Filip, President and General Director, Aerostar SA, No. 246, 26 August 2008.

⁴³⁴ Letter from Sergey Ryabkov, Deputy Minister of Foreign Affairs, Ministry of Foreign Affairs, to HRW, 20 March 2009.

⁴³⁵ Letter from Sergey Ryabkov, Ministry of Foreign Affairs, to the CMC, 18 September 2009. Unofficial translation by the Russian Ministry of Foreign Affairs.

attitude to cluster munitions on a balance of humanitarian and defense interests. We are against unjustified restrictions and bans on cluster munitions.”⁴³⁶ Similar language was included in a September 2009 letter to the CMC.⁴³⁷

The Ministry of Foreign Affairs also noted that “Russia admits that the use of cluster munitions in the course of armed conflicts in recent years has had serious negative consequences. Seeking to make our contribution to their solution, we participate in negotiations in Geneva on this subject under the Inhumane Weapons Convention [Convention on Conventional Weapons].”⁴³⁸

Convention on Conventional Weapons

Russia is party to the Convention on Conventional Weapons (CCW), and ratified Protocol V on explosive remnants of war on 21 July 2008. Russia has said in recent years that it considers the CCW the most appropriate forum for dealing with cluster munitions, claiming that it involves the major users and producers of cluster munitions.

However, Russia has been among the states most opposed to pursuing any work internationally on cluster munitions, even in the CCW.⁴³⁹ In 2005, as other states began to look seriously at how to deal with the humanitarian problems caused by cluster munitions, Russia argued that the problems associated with cluster munition use are “mythical.”⁴⁴⁰ In November 2006, Russia rejected a proposal for a mandate to negotiate in the CCW a legally-binding instrument “that addresses the humanitarian concerns posed by cluster munitions.”⁴⁴¹ In November 2007, Russia continued to oppose a mandate to negotiate a legally-binding instrument and would only commit to negotiate a “proposal” as opposed to a legally-binding “Protocol.”⁴⁴² In November 2008, after Russia and Georgia both used cluster munitions in their August conflict, Russia maintained that it was “premature to talk about a protocol” on cluster munitions.

In November 2009, Russia stated that it supported the continuation of work on cluster munitions in the CCW in 2010, but was not prepared to support concrete language mandating the CCW to negotiate a legally-binding protocol. It said that it would not object to a legally-binding instrument “so far as its main parameters would suit us and the main producers and stockpilers of cluster munitions.” It said it was willing to work on a “document” on cluster munitions, and expressed the view that there was already agreement on “significant and serious measures.”⁴⁴³

During CCW deliberations in 2009 and 2010 through July, Russia favored retaining an optional approach to regulations on cluster munitions “where states can select what they consider appropriate” to their requirements. It has supported the inclusion of a transition period of sufficient length “to meet the economic and organizational requirements of all states.”⁴⁴⁴ Russia has said that since it has a “large stockpile” of cluster munitions “stored throughout the state,” the disposal of a wide range of obsolete cluster munitions types would be time consuming and result in “a significant financial expenditure,” comparable to the US\$2.2 billion estimated by the US to destroy the US stockpile.⁴⁴⁵ Russia has opposed definitions of “cluster munition” and “cluster munition victim” that mirror the Convention on Cluster Munitions.⁴⁴⁶

Russia is not party to the Mine Ban Treaty.

Use

The Soviet Union used cluster munitions in 1943 against German armed forces during World War II and from 1979–1989 in Afghanistan.⁴⁴⁷ Russia used cluster munitions in Chechnya from 1994–1996 and again in 1999.⁴⁴⁸

Russia most recently used cluster munitions in the August 2008 conflict with Georgia. According to Human Rights Watch (HRW), Russian cluster munition strikes on populated areas killed 12 civilians and injured 46 more. Clearance personnel have found Russian air-dropped AO-2.5 RTM and rocket-delivered 9N210 submunitions, delivered by RBK

⁴³⁶ “Russia explains refusal to join cluster bombs convention,” *Interfax: Russia & CIS Military Newswire*, 8 December 2008.

⁴³⁷ Letter from Sergey Ryabkov, Ministry of Foreign Affairs, to the CMC, 18 September 2009. Unofficial translation by the Russian Ministry of Foreign Affairs.

⁴³⁸ “Russia explains refusal to join cluster bombs convention,” *Interfax: Russia & CIS Military Newswire*, 8 December 2008.

⁴³⁹ For details on Russia’s policy and practice on cluster munitions up to early 2009, see HRW and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 230–235.

⁴⁴⁰ Presentation of Russia, “Cluster Weapons: Real or Mythical Threat,” CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 2–12 August 2005, p. 3.

⁴⁴¹ Proposal for a Mandate to Negotiate a Legally-Binding Instrument that Addresses the Humanitarian Concerns Posed by Cluster Munitions, Third Review Conference of the States Parties to the CCW, Geneva, CCW/CONF.III/WP.1, 25 October 2006.

⁴⁴² Statement of Russia, CCW Meeting of States Parties, Geneva, 13 November 2007. Notes by WILPF.

⁴⁴³ Statement of Russia, CCW Meeting of States Parties, Geneva, 13 November 2009. Notes by Landmine Action.

⁴⁴⁴ Statement of Russia, CCW GGE on Cluster Munitions, Geneva, 14 April 2009. Notes by Landmine Action.

⁴⁴⁵ Statement of Russia, CCW Meeting of States Parties, Geneva, 12 November 2009. Notes by Landmine Action.

⁴⁴⁶ Statement of Russia, CCW GGE on Cluster Munitions, Geneva, 12 April 2010. Notes by AOAV.

⁴⁴⁷ Mennonite Central Committee, “Drop Today, Kill Tomorrow: Cluster Munitions as Inhumane and Indiscriminate Weapons,” June 1999, p. 5, www.mineaction.org. Additionally, cluster munitions were also used by various forces in several conflicts that resulted from the breakup of the Soviet Union in Azerbaijan, Nagorno-Karabakh, and Tajikistan. The degree of involvement of Russian forces in the use of cluster munitions is not known but cannot be discounted.

⁴⁴⁸ Mennonite Central Committee, “Clusters of Death: Global Report on Cluster Bomb Production and Use,” 2000, Chapter 3, mcc.org.

aerial bombs and Uragan ground rockets, respectively. Russia used cluster munitions in or near nine towns and villages in the Gori-Tskhinvali corridor south of the South Ossetian administrative border.⁴⁴⁹

Russia has denied using cluster munitions in Georgia since the first reports about cluster use were published.⁴⁵⁰

Production and transfer

Russia, and historically the Soviet Union, is a major producer and exporter of cluster munitions. Additionally, a number of states inherited stocks of cluster munitions when the Soviet Union dissolved. According to the Ministry of Foreign Affairs, “Our records on the production, usage, and export of cluster munitions... are confidential and will not be publicized.”⁴⁵¹

According to international technical reference materials, the following Russian companies are associated with the production of cluster munitions: Bazalt State Research and Production Enterprise (air-dropped bombs), Mechanical Engineering Research Institute (120mm, 152mm, and 203mm artillery projectiles), and Splav State Research and Production Enterprise Rocket (122mm, 220mm, and 300mm rockets).⁴⁵²

Cluster munitions of Russian/Soviet origin are reported to be in the stockpiles of the following 34 states:⁴⁵³ Algeria, Angola, Azerbaijan, Belarus, Bulgaria,⁴⁵⁴ Republic of the Congo, Croatia, Cuba, Czech Republic,⁴⁵⁵ Egypt, Hungary,⁴⁵⁶ Georgia,⁴⁵⁷ Guinea, Guinea-Bissau, India,⁴⁵⁸ Iran, Iraq, Kazakhstan, North Korea, Kuwait,⁴⁵⁹ Libya, Moldova,⁴⁶⁰ Mongolia, Peru,⁴⁶¹ Poland,⁴⁶² Romania, Slovakia, Sudan, Syria, Turkmenistan, Uganda, Ukraine, Uzbekistan, and Yemen.

Stockpiling

According to the Ministry of Foreign Affairs, “The quantity and types of cluster munitions stockpiled in the Russian Ministry of Defence are confidential and will not be publicized.”⁴⁶³ It is thought that Russia possesses a significant stockpile of cluster munitions which could number into the hundreds of millions of submunitions.

A number of international reference sources note that at least two Russian/Soviet ballistic missile systems are equipped with submunition payloads—the R-65/70 Luna M (FROG-7) and Iskander (SS-26)—but confirmed details are not publicly available.⁴⁶⁴

⁴⁴⁹ See HRW, *A Dying Practice: Use of Cluster Munitions by Russia and Georgia in August 2008* (New York: HRW, April 2009).

⁴⁵⁰ See HRW and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 232–233. See also, HRW, “A Dying Practice: Use of Cluster Munitions by Russia and Georgia in August 2008,” April 2009.

⁴⁵¹ Letter from Sergey Ryabkov, Ministry of Foreign Affairs, to HRW, 20 March 2009.

⁴⁵² The primary sources for information on Russian companies that produce cluster munitions are *Jane’s Air Launched Weapons* and *Jane’s Ammunition Handbook*. Splav State Research and Production Enterprise Rocket details the numerous types of rockets it produced at www.splav.org.

⁴⁵³ Unless otherwise footnoted, the source is Jane’s Information Group.

⁴⁵⁴ The Bulgarian Ministry of Foreign Affairs notes, “There are limited amounts of cluster munitions of the type RBK-250 and RBK-500 which are currently held by the Bulgarian Armed Forces.” Email from Lachezara Stoeva, Chief Expert, Arms Control and International Security Department, NATO and International Security Directorate, Bulgaria Ministry of Foreign Affairs, to the CMC, 17 May 2008.

⁴⁵⁵ The Ministry of Defense of the Czech Republic currently holds, in storage, 67 containers and 5,377 pieces of RBK-500 and KMGU BKF PTAB submunitions. Letter from Jan Michal, Director, UN Department, Czech Republic Ministry of Foreign Affairs, to HRW, 17 March 2009.

⁴⁵⁶ In 2006, officials acknowledged Hungary possessed Soviet-era air-dropped cluster bombs and said that their status was under review. HRW interview with members of Hungary’s delegation, CCW GGE on Cluster Munitions, Geneva, 19 June 2006 and 31 August 2006.

⁴⁵⁷ The Georgian Ministry of Defense reports having RBK-500 cluster munitions and BKF blocks of submunitions that are carried in KMGU dispensers, but it told HRW that their shelf-lives have expired and they are slated for destruction. Response to Monitor questionnaire by Georgian Ministry of Defense, 12 February 2009.

⁴⁵⁸ In February 2006, India bought 28 launch units for the 300mm Smerch Multiple Launch Rocket System fitted with DPICM and Sensor Fuzed Submunitions. “India, Russia sign \$500 mn rocket systems deal,” *Indo-Asian News Service* (New Delhi), 9 February 2006.

⁴⁵⁹ In 1995, Kuwait was the first export customer for the Russian produced 300mm Smerch Multiple Launch Rocket System fitted with DPICM and Sensor Fuzed Submunitions, buying 27 launch units. “Kuwait to get smart submunitions for Smerch MRL,” *Jane’s Defence Weekly*, 21 April 1995.

⁴⁶⁰ Moldova reported destroying a stockpile of 1,385 cluster munitions with more than 27,000 submunitions in July 2010. Email from Col. Andrei Sarban, Commander Logistic Command, Deputy Chief, Main Staff, National Army, Moldova Ministry of Defense, to the CMC, 23 June 2010.

⁴⁶¹ In May 2007 it was disclosed that the Peruvian air force possesses stockpiles of RBK-500 bombs. Ángel Páez, “Peru se suma a iniciativa mundial para prohibir y destruir las ‘bombas de racimo’” (“Peru joins global initiative to ban and destroy the ‘cluster bombs’”), *La Republica*, 29 May 2007. HRW was shown photographs of these cluster munitions by a member of the national media in May 2007. See also, Ángel Páez, “Se eliminarán las bombas de racimo” (“Cluster bombs will be eliminated”), *La Republica*, 29 May 2007.

⁴⁶² The Polish Air Force possesses “BKF expendable unit loader with anti-tank, incendiary and fragmentation bomblets, imported from USSR.” Letter from Adam Kobieracki, Director, Security Policy Department, Poland Ministry of Foreign Affairs, to HRW, 10 March 2009.

⁴⁶³ Letter from Sergey Ryabkov, Ministry of Foreign Affairs, to HRW, 20 March 2009.

⁴⁶⁴ Duncan Lennox, *Jane’s Strategic Weapons Systems* 46 (Surrey: Jane’s Information Group), January 2007, pp. 123–124, 139–141.

Type	Caliber	Carrier Name	No. of submunitions	Submunition Type
Projectile	152mm	3-O-23	42	DPICM
	152mm	3-O-13	8	DPICM
	203mm	3-O-14	24	DPICM
Bomb		KMGU	Mix of: 96 8 98 248	AO-2.5 APAM ODS-OD FAE PTAB 2.5 PTAB-1M
		PROSAB-250	90	PROSAB bomblet
		RBK-250	48	ZAB 2.5 incendiary
		RBK 250-275	60	AO-2.5 APAM
		RBK 250-275	60	AO-2.5-2 APAM
		RBK 250-275	150	AO-15Ch bomblet
		RBK 250-275	30	PTAB 2.5M
		RBK-500	108	AO-2.5 APAM
		RBK-500	108	AO-2.5-2 APAM
		RBK-500	75	PTAB 2.5
		RBK-500	268	PTAB 2.5M
		RBK-500	565	ShOAB-0.5 bomblet
		RBK-500	12	BetAB bomblets
		RBK-500	117	ZAB 2.5 incendiary
		RBK-500	15	SPBE-D SFW
		RBK-500U	10 26 15 352	OFAB-50 APAM OFAB 2.5 APAM SPBE-D PTAB
Rocket	122mm	Grad (9M218)	45	DPICM
	122mm	Grad (9M217)	2	SFW
	220mm	Uragan (9M27K)	30	9N210 APAM
	300mm	Smerch (9M55K)	72	9N235 APAM
	300mm	Smerch (9M55K1)	5	SFW
	300mm	Smerch (9M55K5)	646	APAM

DPICM= Dual purpose improved conventional munition

Saint Kitts and Nevis

Policy

Saint Kitts and Nevis has not yet acceded to the Convention on Cluster Munitions. In October 2009, a government representative told the CMC that Saint Kitts and Nevis supports the convention and sees signature as a priority, but other issues such as climate change have taken precedence.⁴⁶⁵

On 14–15 September 2009, Saint Kitts and Nevis attended the Regional Conference for Latin America and the Caribbean on Cluster Munitions in Santiago, Chile. It did not participate in the International Conference on the Convention on Cluster Munitions, also held in Santiago, in June 2010.

⁴⁶⁵ Meeting with Carlisle L. Richardson, Counsellor, Permanent Mission of Saint Kitts and Nevis to the UN in New York, 22 October 2009. Notes by the CMC.

Saint Kitts and Nevis attended only one of the international conferences to develop the convention text, the Vienna Conference on Cluster Munitions in December 2007. It also participated in the regional meeting held in Mexico City in April 2008, where it publicly committed to the Wellington Declaration in support of the negotiation of an instrument prohibiting cluster munitions. However, Saint Kitts and Nevis did not attend the subsequent negotiations in Dublin in May 2008 or the Convention on Cluster Munitions Signing Conference in Oslo in December 2008.

Saint Kitts and Nevis is party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

Saint Kitts and Nevis is not believed to have used, produced, transferred, or stockpiled cluster munitions.

Saint Lucia

Policy

Saint Lucia has not yet acceded to the Convention on Cluster Munitions. It has never made a public statement on its cluster munition policy.

Saint Lucia did not participate at all in the Oslo Process that created the convention. It did not attend the Regional Conference for Latin America and the Caribbean on Cluster Munitions in Santiago, Chile in September 2009 or the International Conference on the Convention on Cluster Munitions, also held in Santiago, in June 2010.

Saint Lucia is party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

Saint Lucia is not believed to have used, produced, transferred, or stockpiled cluster munitions.

Saudi Arabia

Policy

The Kingdom of Saudi Arabia has not acceded to the Convention on Cluster Munitions. It has not made any public statements regarding its cluster munition policy. Saudi Arabia did not participate in any of the regional or international meetings on cluster munitions in 2009 or 2010 through July.

In previous years, Saudi Arabia participated in two of the international preparatory conferences of the Oslo Process, but attended the formal negotiations in Dublin in May 2008 only as an observer. It did not make any statements at these meetings.⁴⁶⁶ It did not sign the convention in Oslo in December 2008.

Saudi Arabia is party to the Convention on Conventional Weapons (CCW) and joined Protocol V on explosive remnants of war on 8 January 2010. It has not actively engaged in CCW discussions on cluster munitions in recent years. It is not party to the Mine Ban Treaty.

Use, production, transfer, and stockpiling

Saudi Arabia has used cluster munitions in the past and continues to stockpile the weapons. It is not known to have produced or exported cluster munitions.

Both Saudi and United States forces used cluster munitions on the territory of Saudi Arabia in 1991 in response to an incursion by Iraqi armor units in the prelude to Operation Desert Storm.

During the battle of Khafji in January 1991, Saudi Arabia attacked Iraqi forces with cluster munitions fired from ASTROS Multiple Launch Rocket Systems, which Saudi Arabia had acquired from Brazil.⁴⁶⁷ The weapons reportedly left behind significant amounts of unexploded submunitions.⁴⁶⁸

⁴⁶⁶ Saudi Arabia never endorsed the Oslo Declaration or the Wellington Declaration supporting an international instrument banning cluster munitions. For more details on Saudi Arabia's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 235–236.

⁴⁶⁷ Terry Gander and Charles Cutshaw, eds., *Jane's Ammunition Handbook 2001–2002* (Surrey, UK: Jane's Information Group Limited, 2001), p. 630.

⁴⁶⁸ Human Rights Watch interviews with former explosive ordnance disposal personnel from a Western commercial clearance firm and a Saudi military officer with first-hand experience in clearing the dud dual purpose improved conventional munition (DPICM) bomblets from ASTROS rockets and Rockeye cluster bombs, names withheld, Geneva, 2001–2003.

Jane's Information Group has reported that British-produced BL-755 cluster bombs are in service with the Saudi air force.⁴⁶⁹ The US transferred to Saudi Arabia 1,000 CBU-58 and 350 CBU-71 cluster bombs at some point between 1970 and 1995.⁴⁷⁰ In 1991, the US announced its intent to transfer 1,200 CBU-87 Combined Effects Munitions cluster bombs.⁴⁷¹ In addition, the US transferred 600 CBU-87 cluster bombs to Saudi Arabia as part of a larger arms sales package announced in 1992.⁴⁷²

Serbia

Policy

The Republic of Serbia has not yet acceded to the Convention on Cluster Munitions, even though it played an important role in the Oslo Process that produced the convention in 2007 and 2008.

Minister of Defense Dragan Šutanovac stated in August 2009 that Serbia cannot give up its cluster munitions now because it does not have the capacity to replace them. He said, "We cannot put the country at risk and give up something that we are still using."⁴⁷³

A representative of the Ministry of Defense said in August 2009 that the signing of the convention was blocked by the Army General Staff. The Army General Staff argued that because cluster munitions constitute such a significant part of the army's arsenal, it would be too costly to try and replace them. It also cited a lack of financial resources for stockpile destruction.⁴⁷⁴

Serbia did not participate in any of the major conferences related to the Convention on Cluster Munitions in 2009 and 2010 through July. It attended a briefing on the convention held on the margins of the Tirana Workshop on Achieving a Mine-Free South Eastern Europe in October 2009.

Serbia played a leadership role during the Oslo Process, most notably by hosting the Belgrade Conference for States Affected by Cluster Munitions in October 2007.⁴⁷⁵ This brought together affected states to discuss critical issues for them as the new convention was being developed. At the outset of the conference, Serbian Minister of Foreign Affairs Vuk Jeremić stated that Serbia was discussing the possibility of enacting a unilateral moratorium on the use of cluster munitions.⁴⁷⁶ Subsequently, Serbia stated in November 2007 that it would declare a moratorium "in the near future."⁴⁷⁷

Serbia participated in the Oslo Process from its beginning in February 2007, and endorsed the Oslo declaration committing states to conclude in 2008 a new convention banning cluster munitions that cause unacceptable harm to civilians. Serbia actively participated in the formal negotiations in Dublin in May 2008 and joined in the consensus adoption of the convention text at the conclusion. However, it subsequently decided to attend the Convention on Cluster Munitions Signing Conference in Oslo in December 2008 only as an observer, and did not at the time provide an explanation for not signing.

Serbia is party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), but has yet to ratify Protocol V on explosive remnants of war. Serbia has not actively engaged in CCW deliberations on cluster munitions in recent years.

Use, production, transfer, and stockpiling

Cluster munitions were used by the Socialist Federal Republic of Yugoslavia as well as ethnic militias and secessionist forces during the conflicts resulting from the breakup of Yugoslavia starting in 1991. Forces of the successor, the Federal Republic of Yugoslavia, used cluster munitions during the 1998–1999 conflict in Kosovo. Yugoslav forces also launched several cluster rocket attacks into border regions controlled by Albania. Additionally, aircraft from the Netherlands, United Kingdom, and the United States dropped cluster bombs in Serbia and Kosovo during the 1999 NATO air campaign.⁴⁷⁸

⁴⁶⁹ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 845.

⁴⁷⁰ US Defense Security Cooperation Agency, Department of Defense, "Cluster Bomb Exports under FMS, FY1970–FY1995," 15 November 1995, obtained by Human Rights Watch in a Freedom of Information Act request, 28 November 1995.

⁴⁷¹ US Defense Security Cooperation Agency, Department of Defense, "Notifications to Congress of Pending US Arms Transfers," 25 July 1991.

⁴⁷² US Defense Security Cooperation Agency, Department of Defense, "Notifications to Congress of Pending US Arms Transfers," #92–42, 14 September 1992.

⁴⁷³ "Cluster munitions indispensable," *B92 News* (Belgrade), 27 August 2009, www.b92.net.

⁴⁷⁴ "General Staff blocking the signing," *Danas* (daily newspaper), 26 August 2009. The article quotes Petar Bošković, Public Relations Department, Ministry of Defense.

⁴⁷⁵ For more details on Serbia's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 236–238.

⁴⁷⁶ "Cluster Bomb Conference in Belgrade," *B92 News* (Belgrade), 3 October 2007, www.b92.net.

⁴⁷⁷ Statement of Serbia, CCW Meeting of States Parties, Geneva, 7 November 2007. Notes by WILPF.

⁴⁷⁸ Human Rights Watch, "Civilian Deaths in the NATO Air Campaign," Vol. 12, No. 1(D), February 2000; NPA, "Yellow Killers: The Impact of Cluster Munitions in Serbia and Montenegro," 2007; and NPA, "Report on the Impact of Unexploded Cluster Munitions in Serbia," January 2009.

In February 2009, Serbia stated that it does not have the capacity to produce cluster munitions and has not produced cluster munitions since the dissolution of the Socialist Federal Republic of Yugoslavia.⁴⁷⁹ According to standard reference works, Serbia was thought to have inherited some of those production capabilities.⁴⁸⁰

The precise size and composition of Serbia's stockpile of cluster munitions is not known, but it is thought to be a large stockpile, and to include air-delivered cluster bombs, ground-launched rockets, and artillery projectiles.

Jane's Information Group lists Serbia as possessing BL-755 cluster bombs.⁴⁸¹ Assuming Serbia's stockpile contains cluster munitions that were produced by Yugoslavia, it may also possess 152mm 3-O-23 artillery projectiles (containing 63 KB-2 submunitions) and 262mm M87 Orkan surface-to-surface rockets (containing 288 KB-1 submunitions). KB submunitions are the dual purpose improved conventional munition (DPICM) type. It may also possess RAB-120 and KPT-150 cluster bombs.⁴⁸²

Cluster Munition Remnants

Serbia has a significant problem with cluster munition remnants from NATO air strikes in 1999 which it reports struck 16 municipalities (Brus, Bujanovac, Čačak, Gadžin Han, Kraljevo, Knić, Kuršumlija, Leposavić, Medijana, Niš, Preševo, Raška, Sjenica, Sopot, Stara Pazova, and Vladimirci).⁴⁸³

A survey by Norwegian People's Aid (NPA) completed in November 2008 identified 28 local communities with about 162,000 inhabitants affected by unexploded submunitions. The assessment found that 88,000 people lived in the immediate vicinity of a suspected hazardous areas (SHA) and were exposed to daily risk. Of these, two-thirds live in Duvanište, a suburb of the city of Niš. NPA found that unexploded submunitions mostly block agricultural land (one-third of the total SHA), impede reconstruction of community infrastructure and utilities (19.9% of SHAs), or impede the rehabilitation of housing (14.2% of SHAs).⁴⁸⁴

The NPA survey identified some 30km² of SHAs containing unexploded submunitions. Based on a partial resurvey of these SHAs, the Serbian Mine Action Centre (SMAC) has identified 260 confirmed hazardous areas covering a total area of 14.3km² and 144 SHAs affecting a total of 8.4km².⁴⁸⁵ SMAC planned to survey these areas in 2010 and 2011, and expected the affected areas would be found to cover a total of around 17km².⁴⁸⁶

Clearance of cluster munition remnants

During 2009, three demining organizations with a total of 66 clearance personnel worked on clearance of unexploded submunitions in Serbia: EMERCOM, PMC Inženjering, and DOK-ING Demining. The three organizations released a total of 0.5km² of SHAs,⁴⁸⁷ less than half the amount released in 2008, with the destruction of four submunitions. The reduction in clearance is said to be a result of lack of funding.⁴⁸⁸

Singapore

Policy

The Republic of Singapore has not acceded to the Convention on Cluster Munitions. In May 2010, a Ministry of Foreign Affairs official told Landmine and Cluster Munition Monitor, "Singapore believes that humanitarian concerns pertaining to anti-personnel mines and cluster munitions should be balanced against the legitimate right of States to use such munitions judiciously for self-defence.... We will continue to support international efforts to resolve the humanitarian concerns over anti-personnel mines and cluster munitions, and to work with members of the international community towards a durable and truly global solution."⁴⁸⁹

⁴⁷⁹ Letter No. 235/1 from Dr. Slobodan Vukcevic, Permanent Mission of Serbia to the UN in Geneva, 9 February 2009.

⁴⁸⁰ See Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 238.

⁴⁸¹ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 845.

⁴⁸² For information on Yugoslav production of these weapons see, Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 291; Terry J. Gandler and Charles Q. Cutshaw, eds., *Jane's Ammunition Handbook 2001–2002* (Surrey, UK: Jane's Information Group Limited, 2001), p. 641; Leland S. Ness and Anthony G. Williams, eds., *Jane's Ammunition Handbook 2007–2008* (Surrey, UK: Jane's Information Group Limited, 2007), pp. 598–599, 720; and US Defense Intelligence Agency, "Improved Conventional Munitions and Selected Controlled-Fragmentation Munitions (Current and Projected) DST-1160S-020-90."

⁴⁸³ Statement of Serbia, Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies, Geneva, 23 June 2010.

⁴⁸⁴ NPA, "Report on impact of unexploded cluster submunitions in Serbia," Belgrade, January 2009, pp. 43, 47.

⁴⁸⁵ Interview with Petar Mihajlović, Director, and Sladjana Košutić, International Cooperation Advisor, SMAC, Belgrade, 26 April 2010.

⁴⁸⁶ Ibid.

⁴⁸⁷ Ibid.

⁴⁸⁸ Ibid.

⁴⁸⁹ Letter from Seah Seow Chen, Second Secretary, Permanent Mission of Singapore to the UN in Geneva, 4 May 2010.

Singapore did not attend the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions held in Bali, Indonesia in November 2009, or the International Conference on the Convention on Cluster Munitions held in Santiago, Chile in June 2010.

Singapore did not participate in any of the preparatory meetings of the Oslo Process to develop the Convention on Cluster Munitions. It sent an observer to the Dublin negotiations in May 2008, but did not join the 107 full participants in adopting the convention text. It was absent from the signing conference in Oslo in December 2008.⁴⁹⁰

In November 2009, in a statement to the UN General Assembly about cluster munitions, Singapore said that it “would like to underscore the centrality of the United Nations as a universal and multilateral negotiating forum for all member states. In this regard, we regret continued efforts to undermine this centrality, including the introduction of Conventions negotiated outside of the United Nations framework into the United Nations system.”⁴⁹¹

Singapore is not party to the Mine Ban Treaty or the Convention on Conventional Weapons.

Use, production, transfer, and stockpiling

Singapore is not known to have used cluster munitions. However, it produces the weapon and has a stockpile.

According to Jane’s Information Group, Advanced Material Engineering Pte Ltd., a subsidiary of Singapore Technologies Engineering, produces 155mm dual purpose improved conventional munition (DPICM) artillery projectiles, each consisting of 64 bomblets and equipped with electro-mechanical self-destruct fuzes.⁴⁹² The company also produces a 120mm mortar bomb which delivers 25 DPICM grenades.⁴⁹³

Singapore received 350 CBU-71 air-delivered cluster bombs from the United States at some point between 1970 and 1995.⁴⁹⁴

Details on the size of Singapore’s stockpile remain unknown, as the government has not chosen to disclose such information. It is not known if Singapore possesses other types of cluster munitions in addition to its domestically produced 155mm projectiles and 120mm mortar bombs, and the US-supplied cluster bombs.

In November 2008, Singapore announced that, while it did not plan to sign the Convention on Cluster Munitions, it would impose an indefinite moratorium on the export of cluster munitions with immediate effect.⁴⁹⁵ In May 2010, a Foreign Affairs official responding to inquiries by Landmine and Cluster Munition Monitor wrote, “Singapore has put in place an indefinite moratorium on exports of...cluster munitions since 2008, to ensure that these munitions will not be transferred to other parties who might use them indiscriminately and irresponsibly.”⁴⁹⁶

In May 2010, Singapore Technologies Engineering, when asked by Landmine and Cluster Munition Monitor if it was currently producing cluster munitions, stated, “ST Engineering does not produce cluster munitions for export, nor are we a sub-contractor to anyone who does. We are committed to work with the Singapore government and abide by the moratorium imposed by the Singapore government on the export of cluster munitions. ST Engineering is committed to working with the government, defense contractors and international organizations to bring about a truly international and enduring solution to the humanitarian concerns over cluster munitions.”⁴⁹⁷

In the past, companies in Singapore publicly advertised cluster munitions for sale. However, it is not known if exports actually occurred.

Slovakia

Policy

The Slovak Republic has not yet acceded to the Convention on Cluster Munitions. In 2010, Slovak officials informed the CMC that it was a matter of when Slovakia would join the convention, rather than if it would do so.⁴⁹⁸

⁴⁹⁰ For details on Singapore’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 238–239.

⁴⁹¹ See, Ministry of Foreign Affairs, “Singapore’s Explanation of Position on Resolution L16 on the “Convention on Cluster Munitions” at the First Committee, 64th UNGA, on 28 October 2009,” app.mfa.gov.sg.

⁴⁹² Leland S. Ness and Anthony G. Williams, eds., *Jane’s Ammunition Handbook 2007–2008* (Surrey, UK: Jane’s Information Group Limited, 2007), pp. 657–658. The bomblets have an advertised dud rate of less than 3%.

⁴⁹³ Singapore Technologies Engineering, “Product: 155m Cargo Round,” www.stengg.com.

⁴⁹⁴ US Defense Security Assistance Agency, Department of Defense, “Cluster Bomb Exports under FMS, FY1970–FY1995,” 15 November 1995, obtained by Human Rights Watch in a Freedom of Information Act request.

⁴⁹⁵ “Joint Press Statement By Ministry Of Foreign Affairs And Ministry Of Defence: Singapore Imposes A Moratorium On The Export Of Cluster Munitions,” 26 November 2008, app.mfa.gov.sg.

⁴⁹⁶ Letter from Seah Seow Chen, Permanent Mission of Singapore to the UN in Geneva, 4 May 2010.

⁴⁹⁷ Email from Sharolyn Choy, Senior Vice President, Corporate Communications, Singapore Technologies Engineering, 3 May 2010.

⁴⁹⁸ CMC meeting with Milan Vojtko, Counsellor, Deputy Head of Mission, and Darina Kosegiová, Attaché, Embassy of the Slovak Republic, London, 25 May 2010.

A process was initiated in November 2008 to develop an action plan for Slovakia's accession to the convention led by the Ministry of Defense, in cooperation with the Ministry of Foreign Affairs and the Ministry of the Economy. In March 2010, the Ministry of Defense requested a second extension for the submission of the action plan until June 2012.⁴⁹⁹

In May 2010, Slovakia issued a position paper outlining its policy on cluster munitions, based on the recognition of the fact that "the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians must be prohibited." Slovakia notes that its participation in the Oslo Process which led to the creation of the convention was evidence of its recognition of the "need for immediate action" on cluster munitions, but states that while the convention "brings about a significant contribution to the humanitarian aspect of the problem, it has failed to address legitimate defense interests." Thus, "as a result, Slovakia, like a great part of major users, producers...and stockpilers of the cluster munitions does not see herself in a position for the moment to join the Convention."⁵⁰⁰

The policy paper cites concerns over the costs and time period necessary for the replacement of weapons systems.⁵⁰¹ Officials have also raised concerns about the costs of stockpile destruction and about the perceived economic impact of the loss of jobs associated with the manufacturing of cluster munitions as among the main obstacles to joining the convention.⁵⁰²

The policy paper states that "intensive consideration of all humanitarian, defense, economic, and social aspects of the issue" are being carried out "in order to come gradually and *most rapidly* [sic] to full compatibility with the new norm...." As a result of these deliberations, Slovakia states that it has decided on a number of measures "aimed at meeting important requirements for addressing the problems posed" by cluster munitions, including no future acquisition of cluster munitions and destruction of existing stocks deemed "not absolutely necessary."

- "Armed Forces of the Slovak Republic have adopted a new policy of not purchasing cluster munitions and replace them with other systems in a gradual process allowing a transition into ensuring self-defense on a new basis.
- "Armed Forces of the Slovak Republic will carry on applying the policy of non-use of the cluster munitions outside its territory.
- "The process of destruction of the CM [cluster munition] stocks that are not absolutely necessary for her self-defence will be effected in the period of transforming the capabilities in this regard."⁵⁰³

Slovakia did not attend any of the regional or international conferences related to the Convention on Cluster Munitions in 2009 or 2010 through July.

Slovakia actively participated throughout the Oslo Process that led to the creation of the convention text, from its first conference in Oslo in February 2007, through the formal negotiations on the convention in Dublin in May 2008.⁵⁰⁴ Slovakia repeatedly emphasized that it was opposed to a categorical ban on cluster munitions and advocated only for restrictions, based on reliability criteria. It also called for a lengthy transition period, which it claimed was necessary in order to attract the widest possible adherence. Slovakia also supported the inclusion of provisions on "interoperability" (joint military operations with states not party).⁵⁰⁵ Slovakia joined the consensus adoption of the convention in Dublin, but did not give an indication that it would sign the convention in Oslo in December 2008, saying only that the text would be relayed to capital for consideration.⁵⁰⁶ Slovakia attended the signing conference only as an observer.

On 6 November 2008, the Slovak government adopted a decree, No. 810/2008, on the "analysis of the Convention on Cluster Munitions and proposal for further action." The decree required the Ministry of Defense, in cooperation with the Ministry of Economy and the Ministry of Foreign Affairs, to develop an action plan aimed at a gradual process leading to the fulfillment of obligations under the Convention on Cluster Munitions.⁵⁰⁷

According to the decree, the action plan should have been submitted to the government in December 2009. The Minister of Defense requested an extension of the deadline for the submission of the action plan until 31 March 2010, on the basis that a comprehensive assessment was required, in particular, of the possibility of allocating resources in the state budget for the measures necessary for the implementation of the convention. The extension was granted by the Prime Minister in December 2009.⁵⁰⁸

⁴⁹⁹ Letter from Katarína Bartosiewiczová, Ministry of Defense, 1 April 2010.

⁵⁰⁰ Slovakia, "Position paper on the Cluster Munitions," provided to the CMC by the Embassy of the Slovak Republic, London, 25 May 2010.

⁵⁰¹ Ibid.

⁵⁰² CMC meeting with Milan Vojtko and Darina Kosegiová, Embassy of the Slovak Republic, London, 25 May 2010.

⁵⁰³ Ibid.

⁵⁰⁴ For more details on Slovakia's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 239–242.

⁵⁰⁵ Statement of Slovakia, Session on Definition and Scope, Wellington Conference on Cluster Munitions, 18 February 2008; and statement of Slovakia, Session on Storage and Stockpile Destruction, Wellington Conference on Cluster Munitions, 21 February 2008. Notes by the CMC.

⁵⁰⁶ Statement of Slovakia, Closing Statement, Committee of the Whole, Dublin Diplomatic Conference on Cluster Munitions, 30 May 2008. Notes by Landmine Action.

⁵⁰⁷ Minister of Defense, Minister of Economy, Minister of Foreign Affairs, "Uznesenie vlády SR číslo 810/2008, k analýze Dohovoru o kazetovej munícii a návrhu ďalšieho postupu" ("Government Decree No 810/2008 on the analysis of the Convention on Cluster Munitions and proposal for action"), No. UV-V-722/2008, 6 November 2008, www.rokovania.sk.

⁵⁰⁸ Letter from Katarína Bartosiewiczová, Ministry of Defense, 15 January 2010.

In December 2009, a Ministry of Foreign Affairs spokesperson told reporters that Slovakia's accession to the convention will have an immediate and direct impact on the labor market and on the state budget because of cost implications associated with the production of munitions, the rearmament of the army, and the destruction of the ammunition.⁵⁰⁹

In March 2010, the Minister of Defense requested a second extension for the submission of the action plan until June 2012, due to "unsolved allocation of financial resources in the state budget in connection with the accession to the convention."⁵¹⁰ As of May 2010, the Ministry of Defense was responsible for producing an analysis of the cost implications of destroying and replacing Slovakia's cluster munitions stockpiles in order to inform the government's decisions on further steps toward acceding to the convention.⁵¹¹

In July 2010, the eight Slovak Members of the European Parliament voted seven to one in favor of a European Parliament resolution in support of the Convention on Cluster Munitions.⁵¹²

Slovakia is a State Party to the Mine Ban Treaty. Slovakia is also party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. Slovakia attended all sessions of the CCW deliberations on cluster munitions in 2009 and 2010 through July, but did not make a statement in its national capacity on its views of the draft text.

During 2009, Amnesty International Slovakia launched a number of national campaign actions calling on the government to sign the convention, including electronic postcards, public actions, and petitions.⁵¹³ In July 2010, as part of its campaign activities in a countdown until the entry into force of the convention, the CMC campaign targeted Slovakia, urging letters to be sent to the ministers of foreign affairs and defense, calling on the government to sign the convention.⁵¹⁴

Use, production, transfer, and stockpiling

Slovakia has stated "the Armed Forces have not used and will not use cluster munitions ever in the military operations outside of the territory of the Slovak Republic."⁵¹⁵ According to the Minister of Defense, cluster munitions are not in service with Slovak troops deployed in military operations outside the territory of the Slovak Republic.⁵¹⁶

As noted above, Slovakia stated in May 2010 that the armed forces have "adopted a new policy of not purchasing cluster munitions."⁵¹⁷ The Minister of Defense confirmed in June that "purchase of additional cluster munitions for the Armed Forces of the Slovak Republic is not expected."⁵¹⁸

Slovakia has produced, exported, and imported cluster munitions in the past and currently has a stockpile. In a letter to Amnesty International in March 2010, the Ministry of Defense stated that the armed forces stockpile the following types of cluster munitions: M26 Multiple Launch Rocket System (MLRS),⁵¹⁹ 122mm JKKK-AGAT rockets, RBK bombs, and KMGU dispensers.⁵²⁰

In February 2009, the Slovak Ministry of Defense reportedly cancelled further orders of M26 MLRS cluster munitions and suggested that it would replace its existing stocks of cluster munitions with other munitions by 2016 to 2020 at the latest.⁵²¹

⁵⁰⁹ "Smrt zo Slovenska" ("Death from Slovakia"), *Plus sedem dní*, 16 December 2009.

⁵¹⁰ Letter from Katarína Bartosiewiczová, Ministry of Defense, 1 April 2010.

⁵¹¹ CMC meeting with Milan Vojtko and Darina Kosegiová, Embassy of the Slovak Republic, London, 25 May 2010.

⁵¹² The resolution calls for European Union (EU) members to sign and ratify the Convention on Cluster Munitions, promote the convention to states not party, implement and provide assistance for the implementation of the Convention on Cluster Munitions, participate in the First Meeting of States Parties in Lao PDR, and not to support a protocol within the CCW that would be incompatible with the provisions of the Convention on Cluster Munitions. European Parliament, "Joint Motion for a Resolution on the entry into force of the Convention on Cluster Munitions (CCM) and the role of the EU," 8 July 2010, www.europarl.europa.eu. Voting record available at www.votewatch.eu.

⁵¹³ CMC, "CMC Newsletter," July 2009; and email from Martina Mazurova, Campaign Coordinator, Amnesty International Slovakia, 1 April 2010.

⁵¹⁴ CMC, "Countdown to entry into force – week 12: Slovakia," 12 July 2010.

⁵¹⁵ Letter from Miroslav Lajčák, Minister of Foreign Affairs, 1 October 2009; and Slovakia, "Position paper on the Cluster Munitions," provided to the CMC by Embassy of the Slovak Republic, London, 25 May 2010.

⁵¹⁶ Letter from Jaroslav Baška, Minister of Defense, 16 June 2009.

⁵¹⁷ Slovakia, "Position paper on the Cluster Munitions," provided to the CMC by the Embassy of the Slovak Republic, London, 25 May 2010.

⁵¹⁸ Letter from Jaroslav Baška, Minister of Defense, 16 June 2009.

⁵¹⁹ In 2004, Germany transferred 270 M26 MLRS rockets and transferred another 132 in 2005. It is unclear if they were transfers of individual rockets or pods containing six rockets each. Each M26 rocket has 644 submunitions. Submission of Germany, UN Register of Conventional Arms, Report for Calendar Year 2004, 26 May 2005; and Submission of Germany, UN Register of Conventional Arms, Report for Calendar Year 2005, 1 June 2006.

⁵²⁰ Letter from Col. Boris Pittner, Deputy Director General, Ministry of Defense, 19 March 2010.

⁵²¹ "Slovak Defense Ministry cancels orders for cluster munitions," *Zibb*, 3 February 2009, www.zibb.com. The original source cited is the Slovak News Agency website, www.sita.sk, Bratislava, BBC Monitoring.

The company Konstrukta Defense SA has produced 152mm artillery projectiles that contain dual purpose improved conventional munition (DPICM) type submunitions with a self-destructing capability.⁵²² It also has produced a 122mm rocket called AGAT that contains 50 dual purpose and six incendiary submunitions; both types of submunition can self-destruct.⁵²³ Slovakia reported the export of 380 AGAT rockets to Turkey in 2007.⁵²⁴

Technopol International a.s., Bratislava is a holder of licenses for the export of cluster munitions. Those licences have been issued on 22 of September 2009 and 27 of August 2009 and are valid until 31 December 2010.⁵²⁵

Konstrukta Defense SA also advertises the FOBOS anti-runway dispenser that ejects between one and nine “bombs” which appear to weigh 50kg each, and if so, would not be prohibited by the Convention on Cluster Munitions.⁵²⁶

Neighboring country Slovenia has reported that it possesses 1,080 155mm artillery projectiles, designated PAT-794, that contain submunitions.⁵²⁷ While the origin of the PAT-794 projectile is uncertain, knowledgeable sources have speculated that the PAT-794 was produced by the ZVS Company from Slovakia and contains 49 DPICM submunitions.

Solomon Islands

Policy

The Solomon Islands has not yet acceded to the Convention on Cluster Munitions. The Solomon Islands did not participate in the Oslo Process and has never made a public statement on the issue.

The Solomon Islands is party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

The Solomon Islands is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

Sri Lanka

Policy

The Democratic Socialist Republic of Sri Lanka has not acceded to the Convention on Cluster Munitions. Since the conclusion of the conflict with the Liberation Tigers of Tamil Eelam (LTTE) in May 2009, the government has showed increased interest in the convention.

In October 2009, Sri Lanka Army Commander Lieutenant General J. Jayasuriya gave a keynote address at a seminar co-organized by UNICEF and the ICBL (Sri Lanka Campaign). He stated, “In the current post-conflict phase in Sri Lanka, it is timely that we focus our attention on the international legal instruments that limit or ban certain weapons based on humanitarian grounds,” referring to the Convention on Cluster Munitions, the Mine Ban Treaty, and the Convention on Conventional Weapons (CCW).⁵²⁸

He stated, “Where the cluster munitions are concerned, I wish to categorically state that such inhumane weapons have never, and will never be used by the Sri Lankan Armed Forces.”⁵²⁹

In November 2009, Sri Lanka sent representatives from the military to the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions held in Bali, Indonesia. They did not make any statements at the meeting. Sri Lanka did not participate in the International Conference on the Convention on Cluster Munitions held in Santiago, Chile in June 2010.

⁵²² Terry J. Gander and Charles Q. Cutshaw, eds., *Jane's Ammunition Handbook 2001–2002* (Surrey, UK: Jane's Information Group Limited 2001), pp. 321, 627.

⁵²³ Konstrukta Defense SA, “Our products – results of our R&D work, AGAT – 122mm Cargo Rocket,” undated, www.kotadef.sk. Additionally, the company ZVS holding, a.s. offered 122mm rockets under the trade name AGAT. Letter from Anna Palkovičová, Ministry of Economy, 25 March 2010; ZVS holding, a.s., “Products: special production,” undated, www.zvsholding.sk. Any relationship between ZVS holding, a.s. and Konstrukta Defense SA is unclear.

⁵²⁴ Submission of Slovakia, UN Register of Conventional Arms, Report for Calendar Year 2007, 12 June 2008.

⁵²⁵ Letter from Ľubomír Kovačik, Ministry of Economy, 1 December 2009.

⁵²⁶ Konstrukta Defense SA, “Our products – results of our R&D work, FOBOS – Anti-runway Aviation System,” undated, www.kotadef.sk. In Article 2.2, the convention defines a cluster munition as a munition that disperses submunitions “each weighing less than 20 kilograms.”

⁵²⁷ Letter from Samuel Žbogar, Minister of Foreign Affairs, Slovenia, 25 February 2009.

⁵²⁸ Keynote address by Lt.-Gen. J. Jayasuriya, Sri Lankan Army, International Law on Landmines and Explosive Remnants of War Seminar, Colombo, 27 October 2009. The text of the keynote address was carried in “Flow of arms to terrorists must stop,” *Daily News*, 28 October 2009, www.dailynews.lk.

⁵²⁹ “Flow of arms to terrorists must stop,” *Daily News*, 28 October 2009, www.dailynews.lk.

Sri Lanka only attended one of the diplomatic Oslo Process conferences to develop the convention, in Vienna in December 2007. It did not intervene.

Sri Lanka is not party to the Mine Ban Treaty. Sri Lanka is party to the CCW, but has not ratified Protocol V on explosive remnants of war. Sri Lanka has not been an active participant in CCW discussions on cluster munitions in recent years.

Use, production, transfer, and stockpiling

There were media reports of Sri Lanka using cluster munitions against the LTTE in 2008 and 2009, but Sri Lanka strongly denied the claims, and there has been no compelling evidence of such use.⁵³⁰ Sri Lanka has said that it does not possess cluster munitions.

The Sri Lankan government's Media Center for National Security posted the following statement on its website in February 2009: "The Government wishes to clarify that the Sri Lanka army do not use these cluster bombs nor do they have facilities to use them."⁵³¹ The Ministry of Defence website posted a statement saying Sri Lanka never fired cluster munitions and never brought them into the country.⁵³² Military spokesperson Brigadier Udaya Nanayakkara was quoted stating, "We don't have the facility to fire cluster munitions. We don't have these weapons."⁵³³

Sri Lanka possesses both aircraft and rocket launchers capable of deploying cluster munitions. In February 2009, the CMC wrote a letter to Sri Lankan President Rajapaska asking the government to officially state whether Sri Lanka possesses cluster munitions and to provide "clarification on whether Sri Lanka has imported either cluster bombs for use in Kfir attack aircraft or 122mm cluster rockets for RM-70 rocket launchers."⁵³⁴ Sri Lanka did not respond.

Sudan

Policy

The Republic of Sudan has not acceded to the Convention on Cluster Munitions.

In August 2010, during an event in Khartoum to celebrate the convention's entry into force, Sudan's State Minister to the Ministry of Humanitarian Affairs, Dr. Mutrif Siddiq, said that Sudan would join before the convention's First Meeting of States Parties in November 2010.⁵³⁵

In April 2010, during a celebration of UN Mine Action Day, Chief of Staff of the Armed Forces of Sudan, General Mohamed Abd-al-Qadir, stated that Sudan was ready to join the convention.⁵³⁶

In March 2010, a government official told the CMC that relevant governmental agencies were considering Sudan's position on joining the convention and a decision was expected after the April 2010 presidential and parliamentary elections.⁵³⁷

In December 2009, Sudan's high-level delegation to the Second Review Conference of the Mine Ban Treaty told campaigners that Sudan would likely join the Convention on Cluster Munitions eventually, but had become reluctant to do so since the International Criminal Court issued an arrest warrant in March 2009 for Sudanese President Omar al-Bashir.⁵³⁸

Sudan has shown an interest in the work of the convention in 2009 and 2010. It participated in the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, as well as the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa in March 2010. It did not make a statement at either of these meetings.

⁵³⁰ See Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 242. In October 2009, Lt.-Gen. J. Jayasuriya said, "During the last stages of the conflict, interested parties have alleged such use in Sri Lanka, with a view to bringing the Government and the Security Forces into disrepute, which allegations are totally unfounded and baseless." "Flow of arms to terrorists must stop," *Daily News*, 28 October 2009, www.dailynews.lk.

⁵³¹ Media Center for National Security, "Government denies the attack on Pudukuduerippu hospital or using cluster bombs," 4 February 2009, www.nationalsecurity.lk.

⁵³² Walter Jayawardhana, "UN Spokesman Accepts Sri Lanka Never Had Cluster Bombs," Ministry of Defence, 5 February 2009, www.defence.lk.

⁵³³ Ibid.

⁵³⁴ CMC, "Open Letter to Sri Lanka: Join Convention on Cluster Munitions," 18 February 2009, www.stopclustermunitions.org.

⁵³⁵ "Sudan Joins Enforcement of Convention on Cluster Munitions," *Sudan Vision* (Khartoum), 3 August 2010, www.sudanvisiondaily.com. Also participating in the event were representatives from Norway, the United Kingdom, UN, and NGOs.

⁵³⁶ Statement by Gen. Mohamed Abd-al-Qadir, Chief of Staff, Armed Forces of Sudan, Sudan Mine Action Day Celebration, Khartoum, 1 April 2010. See also, "Sudan armed forces deny possession of cluster bombs," *BBC Monitoring Middle East* (English), 2 April 2010, citing original source as *Akhir Lahzah* (Khartoum newspaper in Arabic), 2 April 2010.

⁵³⁷ CMC meeting with the Sudanese delegation, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 25 March 2010. Notes by the CMC.

⁵³⁸ ICBL meeting with the Sudanese delegation, Second Review Conference of the Mine Ban Treaty, Cartagena, 4 December 2009. Notes by the ICBL.

Sudan participated in the Oslo Process that produced the convention from December 2007 onwards. It joined the consensus adoption of the convention at the conclusion of the formal negotiations in Dublin in May 2008. Sudan also endorsed the Livingstone Declaration calling for a comprehensive treaty with a prohibition that should be “total and immediate.”⁵³⁹

Sudan attended the Convention on Cluster Munitions Signing Conference in Oslo in December 2008 as an observer, where it stated its commitment to the principles of the convention and its intent to sign as soon as possible, once logistical and national measures had been completed.⁵⁴⁰

Sudan is a State Party to the Mine Ban Treaty. Sudan signed the Convention on Conventional Weapons (CCW) on 10 April 1981, but has never ratified the convention or its protocols.

Use, production, transfer, and stockpiling

Sudan has used cluster munitions in the past. It imported cluster munitions from a number of countries, but the current status of its stockpile is uncertain.

On 1 April 2010, the Chief of Staff of the Armed Forces of Sudan stated that Sudan does not possess cluster munitions.⁵⁴¹

Sudanese government forces sporadically used air-dropped cluster munitions, including Chilean made PM-1 submunitions, in Southern Sudan between 1995 and 2000.⁵⁴² Landmine Action photographed a Rockeye-type cluster bomb with Chinese-language external markings in Yei in October 2006. Additionally, clearance personnel in Sudan have identified a variety of submunitions, including the Spanish-manufactured HESPIN 21, United States-produced M42 and Mk118 (Rockeye), and Soviet-manufactured PTAB-1.5.⁵⁴³

Jane’s Information Group reports that KMG-U dispensers which deploy submunitions are in service with the country’s air force.⁵⁴⁴

Sudan is not believed to have produced or exported cluster munitions.

Suriname

Policy

The Republic of Suriname has not yet acceded to the Convention on Cluster Munitions. Suriname has not made a public statement on its cluster munition policy. In October 2009, a government representative informed the CMC that the convention was being considered and indicated that Suriname would be able to join by June 2010.⁵⁴⁵

Suriname attended the Regional Conference for Latin America and the Caribbean on Cluster Munitions in Santiago, Chile in September 2009, where it noted its satisfaction to be among the Convention on Cluster Munition community and stated its intention to sign in the near future.⁵⁴⁶ It did not participate in the International Conference on the Convention on Cluster Munitions, also held in Santiago, in June 2010.

Suriname took part in only one of the preparatory meetings of the Oslo Process that created the convention, in Vienna in December 2007, and did not participate in the formal negotiations in Dublin in May 2008.

Suriname is party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

Suriname is not believed to have used, produced, transferred, or stockpiled cluster munitions.

⁵³⁹ For more details on Sudan’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 243–244.

⁵⁴⁰ Statement of Sudan, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008. Notes by Landmine Action. Officials told the CMC that Sudan intended to sign, but the Minister of Foreign Affairs was unexpectedly unable to come and no one else had authorization to sign.

⁵⁴¹ Statement by Gen. Mohamed Abd-al-Qadir, Armed Forces of Sudan, Sudan Mine Action Day Celebration, Khartoum, 1 April 2010. See also, “Sudan armed forces deny possession of cluster bombs,” *BBC Monitoring Middle East* (English), 2 April 2010, citing original source as *Akhir Lahzah* (Khartoum newspaper in Arabic), 2 April 2010.

⁵⁴² Virgil Wiebe and Titus Peachey, “Clusters of Death, Chapter 4: Cluster Munition Use in Sudan,” Mennonite Central Committee, 2000, clusterbombs.mcc.org.

⁵⁴³ *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: Handicap International, 2007), p. 55.

⁵⁴⁴ Robert Hewson, ed., *Jane’s Air Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), p. 846.

⁵⁴⁵ Meeting with Is Inlucy, Department of International Organizations, Ministry of Foreign Affairs, New York, 15 October 2009. Notes by the CMC.

⁵⁴⁶ CMC, “Update on the Fourth Regional Conference for Latin America and the Caribbean on Cluster Munitions, Santiago, Chile, 14–15 September 2009,” 14 September 2009.

Swaziland

Policy

Swaziland has not yet acceded to the Convention on Cluster Munitions. In October 2009, a government official said that the Ministry of Foreign Affairs was reviewing the convention and then it would be sent to Cabinet for approval.⁵⁴⁷

In March 2010, Swaziland attended the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa, but it did not make any statements. Swaziland did not attend the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

Swaziland participated in the Oslo Process that created the Convention on Cluster Munitions, including the international meeting to develop the convention text held in Vienna in December 2007 and regional meetings held in Livingstone, Zambia in March–April 2008 and in Kampala, Uganda in September 2008. It endorsed the Livingstone Declaration, calling for a comprehensive treaty with a prohibition that should be “total and immediate,” and the the Kampala Action Plan, which declared that states should sign and “take all necessary measures to ratify the convention as soon as possible.”⁵⁴⁸

Swaziland took part in the formal negotiations in Dublin in May 2008, and at the conclusion, it joined in the consensus adoption of the convention text. Swaziland attended the Convention on Cluster Munitions Signing Conference in Oslo in December 2008, but could not sign at the time, as it did not have the correct paperwork.⁵⁴⁹

Swaziland is a State Party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

Swaziland is not believed to have used, produced, transferred, or stockpiled cluster munitions.

Syria

Policy

The Syrian Arab Republic has not acceded to the Convention on Cluster Munitions. It has not made a public declaration of its cluster munition policy.

Syria did not participate at all in the diplomatic Oslo Process that resulted in the negotiation and signing of the convention in 2008. It has not attended any of the regional or international meetings on cluster munitions in 2009 and 2010 through July.

Syria is not party to the Mine Ban Treaty or the Convention on Conventional Weapons (CCW). Syria has participated as an observer in CCW discussions on cluster munitions in recent years.

Syria is not known to have produced or used cluster munitions, but does have a stockpile of the weapons. Jane’s Information Group lists Syria as possessing KMG-U dispensers, RBK-250, RBK-275, and RBK-500 cluster bombs.⁵⁵⁰ It also possesses Grad 122mm rockets, which may include versions with submunition payloads.⁵⁵¹ It is not known if Syria was the source for Chinese Type-81 122mm cluster munition rockets fired by Hezbollah into northern Israel from southern Lebanon in July–August 2006.

Israel reportedly used air-dropped cluster munitions against Palestinian camps near Damascus, Syria, in 1973.⁵⁵²

⁵⁴⁷ CMC meeting with Col. Cyprian Nhlengethwa, Ministry of Defense, New York, 15 October 2009. Notes by the CMC.

⁵⁴⁸ See, CMC, “Report on the Livingstone Conference on Cluster Munitions, 31 March–1 April 2008”; Livingstone Declaration, Livingstone Conference on Cluster Munitions, 1 April 2008; CMC, “Report on the Kampala Conference on the Convention on Cluster Munitions,” 30 September 2008; and Kampala Action Plan, Kampala Conference on the Convention on Cluster Munitions, 30 September 2008.

⁵⁴⁹ CMC meeting with Col. Cyprian Nhlengethwa, Ministry of Defense, and Sibongile Gladys Dlamini, First Secretary, Permanent Mission of Swaziland to the UN in New York, 22 October 2009.

⁵⁵⁰ Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), p. 846.

⁵⁵¹ International Institute for Strategic Studies, *The Military Balance 2005–2006* (London: Routledge, 2005), p. 210.

⁵⁵² Anthony H. Cordesman and Abraham R. Wagner, *Lessons of Modern War Volume 1: The Arab Israeli Conflicts, 1973–1989* (Boulder, Colorado: Westview Press, 1990), p. 98.

Cluster Munition Remnants

The Golan Heights is contaminated with unexploded ordnance, including unexploded submunitions. The precise extent of the problem is not known. In 2009, UN Disengagement Observer Force (UNDOF) explosive ordnance disposal personnel destroyed a variety of ordnance including four unexploded submunitions.⁵⁵³

Tajikistan

Policy

The Republic of Tajikistan has not acceded to the Convention on Cluster Munitions. At the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, Tajikistan said that the government was in the process of analyzing possible signature to the convention. It welcomed the adoption of the convention in Dublin, the large number of signatories and ratifications, the pending entry into force, and Lao PDR's decision to host the First Meeting of States Parties.⁵⁵⁴

Tajikistan joined the Oslo Process that produced the convention in October 2007 when it attended the Belgrade Conference for States Affected by Cluster Munitions. It then participated in the preparatory conferences to develop the convention text in Vienna in 2007 and Wellington in February 2008. At the Vienna conference, Tajikistan officially endorsed the Oslo Declaration, committing to the conclusion of an international instrument banning cluster munitions that cause unacceptable harm to civilians.⁵⁵⁵ It later endorsed the Wellington Declaration, committing to negotiate a convention banning cluster munitions, based on the Wellington draft text.⁵⁵⁶

However, Tajikistan did not attend the formal negotiations of the convention in Dublin in May 2008, even as an observer, and did not attend the Convention on Cluster Munitions Signing Conference in Oslo in December 2008.

Tajikistan is a State Party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. It has not participated in the CCW discussions on cluster munitions in recent years.

Tajikistan has stated on several occasions that it does not use, produce, transfer, or stockpile cluster munitions.⁵⁵⁷

Cluster munitions were used in Tajikistan during its civil war in the 1990s. It is not known what forces used the weapons. ShOAB-0.5 and AO-2.5 RT submunitions have been found in the town of Gharm in the Rasht valley.⁵⁵⁸

Thailand

Policy

The Kingdom of Thailand has not acceded to the Convention on Cluster Munitions.

In February 2010, a Ministry of Foreign Affairs representative told Landmine and Cluster Munition Monitor that an interagency review, including the Royal Thai Armed Forces, was still underway, looking at cluster munition policy and the possibility of joining the convention. He said stockpile destruction remains the major concern.⁵⁵⁹

Previously, in December 2008, Thailand stated that it had no intention of using cluster munitions or acquiring more of them in the future. However, because it maintained stocks of cluster munitions, it would require further time to evaluate the convention. It expressed concern about the high cost of stockpile destruction and said it was seeking ways to develop a comprehensive plan for destruction. Thailand added that it wished to see all stakeholders, including the manufacturers of cluster munitions, join the convention.⁵⁶⁰

⁵⁵³ Email from Col. Tadeucz Bicz, Acting Chief of Staff, UNDOF, 22 February 2010.

⁵⁵⁴ Statement of Tajikistan, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010. Notes by AOAV/HRW. Later in June 2010, an official said interdepartmental evaluations and consultations were ongoing. CMC/ICBL meeting with Tajik delegation, Mine Ban Treaty intersessional Standing Committee meetings, Geneva, 21 June 2010. Notes by the ICBL.

⁵⁵⁵ Statement of Tajikistan, Vienna Conference on Cluster Munitions, 7 December 2007. Notes by the CMC/WILPF.

⁵⁵⁶ Letter No. 10-3 (5027) from the Ministry of Foreign Affairs of the Republic of Tajikistan to the Ministry of Foreign Affairs of New Zealand, 22 April 2008.

⁵⁵⁷ Statement of Tajikistan, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010. Notes by AOAV/HRW. See also, Letter No. 10-3 (5027) from the Ministry of Foreign Affairs of the Republic of Tajikistan to the Ministry of Foreign Affairs of New Zealand, 22 April 2008.

⁵⁵⁸ See "Timeline of Cluster Munition Use," in Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 15.

⁵⁵⁹ Interview with Cherdkiat Atthakor, Director, Peace Security and Disarmament Division, Department of International Organizations, Ministry of Foreign Affairs, Bangkok, 24 February 2010.

⁵⁶⁰ Statement of Thailand, Convention on Cluster Munitions Signing Conference, Oslo, 4 December 2008. Notes by Landmine Action.

Thailand has continued to show interest in the convention. The Ministry of Foreign Affairs co-organized with the ICRC a Roundtable Discussion on the Convention on Cluster Munitions in Bangkok on 29–30 July 2010.⁵⁶¹

Thailand attended the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, but did not make any statements. It also participated in the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in Bali, Indonesia in November 2009. In Bali, Thailand stressed the importance of sustained international assistance in meeting the convention's obligations. It also spoke on victim assistance and offered to provide prosthetic training.⁵⁶²

Thailand participated in most of the Oslo Process diplomatic conferences in 2007 and 2008 to develop the convention, but chose to attend the formal negotiations in May 2008 and the signing conference in December 2008 only as an observer. During the Oslo Process, Thailand expressed support for a new convention banning cluster munitions. It described the final convention text as well balanced and welcomed its adoption.⁵⁶³

Thailand is a State Party to the Mine Ban Treaty, but is not party to the Convention on Conventional Weapons.

On 19 February 2010, Jesuit Refugee Service, Nonviolence International, and the ICBL's Victim Assistance Focal Point in Thailand organized a public event to celebrate the convention's 30th ratification. On 31 July, the CMC held a press conference in Bangkok to welcome the entry into force of the convention. A cluster munition survivor and representatives of the government of Lao PDR, the UN, and the ICRC provided an overview of what the ban will mean for Southeast Asia and the world.

Use, production, transfer, and stockpiling

Thailand is not believed to have ever used, produced, or exported cluster munitions. It possesses a stockpile of the weapons.

In February 2010, a Foreign Ministry representative told Landmine and Cluster Munition Monitor that Thailand had no intention to acquire more stocks of cluster munitions.⁵⁶⁴ The United States supplied it with 500 Rockeye and 200 CBU-71 cluster bombs at some point between 1970 and 1995.⁵⁶⁵ The status and composition of Thailand's current stockpile is not known.

Norwegian People's Aid has been providing the ministries of foreign affairs and defense with advice and information on efficient solutions to the destruction of its stockpile of cluster munitions.⁵⁶⁶

Timor-Leste

Policy

The Democratic Republic of Timor-Leste has not acceded to the Convention on Cluster Munitions. Timor-Leste first participated in the Oslo Process that created the convention in February 2008 at the Wellington Conference on Cluster Munitions. It endorsed the Wellington Declaration in support of the negotiation of an instrument prohibiting cluster munitions.

Timor-Leste then participated in the formal negotiations of the convention in Dublin, and was one of 107 states that adopted the convention text on 30 May 2008. Timor-Leste attended the Convention on Cluster Munitions Signing Conference in Oslo in December 2008, but did not sign the convention.

Timor-Leste attended the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in Bali, Indonesia on 16–17 November 2009.

In 2010, Foreign Ministry officials indicated that the convention's goals are consistent with Timor-Leste's foreign policy and that there is no compelling reason why Timor-Leste cannot accede. However, the ministry does not have sufficient staff and resources to work on all issues, and the Convention on Cluster Munitions was not a priority in 2010.⁵⁶⁷

⁵⁶¹ Participants included representatives from the Ministry of Defense and other Thai government agencies, Australia, Germany, Japan, Lao PDR, the UN, the CMC, local campaigners, and the Geneva International Centre for Humanitarian Demining.

⁵⁶² Statement of Thailand, Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions, Bali, 16 November 2009. Notes by Landmine Action. Email from Semsiri Ingavanija, Coordinator, Ban Landmines Project, Jesuit Refugee Service, 5 April 2010.

⁵⁶³ For details on Thailand's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 245–246.

⁵⁶⁴ Interview with Cherdkiat Atthakor, Ministry of Foreign Affairs, Bangkok, 24 February 2010. Thailand also stated this in December 2008. See, Statement of Thailand, Convention on Cluster Munitions Signing Conference, Oslo, 4 December 2008. Notes by Landmine Action.

⁵⁶⁵ US Defense Security Assistance Agency, Department of Defense, "Cluster Bomb Exports under FMS, FY1970–FY1995," obtained by Human Rights Watch in a Freedom of Information Act request, 28 November 1995.

⁵⁶⁶ Email from Lee Moroney, Programme Manager, Norwegian People's Aid, 17 August 2010.

⁵⁶⁷ Email from Charles Scheiner, Researcher, La'o Hamutuk (Timor-Leste Institute for Development Monitoring and Analysis), 20 April 2010.

Timor-Leste is party to the Mine Ban Treaty, but not the Convention on Conventional Weapons.

Timor-Leste is not believed to have used, produced, transferred, or stockpiled cluster munitions.

Tonga

Policy

The Kingdom of Tonga has not yet acceded to the Convention on Cluster Munitions. Tonga has not made any formal statement on the cluster munition issue.

Tonga attended only one meeting of the Oslo Process, the Wellington Conference on Cluster Munitions in February 2008. Tonga was the only Pacific participant that refrained from endorsing the Wellington Declaration in support of the negotiation of an instrument prohibiting cluster munitions.

Tonga is not party to the Mine Ban Treaty or the Convention on Conventional Weapons.

Tonga is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

Trinidad and Tobago

Policy

The Republic of Trinidad and Tobago has not yet acceded to the Convention on Cluster Munitions. In a 26 May 2010 letter to the CMC, Trinidad and Tobago stated that it “intends to join the Convention on Cluster Munitions having obtained the requisite approval for signature of the Convention on February 4, 2010 pending its review by the Attorney General.” However, it also noted that there had been a change in administration that week and that “it would probably require that the Administration settle in before there is further attention to this matter.”⁵⁶⁸

Earlier, in October 2009, a government representative told the CMC that Trinidad and Tobago saw the benefits of joining the convention, but must first undertake a thorough review to ensure that it can meet the convention’s obligations.⁵⁶⁹

Trinidad and Tobago participated in the Regional Conference for Latin America and the Caribbean on Cluster Munitions, held in Santiago, Chile in September 2009, but did not attend the International Conference on the Convention on Cluster Munitions, also held in Santiago, in June 2010.

Trinidad and Tobago only participated in one of the Oslo Process diplomatic conferences to develop the convention, the Wellington Conference on Cluster Munitions in February 2008. It did not take part in the formal negotiations in Dublin in May 2008 or the Convention on Cluster Munitions Signing Conference in Oslo in December 2008.

Trinidad and Tobago is party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

Trinidad and Tobago is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

Turkey

Policy

The Republic of Turkey has not acceded to the Convention on Cluster Munitions. Turkish officials indicated to Landmine and Cluster Munition Monitor in 2010 that Turkey’s position on the Convention on Cluster Munitions has not changed from that previously stated in March 2009.⁵⁷⁰

In June 2010, the Ministry of Foreign Affairs reaffirmed “the importance that Turkey attaches to the restriction of the use of cluster munitions” and notes it “shares the humanitarian concerns caused by the use of such weapons.” It goes on the state, “However, Turkey’s priority at this stage remains on the fulfillment of its commitments emanating from the

⁵⁶⁸ Letter No. 98/20/6 from Gail P. Guy, Minister Counsellor for the High Commissioner, High Commission of the Republic of Trinidad and Tobago, United Kingdom, to the CMC, 26 May 2010.

⁵⁶⁹ Meeting with Eden Charles, Chargé D’Affaires, Permanent Mission of Trinidad and Tobago to the UN in New York, 22 October 2009. Notes by the CMC.

⁵⁷⁰ Email from İsmail Çobanoğlu, Counsellor, Permanent Mission of Turkey to the UN in New York, 24 June 2010; interview with Serhan Yiğit, Head, Disarmament Unit, and Ramazan Ercan, Consultant, Ministry of Foreign Affairs, Ankara, 25 March 2010; and letter from Amb. Tomur Bayer, Director-General, International Security Affairs, Ministry of Foreign Affairs, 2 March 2009.

Ottawa Convention on Landmines and that's why Turkey at this stage does not intend to sign the Convention on Cluster Munitions."⁵⁷¹

Similarly, in March 2010, the Ministry of Foreign Affairs informed Landmine and Cluster Munition Monitor that Turkey considered its priority to be its Mine Ban Treaty obligations and said that on the issue of cluster munitions, it supported work within the framework of the Convention on Conventional Weapons (CCW).⁵⁷²

Turkey attended several of the diplomatic conferences of the Oslo Process that produced the convention in 2007 and 2008, but chose to attend the formal negotiations in Dublin in May 2008 only as an observer, and thus did not join the 107 states that adopted the convention in Dublin in May 2008.⁵⁷³

At the time, a Turkish official defended Turkey's position, saying, "In a war against a legitimate enemy, cluster munitions remain to be the most effective weapons against area targets, and we've got a lot of these munitions in our stocks. Unless you find a viable option to cluster munitions, you can't simply rule out their use." Instead of banning cluster munitions, the objective should be to make them safer for civilians, the official stated.⁵⁷⁴

During its engagement with the Oslo Process, Turkey raised concerns over the implications of the future convention for "interoperability" (joint military operations with states not party), and the timeframe for the destruction of cluster munition stockpiles.

Turkey has continued to show interest in the convention, attending the International Conference on the Convention on Cluster Munitions in Santiago, Chile, in June 2010.

Convention on Conventional Weapons

Turkey actively engaged in the CCW deliberations on cluster munitions in 2009 and 2010 through July. Turkey has repeatedly argued in favor of a CCW instrument on cluster munitions, saying that it includes the major users and producers. During the April 2010 CCW Group of Governmental Experts (GGE) session on cluster munitions, Turkey called on states to intensify their efforts to conclude a legally-binding instrument. It argued that "there is no doubt whatsoever" that a CCW instrument would cover 85% of all existing stockpiles which "remain outside the Convention on Cluster Munitions" and would have a significant impact on the ground.⁵⁷⁵

Turkey has stated that a CCW protocol could be complementary to the Convention on Cluster Munitions and allow states not ready to join the convention "to engage themselves in the same direction." It has said that "parallel processes do not need to overlap each other entirely. Furthermore, we need to see whether or not initiatives conducted outside the scope of the UN do contribute to the stability and effectiveness of global disarmament goals."⁵⁷⁶

During CCW discussions in 2009, Turkey opposed an outright prohibition on cluster munitions and supported an approach allowing cluster munitions with only one "safeguard" as opposed to "two or more." It opposed a broad definition of a cluster munition victim, compatible with that contained in the Convention on Cluster Munitions.⁵⁷⁷ In the past, Turkey has stated that a transition period is needed permitting states to use, stockpile, and possess cluster munitions "when strictly necessary," as any restrictions on cluster munitions would require a new procurement process and the allocation of resources for alternative weapons.⁵⁷⁸

While Turkey is party to the CCW, it has not joined its Protocol V on explosive remnants of war.

In 2009 and 2010 through July, the Initiative for a Mine-Free Turkey continued its work to garner domestic support for the convention, including through engaging with parliamentarians to support the convention and encourage the government to join.⁵⁷⁹

Use, production, transfer, and stockpiling

In June 2010, a Turkish official wrote to Landmine and Cluster Munition Monitor, "We would like to confirm that Turkey does not use, transfer, produce or import cluster munitions."⁵⁸⁰ In the past, Turkey has produced, exported, and imported cluster munitions, and it currently has a stockpile.

⁵⁷¹ Email from İsmail Çobanoğlu, Permanent Mission of Turkey to the UN in New York, 24 June 2010.

⁵⁷² Interview with Serhan Yiğit and Ramazan Ercan, Ministry of Foreign Affairs, Ankara, 25 March 2010.

⁵⁷³ For details on Turkey's cluster munition policy and practice through early 2009 see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 246–249.

⁵⁷⁴ "Turkey, US won't join cluster bomb ban," *Turkish Daily News*, 30 May 2008.

⁵⁷⁵ Statements of Turkey, CCW GGE on Cluster Munitions, 12 April 2010 and 17 April 2010. Notes by AOAV.

⁵⁷⁶ Statement of Turkey, CCW GGE on Cluster Munitions, 3 November 2008. Notes by Landmine Action.

⁵⁷⁷ Statement of Turkey, CCW GGE on Cluster Munitions, 17 August 2009. Notes by Landmine Action.

⁵⁷⁸ Statement of Turkey, CCW GGE on Cluster Munitions, 8 April 2008. Notes by Landmine Action.

⁵⁷⁹ Email from Muteber Ögreten, Coordinator, Initiative for a Mine-Free Turkey, 31 March 2010. During the Global Week of Action against cluster bombs in May–June 2009, the Initiative for a Mine-Free Turkey launched the 2009 report *Banning Cluster Munitions: Government Policy and Practice*, in a public event in Istanbul's Taksim Square, after having translated the chapter on Turkey into Turkish. During the event, the Initiative for a Mine-Free Turkey and other NGOs distributed brochures on cluster munitions to the public. CMC, "Report on the Global Week of Action against Cluster Bombs, 29 May–4 June," www.stopclustermunitions.org.

⁵⁸⁰ Email from İsmail Çobanoğlu, Permanent Mission of Turkey to the UN in New York, 24 June 2010.

In March 2009, Turkey stated that it “is not making use of cluster munitions.”⁵⁸¹ It is not known if or how often Turkey may have used cluster munitions in the past. In January 1994, the Turkish air force carried out an attack on the Zaleh camp of the Kurdistan Worker’s Party (Partiya Karkerên Kurdistan, PKK) in northern Iraq near the Iranian border.⁵⁸² Turkish television reported that United States-supplied cluster bombs were used.⁵⁸³

According to its website, the Turkish company Makina ve Kimya Endustrisi Kurumu (MKEK) produces an extended range M396 155mm artillery projectile which contains self-destructing M85 dual purpose improved conventional munition (DPICM) submunitions.⁵⁸⁴ MKEK has also produced under license M483A1 155mm artillery projectiles with DPICM submunitions.⁵⁸⁵ It is unclear if this projectile is still in production.

The firm Roketsan has produced the TRK-122 122mm rocket, which contains 56 M85 DPICM submunitions.⁵⁸⁶ Turkey sold 3,020 of the TRK-122 122mm rockets to the United Arab Emirates in 2006–2007.⁵⁸⁷

A media article in August 2008 reported that Turkey and Pakistan were looking at potential cooperation in the “production of cluster bombs with 300–400 bomblets each for different missions,” as well as “the sale and production of 122 millimeter short-range and long-range multiple rocket launcher ammunition.”⁵⁸⁸

The US supplied Turkey with 3,304 Rockeye cluster bombs, each with 247 submunitions, at some point between 1970 and 1995.⁵⁸⁹ In 1995, the US announced that it would provide Turkey with 120 ATACMS missiles with submunitions for its Multiple Launch Rocket System (MLRS) launchers.⁵⁹⁰ Turkey also possesses US-supplied M26 rockets, each with 644 submunitions, for its MLRS. The US announced in October 2004 its intent to transfer to Turkey two CBU-103 Combined Effects Munitions cluster bombs, each with 202 submunitions, and two AGM-154 Joint Stand-Off Weapons, each with 145 submunitions.⁵⁹¹ In September 2005, it announced the proposed sale of another 50 CBU-103 and 50 JSOW.⁵⁹²

Slovakia reported the export of 380 AGAT 122mm rockets, each containing 56 submunitions, to Turkey in 2007.⁵⁹³

Turkmenistan

Policy

Turkmenistan has not acceded to the Convention on Cluster Munitions. It has not made any public statements regarding its cluster munition policy.

Turkmenistan did not participate in the Oslo Process—the diplomatic process that resulted in the development, negotiation, and signing of the convention. It did not attend any of the regional or international meetings on cluster munitions in 2009 or 2010 through July.

Turkmenistan is party to the Convention on Conventional Weapons (CCW), but has not been involved in CCW discussions on cluster munitions. It has not joined CCW Protocol V on explosive remnants of war. It is a State Party to the Mine Ban Treaty.

⁵⁸¹ Letter from Amb. Tomur Bayer, Ministry of Foreign Affairs, 2 March 2009.

⁵⁸² The PKK is listed as a terrorist organization by the European Union, NATO, Australia, Canada, the United Kingdom, and the US.

⁵⁸³ See, Human Rights Watch, “U.S. Cluster Bombs for Turkey?” Vol. 6, No. 19, December 1994, www.hrw.org, citing Foreign Broadcast Information Network, Western Europe, FBIS-WEU-94-0919, 28 January 1994, p. 26, from Ankara TRT Television Network in Turkish, 11:00 GMT, 18 January 1994.

⁵⁸⁴ MKEK, “155 mm M396 ERDP Ammunition,” undated, www.mkek.gov.tr.

⁵⁸⁵ Leland S. Ness and Anthony G. Williams, eds., *Jane’s Ammunition Handbook 2007–2008* (Surrey, UK: Jane’s Information Group Limited, 2007), pp. 635–636.

⁵⁸⁶ Roketsan, “122 mm Artillery Weapons Systems, Extended Range Rockets and 122 mm MBRL System,” undated, www.roketsan.com.tr; and Leland S. Ness and Anthony G. Williams, eds., *Jane’s Ammunition Handbook 2007–2008* (Surrey, UK: Jane’s Information Group Limited, 2007), p. 702.

⁵⁸⁷ Submission of the Republic of Turkey, UN Register of Conventional Arms, Report for Calendar Year 2006, 22 March 2007, and Report for Calendar Year 2007, 7 July 2008.

⁵⁸⁸ “Turkey to upgrade Pakistani F-16s as US sanctions ease,” *Today’s Zaman*, 8 August 2008, www.todayzaman.com.

⁵⁸⁹ US Defense Security Cooperation Agency, “Cluster Bomb Exports under FMS, FY1970–FY1995,” obtained by Human Rights Watch in a Freedom of Information Act request, 28 November 1995.

⁵⁹⁰ Congressional Record, “Proposed Sale of Army Tactical Missile System to Turkey,” 11 December 1995, p. E2333, www.fas.org. Each ATACMS missile contains 300 or 950 submunitions.

⁵⁹¹ US Defense Security Cooperation Agency, “Notifications to Congress of Pending US Arms Transfers,” No. 05-12, 7 October 2004.

⁵⁹² US Defense Security Cooperation Agency, “Turkey—Munitions and Aircraft Components for F-16 Aircraft,” Press release, Transmittal No. 05-29, 8 September 2005, www.dsca.mil; and US Defense Security Cooperation Agency, “Turkey—AGM-154A/C Joint Standoff Weapons,” Press release, Transmittal No. 05-33, 6 September 2005, www.dsca.mil.

⁵⁹³ Submission of the Slovak Republic, UN Register of Conventional Arms, Report for Calendar Year 2007, 12 June 2008.

Use, production, transfer, and stockpiling

Turkmenistan is not known to have used, produced, or exported cluster munitions. It inherited a stockpile of cluster munitions from the Soviet Union, but the size and types are not known. It may be a large stockpile because the main ammunition storage facility for Soviet combat operations in Afghanistan was located in Charjoh (now Turkmenabad), according to military officials.⁵⁹⁴

Turkmenistan is reported to possess Smerch 300mm, Uragan 220mm and Grad 122mm unguided surface-to-surface rockets, but it is not known if these include versions with submunition payloads.⁵⁹⁵

As part of its Mine Ban Treaty obligations, Turkmenistan destroyed 5,452,416 PFM-type scatterable mines contained in 75,718 KSF-type cassettes, which are sometimes identified as cluster weapons.⁵⁹⁶

Tuvalu

Policy

Tuvalu has not yet acceded to the Convention on Cluster Munitions. Tuvalu did not participate in the Oslo Process and has never made a public statement on the issue.

Tuvalu is not party to the Mine Ban Treaty or the Convention on Conventional Weapons.

Tuvalu is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

Ukraine

Policy

Ukraine has not acceded to the Convention on Cluster Munitions. In an April 2010 letter, it stated that it considers cluster munitions “to be legal weapons [whose] use is not prohibited under international law. Ukraine believes that the issue of cluster munitions should be resolved taking into account both the humanitarian norms and security imperatives of [the] State.”⁵⁹⁷

But, Ukraine has also said that cluster munitions have long-term and deadly consequences for humanity and should be dealt with effectively and urgently.⁵⁹⁸ It has called for a moratorium on the use of “inaccurate and unreliable cluster munitions.”⁵⁹⁹

In September 2009, Ukraine alluded to the Convention on Cluster Munitions by welcoming “endeavours made by a number of states aimed at prohibiting the use of cluster munitions as means of war.” But it stressed the need for “universal application and result-oriented international cooperation” in order to achieve effective new binding measures on cluster munitions.⁶⁰⁰

Ukraine did not attend any of the regional or international meetings related to the convention in 2009 or 2010 through July.

Ukraine participated in two of the international conferences of the Oslo Process to develop the convention text, in Vienna in December 2007 and in Wellington in February 2008. However, it chose to attend the formal negotiations in Dublin in May 2008 only as an observer and did not join the 107 full participants in adopting the convention.⁶⁰¹

Ukraine also attended as an observer the Convention on Cluster Munitions Signing Conference in Oslo in December 2008, where it noted that its participation reflected its desire to be “a supportive power” and wished the Oslo Process and the future of the convention “every possible success.”⁶⁰²

⁵⁹⁴ Interviews with officers from the Ministry of Defense, Turkmenabad, 8 April 2004.

⁵⁹⁵ International Institute for Strategic Studies, *The Military Balance 2005–2006* (London: Routledge, 2005), p. 249; and Colin King, ed., *Jane's Explosive Ordnance Disposal*, CD-edition, 10 January 2008 (Surrey, UK: Jane's Information Group Limited, 2008).

⁵⁹⁶ See *Landmine Monitor Report 2004*, pp. 830–832.

⁵⁹⁷ Letter No. 181/017 from the Permanent Mission of Ukraine to the UN in Geneva, 29 April 2010.

⁵⁹⁸ Statement of Ukraine, CCW GGE on Cluster Munitions, 8 April 2008. Notes by Landmine Action.

⁵⁹⁹ Letter No. 181/017 from the Permanent Mission of Ukraine to the UN in Geneva, 29 April 2010. It first called for such a moratorium in April 2008. Statement of Ukraine, CCW GGE on Cluster Munitions, 8 April 2008. Notes by Landmine Action.

⁶⁰⁰ Statement by Amb. Yuriy Sergeyev, Permanent Mission of Ukraine to the UN, First Committee General Debate of the UN General Assembly 64th Session, New York, 8 September 2009.

⁶⁰¹ For details on Ukraine's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 249–250.

⁶⁰² CMC, “Convention on Cluster Munitions Signing Conference – Update 4 December 2008,” 8 December 2008, www.stopclustermunitions.org.

Ukraine is a party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. It has regularly participated in the CCW deliberations on cluster munitions, and consistently expressed a preference for addressing cluster munitions in the CCW and not the Oslo Process. At the CCW Group of Governmental Experts (GGE) in April 2010, Ukraine expressed general support for the draft protocol text, but also cited the need to have synergies with the Convention on Cluster Munitions, especially in the areas of victim assistance, and international cooperation and assistance.⁶⁰³

Use, production, transfer, and stockpiling

Ukraine is not known to have used, produced, or exported cluster munitions. It inherited a stockpile of cluster munitions from the Soviet Union. Jane's Information Group lists it as possessing KMG-U dispensers, RBK-250, RBK-275, and RBK-500 cluster bombs.⁶⁰⁴ Ukraine also possesses Grad 122mm, Uragan 220mm, and Smerch 300mm surface-to-surface rockets, but it is not known if these include versions with submunition payloads.⁶⁰⁵

United Arab Emirates

Policy

The United Arab Emirates (UAE) has not acceded to the Convention on Cluster Munitions. The UAE has not made any public statements regarding its cluster munition policy.

The UAE did not participate at all in the diplomatic process that resulted in the negotiation and signing of the convention in 2008. It has not attended any of the regional or international meetings on cluster munitions in 2009 and 2010.

The UAE joined the Convention on Conventional Weapons (CCW), including Protocol V on explosive remnants of war, on 26 February 2009. It has not actively engaged in CCW discussions on cluster munitions in recent years. It is not party to the Mine Ban Treaty.

Use, production, transfer, and stockpiling

The UAE is not believed to have used, produced, or exported cluster munitions, but it has a stockpile of the weapons, which it imported from several sources.

In 2006–2007, Turkey sold to the UAE 3,020 TRK-122 122mm unguided surface-to-surface rockets, each containing 56 M85 dual purpose improved conventional munition (DPICM) submunitions.⁶⁰⁶ Jane's Information Group has reported that British-made BL-755 bombs are in service with the UAE air force.⁶⁰⁷

In 1999, the United States sold the UAE 1,800 CBU-87 bombs (each containing 202 BLU-97 submunitions).⁶⁰⁸ In September 1996, the US announced the sale of large amounts of cluster munitions to the UAE: 101 M39A1 ATACMS missiles (each containing 300 M74 submunitions), 104 M26 MLRS rocket pods (each pod contains six rockets, each rocket contains 644 M77 DPICM submunitions), and 130 M30 GMLRS DPICM rocket pods.⁶⁰⁹

Growing out of the September 2006 deal, it was reported in March 2009 that the US intends to produce and export 780 M30 GMLRS rockets (each with 404 M101 DPICM submunitions) to the United Arab Emirates.⁶¹⁰ Under US legislation signed into law on 11 March 2009, the export of these cluster munitions is prohibited. However, an army official said that the deal was signed in 2007, well before the export ban legislation was introduced, and that the army obtained legal opinions that confirm the validity of the final sale.⁶¹¹

⁶⁰³ Statement of Ukraine, CCW GGE on Cluster Munitions, Geneva, 17 April 2010. Notes by AOA.

⁶⁰⁴ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 847.

⁶⁰⁵ International Institute for Strategic Studies, *The Military Balance 2005–2006* (London: Routledge, 2005), p. 131; and Colin King, ed., *Jane's Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane's Information Group Limited, 2008).

⁶⁰⁶ Turkey, UN Register of Conventional Arms, submission for Calendar Year 2006 (22 March 2007) and submission for Calendar Year 2007 (7 July 2008).

⁶⁰⁷ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 847.

⁶⁰⁸ US Defense Security Cooperation Agency, "Notifications to Congress of Pending US Arms Transfers," November 1999.

⁶⁰⁹ US Defense Security Cooperation Agency, "News Release: United Arab Emirates- High Mobility Artillery Rocket System" (Transmittal No. 06-55), 21 September 2006.

⁶¹⁰ Kate Brannen, "Army will Complete 2007 DPICM Sale Despite New Law From Congress," *Inside the Army*, 23 March 2009.

⁶¹¹ Ibid.

Additionally, Textron Defense Systems of the US delivered an unknown number of CBU-105 sensor-fuzed weapons, valued at \$57 million, to the UAE in June 2010. The contract for the sale was signed in November 2007.⁶¹² Sensor-fuzed weapons are cluster munitions that are prohibited by the convention, but export is allowed under US law because they have a reported failure rate of less than 1%.

United States of America

Policy

The United States of America has not acceded to the Convention on Cluster Munitions.

In September 2008, Secretary of Defense Robert M. Gates said, “The US did not participate in the Cluster Munitions Convention negotiations because we believe that cluster munitions are an integral part of our and many of our coalition partners’ military operations. The elimination of cluster munitions from our stockpiles would put the lives of our soldiers and those of our coalition partners at risk. There are no substitute munitions, and some of the possible alternatives could actually increase the damage that results from an attack.”⁶¹³

In November 2009, a US Department of State official said that “many States, including the United States, have determined that their national security interests cannot be fully ensured consistent with the terms of the [Convention on Cluster Munitions].”⁶¹⁴

The US views the Convention on Conventional Weapons (CCW) as the most appropriate framework for negotiation on cluster munitions, because “it is most likely to achieve a result that balances humanitarian concerns with military utility and is, therefore, likely to have a more substantial impact than a result that fails to garner the support of many military powers.”⁶¹⁵

Under the current policy issued by the US Department of Defense in July 2008, by the end of 2018 the US will no longer use cluster munitions that result in more than 1% UXO.⁶¹⁶ Until 2018, use of cluster munitions that exceed the 1% UXO rate must be approved by the Combatant Commander.⁶¹⁷ Also, military departments will initiate removal of all cluster munition stocks “that exceed operational planning requirements or for which there are no operational planning requirements” from active inventories as soon as possible, but not later than 19 June 2009. These excess cluster munitions will be demilitarized as soon as practicable.⁶¹⁸

The only existing US cluster munitions that might meet the 99% reliability standard are CBU-97, CBU-105, and M898 SADARM Sensor Fuzed Weapons with self-destruct and self-deactivation mechanisms. According to Department of Defense statistics from 2004, Sensor Fuzed Weapons make up 3,099 of the 5,543,149 US cluster munitions.⁶¹⁹

⁶¹² Textron Inc., “Q2 2010 Earnings Call,” 21 July 2010, seekingalpha.com; and, Textron Defense Systems, “Textron Defense Systems and UAE Armed Forces Sign Sensor Fuzed Weapon Contract,” Press release, 13 November 2007, www.textrondefense.com. Also, the US Congress was notified in June 2007 of a proposed commercial sale of “technical data, defense services, and defense articles to support the sale of the Sensor Fuzed Weapons” to the UAE. Jeffrey T. Bergner, Assistant Secretary for Legislative Affairs, US Department of State, to Nancy Pelosi, Speaker of the US House of Representatives (Transmittal No. DDTC 017-07), 7 June 2007.

⁶¹³ Letter from Secretary of Defense Robert M. Gates to Sen. Patrick Leahy, 12 September 2008.

⁶¹⁴ Statement by Harold Hongju Koh, Legal Adviser, US Department of State, Third Conference of the High Contracting Parties to CCW Protocol V, 9 November 2009, geneva.usmission.gov.

⁶¹⁵ Statement by Stephen Mathias, Head of US Delegation, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 14 January 2008.

⁶¹⁶ The policy memorandum was dated 19 June, but not formally released until 9 July 2008. Secretary of Defense Robert M. Gates, “Memorandum for the Secretaries of the Military Departments, Subject: DOD Policy on Cluster Munitions and Unintended Harm to Civilians,” 19 June 2008, www.defenselink.mil. Presumably rendered meaningless by the legislatively enacted export ban, the policy allows transfer of cluster munitions that do not meet the 1% UXO rate, consistent with US law and policy, provided that the receiving state agrees not to use the munitions after 2018; after 2018, the US will not transfer cluster munitions that do not meet the 1% UXO rate, except for purposes of destruction, training, or development of clearance and detection methods.

⁶¹⁷ The new policy requires cluster munitions used after 2018 to meet a 1% UXO rate not only in testing, but in actual use during combat operations within the variety of operational environments in which US forces intend to use the weapon. Combatant Commander is the title of a major military leader of US armed forces, either of a large geographical region or of a particular military function, formerly known as a commander-in-chief.

⁶¹⁸ Secretary of Defense Robert M. Gates, “Memorandum for the Secretaries of the Military Departments, Subject: DOD Policy on Cluster Munitions and Unintended Harm to Civilians,” 19 June 2008, www.defenselink.mil.

⁶¹⁹ This constitutes 0.06% of the existing stockpile. Office of the Under Secretary of Defense (Acquisition, Technology and Logistics), Department of Defense, “Report to Congress: Cluster Munitions,” October 2004.

The government stated in 2008 that the 10-year transition period “is necessary to develop the new technology, get it into production, and to substitute, improve, or replace existing stocks.”⁶²⁰ It said in 2009 that the “2018 deadline...allows us time to design and produce cluster munitions to replace existing stocks.”⁶²¹

The Department of Defense had not reported on the removal of excess cluster munitions from stocks by June 2009, as called for in the July 2008 policy. But it appears that action has been taken. For example, the United Kingdom government told parliamentarians that the US had identified the cluster munitions on UK territory as “exceeding operational planning requirements” and that they would be “gone from the UK itself by the end of [2010]” and “gone from other UK territories, including Diego Garcia, by the end of 2013.”⁶²²

The administration of President Barack Obama has not yet conducted a review of US policy on cluster munitions. On 29 September 2009, Senator Patrick Leahy (D-VT), Senator Dianne Feinstein (D-CA), and 14 other US Senators wrote to President Obama urging him to “conduct a thorough review of U.S. policy on cluster munitions,” noting that “the United States has already begun to move away from a reliance on cluster munitions.”⁶²³

At the beginning of the term, Secretary of State-designate Hillary Rodham Clinton told the US Senate Committee on Foreign Relations, “The incoming Administration has not taken a position on the new cluster bomb treaty. I look forward to working with the President-Elect and the rest of the national security team on this issue in order to develop a policy that upholds our moral obligations while protecting our troops. The new Administration will carefully review the treaty in consultation with military commanders and work closely with our friends and allies to ensure that the United States is doing everything feasible to promote protection of civilians—especially children.”⁶²⁴

In February 2009, Senators Feinstein and Leahy, and Representative Jim McGovern, re-introduced the “Cluster Munitions Civilian Protection Act.” The Act would limit the use and transfer of cluster munitions to those munitions that have a 99% or higher reliability rate, and would prohibit use of cluster munitions in areas where civilians are known to be present. It would also require the President to submit a plan to Congress for clean-up of cluster munition remnants if the US used cluster munitions or if another country used cluster munitions that it had received from the US.⁶²⁵ The Act has continued to gather support in the Senate and House of Representatives, but has not yet been brought to a vote.

The US did not directly participate, even as an observer, in the diplomatic Oslo Process in 2007 and 2008 that resulted in the Convention on Cluster Munitions. The US worked hard, however, to influence the outcome of the negotiations and address its concerns, primarily on the issue of “interoperability” (joint military operations among the US and States Parties to the convention).⁶²⁶

The US did not engage in the work of the convention in 2009 and 2010. It did not attend the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Regional Conference for Latin America and the Caribbean on Cluster Munitions held in Santiago, Chile in September 2009, or the International Conference on the Convention on Cluster Munitions, also held in Santiago, in June 2010. As of August 2010, the US had not indicated if it would attend as an observer the First Meeting of States Parties to the Convention on Cluster Munitions in Lao PDR in November 2010.

The US has not joined the 1997 Mine Ban Treaty, but in late 2009 the Obama administration began a comprehensive review of US policy on banning antipersonnel mines and accession to the treaty.

Convention on Conventional Weapons

The US is party to the CCW and ratified Protocol V on explosive remnants of war (ERW) on 21 January 2009.

The US has participated extensively in the CCW deliberations on cluster munitions in 2009 and 2010. In November 2009, the US reaffirmed its commitment “to negotiate a legally binding Protocol on Cluster Munitions in the CCW to mitigate the threat to civilian populations resulting from the use of cluster munitions.... The United States believes

⁶²⁰ Statement by Stephen Mathias, “United States Intervention on Technical Improvements,” CCW GGE on Cluster Munitions, Geneva, 15 July 2008. For unknown reasons, the report did not include the 715 SADARM projectiles thought to be stockpiled by the US.

⁶²¹ Statement by Harold Hongju Koh, US Department of State, Third Conference of the High Contracting Parties to CCW Protocol V, 9 November 2009, geneva.usmission.gov.

⁶²² Statement by Baroness Glenys Kinnock, House of Lords Debate, *Hansard* (London: Her Majesty’s Stationery Office, HMSO, 8 December 2009), Column 1020; and statement by Chris Bryant, House of Commons Debate, *Hansard* (London: HMSO, 17 March 2010), Column 925.

⁶²³ Letter to President Barack Obama from 16 US Senators, 29 September 2009.

⁶²⁴ Questions for the Record Submitted to Secretary of State-designate Hillary Rodham Clinton by Sen. Robert P. Casey, Jr., US Senate Committee on Foreign Relations, 13 January 2009.

⁶²⁵ Cluster Munitions Civilian Protection Act of 2009, S. 416 and H. 981. It was first introduced in February 2007.

⁶²⁶ For detail on US policy and practice regarding cluster munitions through early 2009, see Human Rights Watch (HRW) and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 251–260. A Department of State official said the US had communicated its views on the process and draft convention to more than 100 countries. The US prepared a paper detailing concerns about interoperability, and US officials visited a number of capitals to discuss the issue. During the Dublin negotiations, the highest level US officials reportedly weighed in with their counterparts on this issue, which was identified by many states as the most important to their ability to adopt and sign the convention. Negotiators agreed to a new Article 21 in the convention that the CMC strongly criticized for being politically motivated and leaving room for interpretation about what is allowed or not under the prohibition on assistance with prohibited acts. However, the article also requires States Parties to discourage use of cluster munitions by those not party and to encourage them to join the convention.

that it should be possible to reach agreement in the CCW on a protocol on cluster munitions that will have significant humanitarian benefits.”⁶²⁷

The US has stated, “A comprehensive international response to the humanitarian concerns associated with cluster munitions must include action by those States that are not in a position to become parties to the [Convention on Cluster Munitions], because among those States are the States that produce and stockpile the vast majority of the world’s cluster munitions.”⁶²⁸ The US has claimed that some “90 percent” of global stockpiles of cluster munitions are held by governments that are part of the CCW, but not part of the Convention on Cluster Munitions.⁶²⁹

During the CCW deliberations, the US has stressed the need for a transition period, has opposed a deadline for stockpile destruction, and has opposed a broad definition of “cluster munition victim.” It has contributed technical information to discussions on the definition of a self-destruct mechanism.

Use

The US used cluster munitions in Cambodia, Lao PDR, and Vietnam in the 1960s and 1970s,⁶³⁰ Grenada and Lebanon in 1983,⁶³¹ Libya in 1986,⁶³² Iran in 1988,⁶³³ Iraq, Kuwait, and Saudi Arabia in 1991,⁶³⁴ Bosnia and Herzegovina in 1995,⁶³⁵ Serbia, Montenegro, and Kosovo in 1999,⁶³⁶ Afghanistan in 2001 and 2002,⁶³⁷ and Iraq in 2003.⁶³⁸ The US has apparently not used cluster munitions in Afghanistan since 2002, or in Iraq since 2003.

In June 2010, Amnesty International stated that it appears the US used at least one TLAM-D cruise missile with 166 BLU-97 submunitions to attack an “alleged al-Qa’ida training camp” in al-Ma’jalah in the al-Mahfad district of Abyan governorate of Yemen on 17 December 2009. Amnesty International published a series of photographs showing the remnants of the cruise missile, and noted “the likely use of cluster munitions” in the attack. It said the attack killed 55

⁶²⁷ Opening Statement by Stephen Mathias, Head of the US Delegation, CCW Meeting of States Parties, Geneva, 12 November 2009.

⁶²⁸ Opening Statement by Stephen Mathias, CCW Meeting of States Parties, Geneva, 12 November 2009.

⁶²⁹ See for example, statement of the US, CCW GGE on Cluster Munitions, Geneva, 16 February 2009. Notes by AOAV. Statement by Harold Hongju Koh, US Department of State, Third Conference of the High Contracting Parties to CCW Protocol V, Geneva, 9 November 2009, geneva.usmission.gov. In an April 2010 statement to the CCW, HRW refuted this argument by noting that it is not possible to make a valid claim about quantities in stockpile that the CCW could potentially capture as the vast majority of states stockpiling cluster munitions have not disclosed detailed information on the quantities. HRW also stated that a total of 38 of the 87 states that have possessed stockpiles are signatories to the Convention on Cluster Munitions, while 32 are party to the CCW but not the ban convention, and 17 are not part of either. Statement by Mark Hiznay, Senior Researcher, Arms Division, HRW, CCW GGE on Cluster Munitions, Geneva, 12 April 2009, www.hrw.org.

⁶³⁰ According to an analysis of US bombing data by Handicap International, approximately 80,000 cluster munitions, containing 26 million submunitions, were dropped on Cambodia between 1969 and 1973; over 414,000 cluster bombs, containing at least 260 million submunitions, were dropped on Lao PDR between 1965 and 1973; and over 296,000 cluster munitions, containing nearly 97 million submunitions, were dropped in Vietnam between 1965 and 1975. See *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: Handicap International, May 2007), pp. 23, 30, 39.

⁶³¹ US Navy aircraft dropped 21 Mk.-20 Rockeye cluster bombs on Grenada in close air support operations during the invasion of Grenada in October 1983. The same US Navy unit used 12 CBU-59 and 28 Rockeye bombs against Syrian air defense units near Beirut in December 1983. See US Department of the Navy, Attack Squadron Fifteen, Memorandum from Commanding Officer, Attack Squadron Fifteen, to Chief of Naval Operations, “Command History: Enclosure 5, Ordnance Expenditure for 1983,” 18 February 1984, declassified 28 April 2000.

⁶³² On 25 March 1986, US Navy aircraft attacked Libyan ships using Mk-20 Rockeye cluster bombs in the Gulf of Sidra. On the night of 14–15 April 1986, US Navy aircraft dropped 60 Rockeye bombs on the airfield at Benina. See Daniel P. Bolger, *Americans at War: 1975–1986, An Era of Violent Peace* (Novato, CA: Presidio Press, 1988), p. 423.

⁶³³ On 18 April 1988, US Navy aircraft attacked Iranian Revolutionary Guard speedboats and an Iranian Navy ship using 18 Mk.-20 Rockeye bombs during Operation Praying Mantis. See Memorandum from the Commanding Officer of the USS Enterprise (CVN-65) to the Director of Naval History (OP-09BH), “1988 Command History,” 27 February 1989, p. 20.

⁶³⁴ Between 17 January and 28 February 1991, the US and its allies (France and the UK) dropped 61,000 cluster bombs, containing some 20 million submunitions on Iraq and Kuwait. A significant number of surface-delivered cluster munitions were also used; one source estimates that over 30 million DPICM submunitions were used in the conflict. See Colin King, “Explosive Remnants of War: A Study on Submunitions and other Unexploded Ordnance,” commissioned by the ICRC, August 2000, p. 16, citing Donald Kennedy and William Kincheloe, “Steel Rain: Submunitions,” *U.S. Army Journal*, January 1993. At least 80 US military casualties were attributed to its own cluster munition duds. US General Accounting Office (GAO), “GAO-02-1003: MILITARY OPERATIONS: Information on US Use of Land Mines in the Persian Gulf War,” September 2002, p. 17, figure 2. All casualty figures were provided to the GAO by US Armed Services.

⁶³⁵ According to a US Air Force study, planners decided not to use cluster bombs during Operation Deliberate Force “because their inaccuracy and wide dispersion pattern made them likely to cause collateral damage.” However, a USAF A-10A dropped two CBU-87s during the first day of the campaign on 25 August 1995 as a result of a miscommunication with the combined air operations center. Col. Robert C. Owen (ed.), *Deliberate Force: A Case Study in Effective Air Campaigning, Final Report of the Air University, Balkans Air Campaign Study*, (Maxwell Air Force Base, Alabama: US Air Force, Air University Press, January 2000), pp. 265–266.

⁶³⁶ The US, along with the UK and the Netherlands, dropped 1,765 cluster bombs, containing about 295,000 submunitions from March to June 1999. HRW documented that cluster strikes killed 90–150 civilians, and injured many more. This constituted 18–30% of the total civilian deaths in the conflict, even though cluster bombs amounted to just 7% of the total number of bombs dropped. See HRW, “Civilian Deaths in the NATO Air Campaign,” vol. 12, no. 1(D), February 2000; and HRW, “Ticking Time Bombs: NATO’s Use of Cluster Munitions in Yugoslavia,” vol. 11, no. 6(D), June 1999.

⁶³⁷ The US dropped approximately 1,228 cluster bombs containing 248,056 submunitions between October 2001 and March 2002. See HRW, “Fatally Flawed: Cluster Bombs and Their Use by the United States in Afghanistan,” vol. 14, no. 7(G), December 2002.

⁶³⁸ The US used 10,782 cluster munitions, containing about 1.8 million submunitions, in the three weeks of major combat in Iraq between March and April 2003. See HRW, *Off Target: The Conduct of the War and Civilian Casualties in Iraq* (New York: HRW, November 2003). In after-action reports, US forces called their own cluster munitions “relics” and “losers” and questioned the weapon’s utility. See US Army, Third Infantry Division, After-Action Briefing, “Fires in the Close Fight: OIF [Operation Iraqi Freedom] Lessons Learned,” undated.

people, including 41 civilians (21 children, 14 women, and 6 men).⁶³⁹ Neither the US nor Yemeni governments have publicly responded to Amnesty International's allegations. On 8 June 2010, the CMC called on the US to confirm or deny this reported use of US-manufactured cluster munitions in Yemen, but there has been no response.⁶⁴⁰

An August 2010 *New York Times* story on US military involvement in Yemen referred to the Amnesty International report on the cruise missile cluster munition attack, noting that a "Navy ship offshore had fired the weapon in the attack." It stated that American officials said cruise missiles were all that was available at the time because the US Central Intelligence Agency's armed drones were tied up with the bombing campaign in Pakistan. The story also cited another US cruise missile attack on 24 December 2009, without any mention of cluster munitions.⁶⁴¹

Production

In 2001, then-Secretary of Defense William Cohen issued a policy memorandum stating that all submunitions reaching the "Milestone 3" production decision in fiscal year 2005 and beyond must have a dud rate of less than 1%.⁶⁴² According to an October 2004 Pentagon report to Congress on cluster munitions, submunitions procured in past years are exempt from the policy, but "[f]uture submunitions must comply with the desired goal of 99% or higher submunition functioning rate or must receive a waiver."⁶⁴³

US manufacturers have had difficulties meeting the reliability requirement of the Cohen policy, within budgetary constraints. The US has apparently not produced any cluster munitions since 2005, with two exceptions.

In 2007, the final funding increments were appropriated for the P31 variant of the Sensor Fuzed Weapon (SFW) which reportedly meets the 99% standard. Funding was also provided that year for M30 Guided Multiple Launch Rocket System (GMLRS) rockets with dual purpose improved conventional munition (DPICM) submunitions, which do not meet the standard but received a waiver.⁶⁴⁴

The last purchase of SFWs was in the budget for fiscal year 2007 for the delivery of 305 weapons beginning in January 2008 (the date of final delivery for this lot was not specified). This was a sole-source, firm-fixed-price contract awarded in January 2007 to Textron Systems Corporation.⁶⁴⁵

According to media reports, the final deliveries of M30 rockets from Lockheed Martin Corporation, the prime contractor for the GMLRS system, were completed in the summer of 2009.⁶⁴⁶

Transfer

The omnibus budget bill (HR 1105) signed into law on 11 March 2009 by President Obama contains a provision banning nearly all cluster bomb exports by the US.⁶⁴⁷ Under the law, the US can only export cluster munitions that leave behind less than 1% of their submunitions as duds.⁶⁴⁸ The legislation also requires the receiving country to agree that cluster

⁶³⁹ The remnants in the photographs included images of the propulsion system, a BLU-97 submunition, and the payload ejection system, the latter of which is unique to the TLAM-D cruise missile. Amnesty International, "Images of Missile and Cluster Munitions Point to US Role in Fatal Attack in Yemen," 7 June 2010, www.amnesty.org. See also, "U.S. missiles killed civilians in Yemen, rights group says," *CNN*, 7 June 2010.

⁶⁴⁰ CMC, "US: Confirm or deny use of cluster munitions in Yemen," Press release, 8 June 2010, www.stopclustermunitions.org.

⁶⁴¹ Scott Shane, Mark Mazzetti and Robert F. Worth, "Secret Assault on Terrorism Widens on Two Continents," *New York Times*, 14 August 2010, www.nytimes.com.

⁶⁴² Secretary of Defense William Cohen, "Memorandum for the Secretaries of the Military Departments, Subject: DoD Policy on Submunition Reliability (U)," 10 January 2001. In other words, submunitions that reach "full rate production," i.e. production for use in combat, during the first quarter of fiscal year 2005 must meet the new standard.

⁶⁴³ Office of the Under Secretary of Defense (Acquisition, Technology and Logistics), Department of Defense, "Report to Congress: Cluster Munitions," October 2004, p. ii.

⁶⁴⁴ It appears that subsequent to the Cohen policy, a waiver was granted in an Operational Requirements Document (ORD) approved by the Pentagon's Joint Requirements Oversight Committee (JROC) that established a new, higher, hazardous dud requirement for M30 GMLRS rocket DPICM submunitions. This higher dud rate requirement sets a "less than 2% dud rate between ranges of 20-60 kilometers" and "less than 4% dud rate under 20 kilometers and over 60 kilometers." See Office of the US Army Product Manager, Precision Fires Rocket and Missile Systems, "Briefing on Precision Guided Missiles and Rockets; Self Destruct Fuze Efforts," February 2007, Slide 2.

⁶⁴⁵ Department of the Air Force, Air Force Financial Management and Comptroller, "Procurement of Ammunition, FY2007 Budget Estimates," February 2006, pp. 93-95.

⁶⁴⁶ Kate Brannen, "Army Will Complete 2007 DPICM Sale Despite New Law From Congress," *Inside the Army*, 23 March 2009. It was not possible, based on budget documents, to differentiate between buys of unitary and DPICM submunition variants in justification materials submitted to the US Congress for the procurement of missiles by the US Army. They say "Operational requirements may dictate a change in the actual quantity mix (Unitary/DPICM) of munitions proposed." In the fiscal year 2011 budget, separate budget lines for the procurement of DPICM (without any funds obligated) and unitary variants is available.

⁶⁴⁷ Omnibus Appropriations Act, 2009 (H.R. 1105), became Public Law No. 111-8, 11 March 2009. See also, Sen. Patrick Leahy and Sen. Dianne Feinstein, "FY2009 Omnibus Bill Includes Leahy-Feinstein Provision to Prohibit Sale or Transfer of Most U.S. Cluster Munitions," Press release, 12 March 2009, Washington, DC, feinstein.senate.gov. The sponsors of the provision characterized it as a permanent ban on exports. This view has been disputed by others, who have said that it can only apply to the one-year period funded in the bill. Sen. Leahy included the provision again in the fiscal year 2011 appropriations bill, which had not yet been acted on by Congress as the Monitor went to print.

⁶⁴⁸ The only cluster munitions that might meet this standard are CBU-97, CBU-105, and M898 SADARM SFWs with self-destruct and self-deactivation mechanisms. According to Department of Defense statistics from 2004, SFWs make up 3,099 of the 5,543,149 US cluster munitions.

munitions “will not be used where civilians are known to be present.”⁶⁴⁹ A one-year US export ban was first enacted in a budget bill in December 2007, and extended the following year.⁶⁵⁰

According to a March 2009 report, the US intends to export 780 M30 GMLRS rockets with DPICM submunitions to the United Arab Emirates (UAE) as part of a larger US\$752 million foreign military sale announced in September 2006.⁶⁵¹ Colonel David Rice, project manager for precision fires, rockets, and missiles systems, told *Inside the Army* that the deal was signed in 2007, well before the export ban legislation was introduced, and that the army obtained legal opinions that confirm the validity of the final sale.⁶⁵²

The US announced in September 2008 that at the request of India, it was intending to sell 510 CBU-105 air-dropped SFWs in an arms deal valued at as much as \$355 million.⁶⁵³ According to the US Department of Defense, “India intends to use the Sensor Fuzed Weapons to modernize its armed forces and enhance its defensive ability to counter ground-armored threats.”⁶⁵⁴ The US has attached a term to the transfer, in compliance with the cluster munition export law, which requires that the submunitions have a 99% or higher reliability rate and stipulates that “the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present.”⁶⁵⁵

While the historical record is incomplete, the US has transferred hundreds of thousands of cluster munitions, containing tens of millions of unreliable and inaccurate submunitions to at least 29 countries: Argentina, Australia, Bahrain, Belgium, Canada, Egypt, Denmark, France, Germany, Greece, Honduras, India, Indonesia, Israel, Italy, Japan, Jordan, South Korea, Morocco, the Netherlands, Norway, Oman, Pakistan, Saudi Arabia, Spain, Thailand, Turkey, the UAE, and the UK.

Known exports of selected cluster munitions by the US

M483A1 artillery projectile	Bahrain, Belgium, Canada, Greece, Israel, Japan, Jordan, South Korea, Morocco, Netherlands, Pakistan, Turkey, UK
Rockeye bomb	Argentina, Australia, Canada, Denmark, Egypt, Greece, Honduras, Indonesia, Israel, Jordan, South Korea, Morocco, Norway, Oman, Pakistan, Spain, Thailand, Turkey
CBU-58 bomb	Australia, Israel, Saudi Arabia
CBU-87 bomb	Egypt, Japan, South Korea, Netherlands, Saudi Arabia, Turkey, UAE
CBU-97/CBU-105 bomb	India, South Korea, Oman, UAE
M26 ground rocket	Bahrain, Egypt, France, Germany, Greece, Israel, Italy, Japan, South Korea, Netherlands, Turkey, UAE, UK
ATACMS missile	Bahrain, Greece, South Korea, Turkey, UAE

The US has also licensed the production of cluster munitions, including with South Korea in 2001 for production of DPICM submunitions for Multiple Launch Rocket System (MLRS) rockets. Also in 2001, the US provided assistance and technical data to support Japan’s production of CBU-87 Combined Effects Munitions. In addition, the US licensed production of DPICM artillery projectiles to the Netherlands, Pakistan, and Turkey.⁶⁵⁶

Stockpiling

In November 2009, a US Department of State official said, “The current stockpile is huge; the Department of Defense currently holds more than 5 million cluster munitions with 700 million submunitions. Using our current demilitarization capabilities, it will cost \$2.2 billion to destroy this stockpile.”⁶⁵⁷

⁶⁴⁹ US-supplied cluster munitions have been used in combat by Israel in Lebanon and Syria, by Morocco in Western Sahara and possibly Mauritania, by the UK and the Netherlands in the former Yugoslavia, and by the UK in Iraq.

⁶⁵⁰ Consolidated Appropriations Act, 2008 (H.R. 2764), 110th Congress, 2007. In September 2008, Congress passed a continuing resolution to extend the Consolidated Appropriations Act, and thus the moratorium, through 6 March 2009.

⁶⁵¹ Kate Brannen, “Army will Complete 2007 DPICM Sale Despite New Law From Congress,” *Inside the Army*, 23 March 2009. The original notification is US Defense Security Cooperation Agency, “United Arab Emirates: High Mobility Artillery Rocket Systems,” Press release, Transmittal No. 06-55, 21 September 2006, Washington, DC, www.dsca.mil.

⁶⁵² Kate Brannen, “Army will Complete 2007 DPICM Sale Despite New Law From Congress,” *Inside the Army*, 23 March 2009.

⁶⁵³ US Defense Security Cooperation Agency “India: CBU-105 Sensor Fuzed Weapons,” Press release, Transmittal No. 08-105, 30 September 2008, Washington, DC, www.dsca.mil.

⁶⁵⁴ “Policy Justification” sheet attached to a letter from Vice-Adm. Jeffrey A. Wieringa, Director, US Defense Security Cooperation Agency, to Sen. Robert C. Byrd, Chairman, Senate Committee on Appropriations (USP012679), 26 September 2008.

⁶⁵⁵ Letter from Vice-Adm. Jeffrey A. Wieringa, US Defense Security Cooperation Agency, to Sen. Robert C. Byrd, Senate Committee on Appropriations (USP012679), 26 September 2008.

⁶⁵⁶ Leland S. Ness and Anthony G. Williams, eds., *Jane’s Ammunition Handbook 2007–2008* (Surrey, UK: Jane’s Information Group Limited, 2007), pp. 336–338, 635–636.

⁶⁵⁷ Statement by Harold Hongju Koh, US Department of State, Third Conference of the High Contracting Parties to CCW Protocol V, 9 November 2009, geneva.usmission.gov.

An October 2004 report to the US Congress by the Department of Defense provides details on a stockpile of 5.5 million cluster munitions containing about 728.5 million submunitions.⁶⁵⁸ However, this figure does not appear to be a full accounting of cluster munitions available to US forces. In particular, the tally does not include cluster munitions that are part of the War Reserve Stocks for Allies (WRSA).⁶⁵⁹ In 1994, the stockpile, including WRSA, consisted of 8.9 million cluster munitions containing nearly 1 billion submunitions.⁶⁶⁰

US stockpile of cluster munitions, 2004⁶⁶¹

Type	No. of submunitions per munition	Submunitions in active inventory	Submunitions in total inventory
Rocket			
ATACMS 1	950	1,036,450	1,238,800
ATACMS 1A	400	162,000	200,800
M26 MLRS	644	238,006,944	282,840,936
M26A1 MLRS	518	2,138,304	2,138,304
M261 MPSM	9	671,319	752,301
Total		242,015,017	287,171,141
Projectile			
M449 APICM	60	1,620	2,400
M449A1 APICM	60	1,440	2,940
M483/M483A1	88	293,644,208	347,404,024
M864	72	53,856,648	54,701,352
M444	18	542,664	2,418,192
Total		348,046,580	404,528,908
Bomb			
Mk-20 Rockeye	247	14,514,214	14,514,214
CBU-87 CEM	202	20,054,964	20,054,964
CBU-103 CEM WCMD	202	2,065,652	2,065,652
CBU-97 SFW	10	2,140	2,140
CBU-105 SFW WCMD	10	19,860	19,860
CBU-105 SFW P3I WCMD	10	8,990	8,990
AGM-154A JSOW-A	145	97,005	161,820
Total		36,762,825	36,827,640
Total		626,824,422	728,527,689

Of the 728 million submunitions cited in the report, only 30,990 have self-destruct devices (0.00004%).⁶⁶² The Department of Defense report cites failure rates of 2–6% for most of the submunitions, based on lot acceptance testing and stockpile reliability testing. Previous Department of Defense documents have indicated much higher failure rates for the most common submunitions.⁶⁶³

⁶⁵⁸ Office of the Under Secretary of Defense (Acquisition, Technology and Logistics), Department of Defense, “Report to Congress: Cluster Munitions,” October 2004. The report lists 626,824,422 submunitions in the “Active Inventory” and 728,477,489 in the “Total Inventory.”

⁶⁵⁹ Under this program, munitions are stored in foreign countries, but kept under US title and control, then made available to US and allied forces in the event of hostilities. The 2004 Department of Defense report also does not include SADARM cluster munitions (thought to number 715) and an unknown number of TLAM-D cruise missiles with conventional submunitions.

⁶⁶⁰ See HRW, “Cluster Munitions a Foreseeable Hazard in Iraq,” March 2003. The 1 billion submunitions figure is mostly drawn from US Army Material Systems Analysis Activity, “Unexploded Ordnance (UXO) Study,” April 1996. The US may have removed from inventory and destroyed a significant number of expired cluster munitions since that 1996 study.

⁶⁶¹ Office of the Under Secretary of Defense (Acquisition, Technology and Logistics), Department of Defense, “Report to Congress: Cluster Munitions,” October 2004.

⁶⁶² These are CBU-97 and CBU-105 SFWs held by the US Air Force and Navy. The army’s SADARM cluster munitions, which are similar to SFWs, are not included in the Department of Defense report.

⁶⁶³ See Office of the Under Secretary of Defense (Acquisition, Technology and Logistics), Department of Defense, “Unexploded Ordnance Report,” undated, table 2–3, p. 5, transmitted to the US Congress on 29 February 2000.

Since 2000, the US has destroyed on average 7,200 tons (7.2 million kg) of outdated cluster munitions (not including missiles and rockets) per year at an average annual cost of \$7.1 million. As of 2006, at least 103,473 tons (103 million kg) of outdated cluster munitions were awaiting destruction.⁶⁶⁴

Since fiscal year 2007, there has been a separate funding source for the destruction of MLRS rockets and ATACM missiles, with special destruction facilities for MLRS rockets at the Anniston Defense Munitions Center in Alabama and the Letterkenny Munitions Center in Pennsylvania. The army has requested \$72.4 million for the destruction of 71,062 M26 MLRS rockets from fiscal year 2007 to fiscal year 2011.⁶⁶⁵

Uzbekistan

Policy

The Republic of Uzbekistan has not acceded to the Convention on Cluster Munitions. It has not made any public statements regarding its cluster munition policy.

Uzbekistan did not participate in the Oslo Process, the diplomatic process that resulted in the development, negotiation, and signing of the convention. It did not attend any of the regional or international meetings on cluster munitions in 2009 or 2010 through July.

Uzbekistan is party to the Convention on Conventional Weapons (CCW), but has not been involved in CCW discussions on cluster munitions. It has not joined CCW Protocol V on explosive remnants of war. It is not party to the Mine Ban Treaty.

Uzbekistan is not known to have used, produced, or exported cluster munitions. It inherited a stockpile of cluster munitions from the Soviet Union. Jane's Information Group reports that KMG-U dispensers are in service with the country's air force.⁶⁶⁶ It also possesses Grad 122mm and Uragan 220mm surface-to-surface unguided rockets, but it is not known if these include versions with submunition payloads.⁶⁶⁷

Vanuatu

Policy

The Republic of Vanuatu has not yet acceded to the Convention on Cluster Munitions. Vanuatu joined the Oslo Process in February 2008, when it attended the Wellington Conference on Cluster Munitions and endorsed the Wellington Declaration in support of the negotiation of an instrument prohibiting cluster munitions.

Vanuatu participated in the negotiations of the Convention on Cluster Munitions in May 2008 in Dublin, where it formally adopted the convention and expressed satisfaction with the text and conference outcome.⁶⁶⁸ However, Vanuatu did not sign the convention in Oslo in December 2008.

Vanuatu did not attend the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in Bali, Indonesia in November 2009, or any other cluster munition meeting in 2009 and 2010 through July.

Vanuatu is party to the Mine Ban Treaty, but has not joined the Convention on Conventional Weapons.

Vanuatu is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

⁶⁶⁴ Figures are compiled from annual editions of Department of the Army, "Procurement of Ammunition, Committee Staff Procurement Backup Book," from fiscal year 2000 to fiscal year 2011.

⁶⁶⁵ Department of the Army, "Procurement of Ammunition, Committee Staff Procurement Backup Book," February 2010, pp. 571–572.

⁶⁶⁶ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 848.

⁶⁶⁷ International Institute for Strategic Studies, *The Military Balance 2005–2006* (London: Routledge, 2005), p. 250.

⁶⁶⁸ Statement of Vanuatu, Dublin Diplomatic Conference on Cluster Munitions, Dublin, 28 May 2010. Notes by the CMC.

Venezuela

Policy

The Bolivarian Republic of Venezuela has not yet acceded to the Convention on Cluster Munitions, despite participating in the Oslo Process that created the convention and adopting the convention text on 30 May 2008. Venezuela has made no public statements on its cluster munition policy since May 2008.

At a meeting in Lugano, Switzerland in 1976, Venezuela was one of a dozen states to propose a ban on cluster munitions in a working paper that argued that antipersonnel cluster munitions “tend to have both indiscriminate effects and to cause unnecessary suffering.”⁶⁶⁹

Venezuela first engaged in the Oslo Process in May 2007 at the second international preparatory conference, held in Lima, Peru. At the meeting, Venezuela said that it was “fully committed” to the Oslo Declaration issued in February 2007, which it described as, “the framework of our work towards the banning of cluster munitions.”⁶⁷⁰ The Oslo Declaration committed states to conclude in 2008 a new international treaty banning cluster munitions that cause unacceptable harm to civilians. Venezuela also said, “We...disagree with the argument posed by some countries about the military utility of cluster munitions. It is our humble opinion that these arguments lack any kind of substantive basis.”⁶⁷¹

Venezuela did not attend the subsequent international conferences to develop the convention text held in Vienna in December 2007 and Wellington in February 2008, but it participated in the regional meetings to promote the Oslo Process held in Costa Rica in September 2007 and in Mexico City in April 2008. On 24 April 2008, Venezuela endorsed the Wellington Declaration, thereby indicating its intention to participate in the formal negotiations in Dublin of a treaty prohibiting cluster munitions.

Venezuela played an active role in the Dublin negotiations in May 2008. At the outset, Venezuela stated that it did not support the view that the effects of inhumane weapons could be mitigated by technological improvements, stating that “results in laboratory tests may not coincide with matters on the ground.” Venezuela also stressed the need for the proposed treaty to provide full assistance to cluster munition victims.⁶⁷²

Venezuela sought a clear provision on the responsibility of user states for attacks that occurred before the entry into force of the convention as “it would be contradictory to seek a prohibition and include victim assistance and not make provision for what had happened in the past.”⁶⁷³ Venezuela opposed a transition period in which prohibited cluster munitions could still be used for a number of years.⁶⁷⁴

Venezuela expressed concern that Article 2(c) on definitions, which permits weapons with a small number of submunitions that meet five technical criteria, would favor the use of certain technologies and stated that there was “no evidence to prove that a munition meeting all of these criteria might not still be indiscriminate.”⁶⁷⁵

Venezuela joined in the consensus adoption of the convention text on 30 May 2008. In a statement to the plenary, Venezuela welcomed the adoption and acknowledged the roles of the CMC and the ICRC. Venezuela said that the text contained key provisions of international humanitarian law which would address the suffering of innocent civilian populations, but said it was “not happy” with the provision on Article 21 on “interoperability” (relations with states not party) and said the concept of interoperability “undermines the spirit and purpose” of the convention. While Venezuela said that it wanted its views on Article 21 “to be recorded,” it also emphasized that that it supported “the main thrust of this convention.”⁶⁷⁶

It is unclear how the convention was received by the government after the Dublin negotiations. Venezuela did not attend the regional meeting on cluster munitions held in Quito, Ecuador in November 2008. At a meeting of the Convention on Conventional Weapons (CCW) in November 2008, Venezuela was one of 26 states that issued a joint statement

⁶⁶⁹ Brian Rappert and Richard Moyes, *Failure to protect: A case for the prohibition of cluster munitions* (London: Landmine Action, August 2006), p. 5.

⁶⁷⁰ Statement of Venezuela, Lima Conference on Cluster Munitions, Lima, 23 May 2007. Notes by the CMC/WILPF.

⁶⁷¹ Ibid.

⁶⁷² Summary Record of the Committee of the Whole, Second Session: 20 May 2008, Dublin Diplomatic Conference on Cluster Munitions, CCM/CW/SR/2, 18 June 2008; and statement by Amb. Jorge Valero, Vice-Minister of Foreign Affairs, Dublin Diplomatic Conference on Cluster Munitions, 20 May 2008.

⁶⁷³ Summary Record of the Committee of the Whole, Second Session: 20 May 2008, Dublin Diplomatic Conference on Cluster Munitions, CCM/CW/SR/2, 18 June 2008.

⁶⁷⁴ Summary Record of the Committee of the Whole, First Session: 19 May 2008, Dublin Diplomatic Conference on Cluster Munitions, CCM/CW/SR/1, 18 June 2008; and Summary Record of the Committee of the Whole, Eighth Session: 23 May 2008, Dublin Diplomatic Conference on Cluster Munitions, CCM/CW/SR/8, 18 June 2008.

⁶⁷⁵ Summary Record of the Committee of the Whole, Eleventh Session: 26 May 2008, Dublin Diplomatic Conference on Cluster Munitions, CCM/CW/SR/11, 18 June 2008.

⁶⁷⁶ Summary Record of the Plenary and Closing Ceremony of the Conference, Fourth Session: 30 May 2008, Dublin Diplomatic Conference, CCM/SR/4, 18 June 2008.

expressing their opposition to the weak draft text on a possible CCW protocol on cluster munitions, indicating it was an unacceptable step back from the standards set by the Convention on Cluster Munitions.⁶⁷⁷

Despite engaging in the Oslo Process, Venezuela did not attend the Convention on Cluster Munitions Signing Conference in Oslo in December 2008.

Venezuela did not engage in the work of the convention in 2009 and the first half of 2010. It did not attend the Berlin Conference on the Destruction of Cluster Munitions in June 2009, the Regional Conference for Latin America and the Caribbean on Cluster Munitions held in Santiago, Chile in September 2009, or the International Conference on the Convention on Cluster Munitions also held in Santiago, in June 2010.

Venezuela is a State Party to the Mine Ban Treaty. Venezuela is a State Party to the CCW but has not ratified Protocol V on explosive remnants of war. It has not actively engaged in the CCW deliberations on cluster munitions in recent years.

Venezuela is not believed to have used, produced, transferred, or stockpiled cluster munitions.

Vietnam

Policy

The Socialist Republic of Vietnam has not acceded to the Convention on Cluster Munitions. It has demonstrated a strong interest in the convention and is engaged in a policy review of the possibility of joining. Vietnam participated in both the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in Bali, Indonesia in November 2009 and the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

At the Santiago conference, Vietnam expressed its full support for the humanitarian aims of the convention and asked that international assistance be extended to countries that had not yet signed, but were still studying the convention. Vietnam sent a large delegation which had numerous interactions with states, CMC campaigners, and international organizations over the course of the meeting.⁶⁷⁸

In May 2010 the CMC, in coordination with UNDP, undertook a mission to Vietnam to promote the Convention on Cluster Munitions. The delegation met with senior officials in the ministries of foreign affairs and defense. The CMC reported that the Vietnamese government appeared eager to join the convention and is studying a number of issues to address concerns held by some ministries. The Ministry of Foreign Affairs is leading the policy review process, with key input from the Ministry of Defense and the Ministry of Labour, Invalids, and Social Affairs.⁶⁷⁹

Vietnamese officials emphasized their appreciation for the humanitarian focus of the convention, and its comprehensive and coordinated approach to helping those affected, with provisions for cooperation and assistance. They expressed two main concerns: first, that Vietnam's national capacity is not adequate to meet the convention's clearance deadline with the current level of resources; and second, that the convention places more responsibility on the affected ("victim") states than it does on those states that used the weapon.

In a May 2010 meeting between Ambassador Vuong Hai Nam of the Embassy of Vietnam in Wellington, New Zealand and members of the Aotearoa New Zealand Cluster Munition Coalition (ANZCMC), the ambassador said that an interagency committee has been studying the convention and how to participate. He said Vietnam will attend, at least as an observer, the First Meeting of States Parties to be held in Lao PDR in November 2010. He expressed Vietnam's concern that several important states had not yet joined, and that the convention places the obligation for clearance on the shoulders of affected states.⁶⁸⁰

The ambassador provided a written position paper that said Vietnam "highly appraises the humanitarian objectives" of the convention, and "is continuing to study and considering the possibility to accede to the Convention when appropriate, taking into account the specific conditions of our country." It said, "However, our concern is that in the Convention, the obligation of solving the devastating consequences which [were] caused by the usage of cluster munitions in the past is laid primarily on the shoulder of the victim states while the international cooperation and assistance mechanism has not sorted out any specific action plan or program yet."⁶⁸¹

⁶⁷⁷ Statement delivered by Costa Rica on behalf of Austria, Belgium, Benin, Bosnia and Herzegovina, Chile, Croatia, Ecuador, El Salvador, Guatemala, Holy See, Honduras, Indonesia, Ireland, Lebanon, Mexico, New Zealand, Nicaragua, Norway, Peru, Philippines, Senegal, South Africa, Uganda, Uruguay, and Venezuela, CCW Group of Governmental Experts on Cluster Munitions, Geneva, 5 November 2008.

⁶⁷⁸ CMC, "Santiago Conference update for 9 June 2010," www.stopclustermunitions.org.

⁶⁷⁹ Thomas Nash, "Report on Cluster Munition Coalition Visit to Vietnam, 10–11 May 2010," CMC.

⁶⁸⁰ ANZCMC meeting with Amb. Vuong Hai Nam, Embassy of Vietnam, Wellington, 26 May 2010. Notes by ANZCMC. Email from Mary Wareham, Coordinator, ANZCMC, 27 May 2010.

⁶⁸¹ "Vietnam's Position on Cluster Munition Convention," undated but provided to ANZCMC on 26 May 2010.

An April 2010 position paper provided to the CMC used similar language of both support and concern. Vietnam welcomed “the humanitarian aims of the Convention, including the establishment of an international cooperation and assistance mechanism” and “is still considering the possibility to accede to the Convention on Cluster Munitions when appropriate.”⁶⁸²

At the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in November 2009 in Bali, Indonesia, the delegation from Vietnam highlighted concerns over the scale of clearance necessary on its territory and the deadlines for clearance set out in the convention. It expressed its willingness to fulfill such obligations with the necessary international assistance, and appealed to donors for support.⁶⁸³

Vietnam participated in two of the international Oslo Process diplomatic conferences to develop the convention text, but decided to attend the formal negotiations in Dublin in May 2008 only as an observer. It also attended the Convention on Cluster Munitions Signing Conference in Oslo in December 2008 as an observer, but did not make a statement.⁶⁸⁴

Vietnam is not party to the Mine Ban Treaty or the Convention on Conventional Weapons.

Vietnam is not believed to have ever used, produced, or transferred cluster munitions. It is not clear if it possesses a stockpile. Some officials have said that Vietnam does not have a stockpile, but others have been less than certain.⁶⁸⁵ Vietnam’s May 2010 position paper states that foreign reports show that Vietnam has never used, produced, transferred, or stockpiled cluster munitions.⁶⁸⁶

Cluster Munition Remnants

The United States scattered a total of 413,130 tons (4.1 million kg) of submunitions over Vietnam between 1965 and 1973, striking 55 of its 64 provinces and cities, including Haiphong, Hanoi, Ho Chi Minh City, Hue, and Vinh. Most submunition types used by the US were air delivered, but artillery-delivered submunitions were used in three provinces: Quang Binh, Quang Nam, and Thua-Thien Hue.⁶⁸⁷ There is no reliable figure for the amount of contamination remaining, although the extent of the threat remains vast.

Clearance of cluster munition remnants

Vietnam does not report publicly on its clearance of cluster munition remnants. In 2009, international NGO operators reported destroying a total of 3,831 submunitions in the course of battle area clearance operations.⁶⁸⁸

Yemen

Policy

The Republic of Yemen has not acceded to the Convention on Cluster Munitions. It has not made a public statement about why it has not joined.

Yemen did not attend any of the diplomatic meetings related to the convention in 2009 or 2010 through July.

Yemen participated in two meetings of the Oslo Process that produced the convention, the international conference in Lima in May 2007 and the Belgrade Conference for States Affected by Cluster Munitions in October 2007. During the Lima conference, Yemen stated that the international community must push forward its work on the prohibition of cluster munitions.⁶⁸⁹

Yemen did not attend, even as an observer, the formal negotiations of the convention in Dublin in May 2008.

Yemen is a State Party to the Mine Ban Treaty. It is not party to the Convention on Conventional Weapons.

⁶⁸² Vietnam statement on cluster munitions, provided to the CMC by Vietnam’s Permanent Mission to the UN in Geneva, undated, but provided in April 2010.

⁶⁸³ CMC, “Bali Regional Conference Report–November 2009,” www.stopclustermunitions.org.

⁶⁸⁴ For more details on Vietnam’s cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 261–262.

⁶⁸⁵ During the CMC mission in May 2010, a Foreign Ministry official said there were not stocks, but a Defense Ministry official was not clear on the issue. Thomas Nash, “Report on Cluster Munition Coalition Visit to Vietnam, 10–11 May 2010,” CMC.

⁶⁸⁶ “Vietnam’s Position on Cluster Munition Convention,” undated but provided to ANZCMC on 26 May 2010.

⁶⁸⁷ *Fatal Footprint, The Global Human Impact of Cluster Munitions* (Brussels: HI, November 2006), p. 15.

⁶⁸⁸ Emails from Hannah Bryce, Country Programme Manager, MAG, Hanoi, 4 April 2010; from Ding Ngoc Vu, Operations Manager, Project Renew/NPA, Quang Tri, 16 March 2010; from Milica Koscica, Program Coordinator, PeaceTrees Vietnam, 17 March 2010; and from Marion Gnanko, Project Manager, UXO/Mine Action, SODI, 1 April 2010.

⁶⁸⁹ Statement of Yemen, Session on Victim Assistance, Lima Conference on Cluster Munitions, 23 May 2008. Notes by WILPF.

Use, production, transfer, and stockpiling

Yemen is not believed to have used, produced, or exported cluster munitions.⁶⁹⁰

It appears that Yemen does have a stockpile. Jane's Information Group reports that KMG-U dispensers that deploy submunitions are in service with the country's air force.⁶⁹¹ Moldova exported 13 220mm Uragan Multiple Rocket Launch Systems to Yemen in 1994, and it possesses Grad 122mm surface-to-surface rocket launchers, but it is also not known if the ammunition for these weapons includes versions with submunition payloads.⁶⁹²

In June 2010, Amnesty International stated that it appears the United States used at least one TLAM-D cruise missile with 166 BLU-97 submunitions to attack a "training camp" in al-Ma'jalah in the al-Mahfad district of Abyan governorate of Yemen on 17 December 2009. Amnesty International published a series of photographs showing the remnants of the cruise missile. It said the attack killed 55 people, including 14 alleged members of the targeted "terrorist group," as well as 14 women and 21 children.⁶⁹³ Neither the US nor Yemeni governments have publicly responded to Amnesty International's allegations.

Zimbabwe

Policy

The Republic of Zimbabwe has not yet acceded to the Convention on Cluster Munitions.

Zimbabwe participated in the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions held in Pretoria, South Africa in March 2010. It told the other African governments that Zimbabwe was "aware of the need for signing and ratifying this convention" and that "discussions are underway on the matter." It said that the commitment to join at some point has been made, but it could not provide a timeframe.⁶⁹⁴

Earlier, in December 2009, a government official had similarly informed the CMC that authorities were considering the convention.⁶⁹⁵

Zimbabwe did not attend the Berlin Conference on the Destruction of Cluster Munitions in June 2009 or the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010.

Zimbabwe did not attend any of the international conferences of the Oslo Process to develop the convention text in 2007 and 2008, or the formal negotiations in Dublin. However, it participated in the two African regional conferences in 2008 and endorsed the Kampala Action Plan, which called on all African states to sign and ratify the convention. It expressed its support for a comprehensive convention banning cluster munitions, without exceptions.⁶⁹⁶

Zimbabwe is a State Party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

Use, production, transfer, and stockpiling

Zimbabwe has a stockpile of cluster munitions. In March 2010, an official told the CMC that Zimbabwe still possessed cluster munitions left over from the former Rhodesia's arsenal.⁶⁹⁷ Jane's Information Group has reported that the Alpha bomblet developed for the South African CB-470 cluster bomb was produced by Rhodesia, and that "Zimbabwe may have quantities of the Alpha bomblet."⁶⁹⁸

Zimbabwe is not known to have produced or exported cluster munitions. It is unclear if Zimbabwe has ever used cluster munitions.⁶⁹⁹

⁶⁹⁰ There are unconfirmed reports that cluster munitions may have been used in the 1994 civil war.

⁶⁹¹ Robert Hewson, ed., *Jane's Air Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 848.

⁶⁹² Submission of the Republic of Moldova, UN Register of Conventional Arms, Report for Calendar Year 1994, 28 April 1995; International Institute for Strategic Studies, *The Military Balance 2005–2006* (London: Routledge, 2005), p. 215; and Colin King, ed., *Jane's Explosive Ordnance Disposal 2008*, CD-edition (Surrey, UK: Jane's Information Group Limited, 2008).

⁶⁹³ The remnants in the photographs included images of 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 www.amnesty.org. See also, "U.S. missiles killed civilians in Yemen, rights group says," *CNN*, 7 June 2010, www.cnn.com.

⁶⁹⁴ Statement of Zimbabwe, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 25 March 2010. Notes by AOAV.

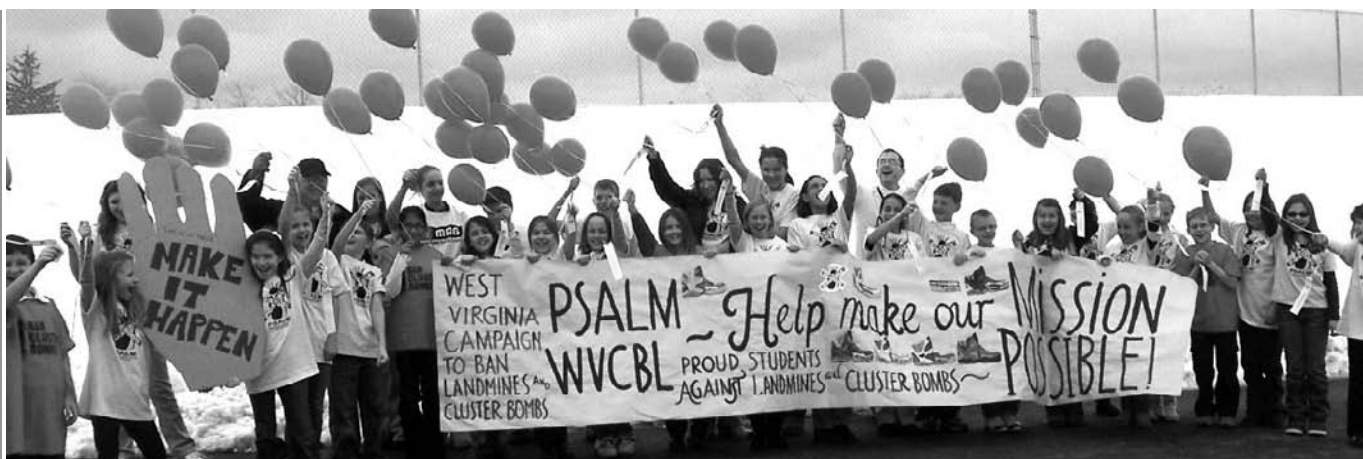
⁶⁹⁵ CMC meeting with Zimbabwe delegation, Second Review Conference of the Mine Ban Treaty, Cartagena, 30 November–4 December 2009. Notes by the CMC.

⁶⁹⁶ For details on Zimbabwe's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 262–263.

⁶⁹⁷ CMC meeting with Mucheka Chameso, Counsellor, Permanent Mission of Zimbabwe to the UN in Geneva, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 25–26 March 2010. Notes by the CMC.

⁶⁹⁸ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 440.

⁶⁹⁹ Zimbabwe has not made a statement regarding possible past use. One source has said Zimbabwean and/or Congolese aircraft dropped cluster bombs in the Democratic Republic of the Congo in 1998. Tom Cooper, Air Combat Information Group website, www.acig.org.



Other Areas

Abkhazia

Abkhazia is a breakaway region of Georgia and is only recognized by Nauru, Nicaragua, Russia, and Venezuela.¹ Due to its status, Abkhazia cannot accede to the Convention on Cluster Munitions.

In March 2010, an Abkhazian defense official told Landmine and Cluster Muniton Monitor that Abkhazia does not support a ban on cluster munitions.² He also stated that Abkhazian military forces do not possess cluster munitions. It is not known if Russian units stationed in Abkhazia possess cluster munitions.

During the August 2008 conflict between Russia and Georgia, Abkhazian and Russian forces moved into the upper Kodor Valley and retook it from Georgian forces. Abkhazia has asserted that Georgia fired large numbers of cluster munitions with M095 submunitions from LAR-160 rockets in the Kodor Valley.³ Landmine and Cluster Muniton Monitor has not been able to independently investigate and confirm this information. In March 2010, the Abkhazian Ministry of Defense stated that the submunitions had been cleared and destroyed.⁴

▲
Students in the United States begin a 100 day countdown to the entry into force of the Convention on Cluster Munitions.

Kosovo

The status of Kosovo is disputed. Kosovo declared independence from Serbia in February 2008. As of July 2010, the declaration of independence was recognized by 69 states. On 22 July 2010, the International Court of Justice issued an advisory opinion that Kosovo's declaration of independence did not violate international law. However, Serbia considers the declaration illegal and still views Kosovo as its southern territory. Kosovo has not been able to become a UN member state and thus is not eligible to adhere formally to international instruments such as the Convention on Cluster Munitions.

A spokesperson for the self-declared Republic of Kosovo told Landmine and Cluster Muniton Monitor, "In principle, as a country that has been through war, Kosovo supports the initiatives to reduce and ban arms, including the policy to ban cluster ammunition." He stated that Kosovo does not possess any cluster munitions.⁵

Forces of the Federal Republic of Yugoslavia used cluster munitions during the 1998–1999 conflict in Kosovo. Additionally, aircraft from the Netherlands, United Kingdom, and the United States dropped cluster bombs in Kosovo during the 1999 NATO air campaign.⁶

¹ After the disintegration of the Soviet Union, conflict erupted between Abkhazia and Georgia which ended with a cease-fire agreement in May 1994. The Republic of Abkhazia is a member of the Unrepresented Nations and Peoples Organization.

² Interview with Roland Jofua, Press Secretary, Ministry of Defense, Sukhum, 19 March 2010.

³ Email from Maxim Gunjia, Deputy Foreign Minister, 24 August 2009. See *Landmine Monitor Report 2009*, p. 1,159. The Deputy Foreign Minister provided photographs of submunitions and containers. The M095 is described as an M85-type submunition.

⁴ Interview with Roland Jofua, Ministry of Defense, Sukhum, 19 March 2010.

⁵ Email from Memli Krasniqi, Spokesperson, Republic of Kosovo, 30 March 2010. He wrote, "KFOR [Kosovo Protection Force] is the mission responsible for issues related to defense, while Kosovo institutions have certain limitations in this field. Consequently, Kosovo does not have stocks of any kind of explosive device or other weapons."

⁶ The three countries dropped 1,765 cluster bombs containing 295,000 submunitions in what is now Serbia, Montenegro, and Kosovo. Human Rights Watch, "Civilian Deaths in the NATO Air Campaign," Vol. 12, no. 1(D), February 2000, www.hrw.org. See also, Human Rights Watch, "Cluster Munition Information Chart," March 2009, www.hrw.org; Norwegian People's Aid, "Yellow Killers: The Impact of Cluster Munitions in Serbia and Montenegro," 2007, www.stopclustermunitions.org; and Norwegian People's Aid, "Report on the Impact of Unexploded Cluster Munitions in Serbia," January 2009, www.stopclustermunitions.org.

Cluster Munition Remnants

Kosovo continues to be affected by cluster munition remnants from the 1998–1999 conflicts over Kosovo.⁷ At the beginning of June 2010, the Office for the Kosovo Protection Corps Coordinator (OKPCC) reported that 52 areas were confirmed to be contaminated with unexploded submunitions and a further eight areas were suspected to contain such contamination.⁸

Clearance of cluster munition remnants

Both Mines Awareness Trust (MAT) and HALO Trust conducted clearance of cluster munition remnants during 2009.⁹ HALO has one explosive ordnance disposal/battle area clearance team of 20 deminers who cleared 0.25km² of cluster munition contaminated areas in Berisha and Vrelo. The Kosovo Protection Force (KFOR) and MAT each cleared 22 submunitions during mine clearance operations.¹⁰

Nagorno-Karabakh

Prior to the dissolution of the Soviet Union, the Parliament of the Nagorno-Karabakh Autonomous Province voted in 1988 to secede from the Azerbaijan Soviet Socialist Republic (SSR) and join the Armenian SSR, which resulted in armed conflict from 1988 to 1994. The region declared independence as the Nagorno-Karabakh Republic in 1991. Nagorno-Karabakh is not recognized by any UN member state and thus is not eligible to adhere formally to international instruments such as the Convention on Cluster Munitions.

Authorities in Nagorno-Karabakh have not made a public declaration of their cluster munition policy. It is not known if Nagorno-Karabakh forces possess cluster munitions.

Submunition contamination has been identified in Nagorno-Karabakh from the 1988 to 1994 conflict between Armenia and Azerbaijan over the territory. However, which armed forces used cluster munitions is not known.

Cluster Munition Remnants

HALO has reported that Nagorno-Karabakh has a significant cluster munition problem, particularly in the Askeran and Martakert regions. Large quantities of air-dropped cluster munitions were used in the Nagorno-Karabakh conflict over a six-year period. HALO has already cleared the majority of cluster munition tasks around Stepanakert and Shushi.¹¹

HALO initially conducted emergency surface clearance of cluster munition remnants. By 2008, HALO concluded there was also a significant sub-surface threat and they subsequently began a re-survey of cluster munition strikes. The result of the survey was an increase of area from 85km² to 94km² in need of battle area clearance between 2008 and 2009.¹²

Palestine

The Palestinian National Authority (PA) governs the Occupied Palestinian Territories (OPT), including Gaza and parts of the West Bank. Two Palestinian factions, Hamas in Gaza and Fatah in the West Bank, both claim to be the legitimate governing authority of the OPT.

Representatives of the PA attended the International Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010. They stated support for the convention and voiced concerns about Israel's use of the weapon.¹³

Previously, the PA had not attended any of the diplomatic Oslo Process meetings that produced the convention in 2007 and 2008.

⁷ See, for example, Richard Moyes, "Cluster Munitions in Kosovo, Analysis of Use, Contamination and Casualties," Landmine Action, February 2007, p. 5; and Human Rights Watch and Landmine Action, *Banning Cluster Munitions, Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 238.

⁸ Email from Ahmet Sallova, Head, Mine Action Centre (MAC), EOD Coordination Team, Kosovo Protection Force's Force Advisory Office (KFOR FAO), 31 May 2010; and telephone interview, 1 June 2010. The EOD Coordination Team MAC is now located within KFOR FAO (previously it was in the OKPCC).

⁹ Interview with Ahmet Sallova, KFOR FAO, in Ljubljana, 5 February 2010.

¹⁰ Email from Andrew Moore, Caucasus and Balkans Officer, HALO, 7 May 2010; and MAC, EOD Coordination Team, "Annual Report 1 January – 31 December 2009," KFOR FAO, Pristina, 5 January 2010, p. 5.

¹¹ Email from Andrew Moore, Caucasus and Balkans Desk Officer, HALO, 5 March 2010.

¹² Email from Andrew Moore, HALO, 28 April 2010.

¹³ Statements of Palestine, International Conference on the Convention on Cluster Munitions, Santiago, 7 June and 9 June 2010. Notes by OAV/HRW.

There have been no confirmed instances of use of cluster munitions in the OPT by either Israeli or Palestinian forces. It is not known if Palestinian forces possess any cluster munitions.

Somaliland

The Republic of Somaliland proclaimed independence from Somalia in 1991 after the fall of the government of Siad Barre. Somaliland is not recognized by the international community as an independent state and thus is not eligible to adhere formally to international instruments such as the Convention on Cluster Munitions.

Somaliland authorities have not made a statement on their policy toward cluster munitions. There are no indications that Somaliland has ever used or produced cluster munitions. It is not known if Somaliland possesses a stockpile of cluster munitions.

Taiwan

Due to its international status, Taiwan cannot accede to the Convention on Cluster Munitions. In July 2008, the Ministry of National Defense stated that Taiwan could only ban cluster munitions if the convention gains universal support in the future and all countries ban their use. It said that Taiwan possesses cluster munitions to counter the military threat from China, which has not joined the convention. It said Taiwan needs cluster munitions to attack enemy ships and landing craft in waters close to Taiwan, and to attack enemy airfields.¹⁴

Use, production, transfer, and stockpiling

Taiwan has never used cluster munitions but it possesses a stockpile, has imported them, and produces them domestically. There is no public information regarding the number of cluster munitions in Taiwan's arsenal. It is not known if Taiwan has ever exported cluster weapons.

It appears that Taiwan produces two types of cluster munitions: the RT2000 Multiple Launch Rocket System (MLRS) and the Wan-Jian missile. The RT2000 (RT meaning Ray Ting or "Thunder") MLRS fires unguided surface-to-surface rockets that can utilize either cluster warheads or unitary high explosive warheads. The submunition in the three rocket types available for the launch system is reported to be the M77 dual purpose improved conventional munition (DPICM).¹⁵ The Wan-Jian (also seen as Wan Chien, meaning 10,000 Swords) is an air-launched missile, containing 100–120 submunitions. It has its own inertial navigation system and a range of 600km.¹⁶

It has been reported that the Ministry of National Defense started to conduct research on production of cluster munitions in the late 1990s and began fielding systems in 2006.¹⁷ The Military News Agency reported that Taiwan used cluster munitions in military training maneuvers in 2006 and 2007.¹⁸ The military reportedly tested the Wan-Jian missile on several occasions between 2006 and 2008.¹⁹

Taiwan has imported a large number of air-delivered cluster bombs from the United States. According to a standard reference work, Taiwan possesses US-made CBU-24, CBU-49, CBU-52, CBU-58, CBU-71, and Rockeye cluster bombs.²⁰ The Taiwanese media has noted that Taiwan has Rockeye cluster bombs, each containing 247 submunitions.²¹

¹⁴ Hsu Shao-Hsuen, "MND says Taiwan is ready to make cluster-bombs," *Taipei Times*, 5 July 2008, www.taipeitimes.com; and Hung Che-Cheng and Wu Sheng-Hung, "Expose IDF load with Wan-Jian missiles," *Apple Daily*, 23 July 2008, tw.nextmedia.com.

¹⁵ Leland S. Ness and Anthony G. Williams, eds., *Jane's Ammunition Handbook 2007–2008* (Surrey, UK: Jane's Information Group Limited, 2007), p. 700.

¹⁶ The Chungshan Institute reportedly developed the Wan-Jian between 1999 and 2006 at a budget of about NTD 1.3 billion (US\$40.6 million). Chu Ming, "Wan-Jian missile can attack China's missile base in long-range," *Apple Daily*, 20 April 2006, tw.nextmedia.com. See also, Hsu Shao-Hsuan, "Exposing our remote control weapon, the Wan-Jian missile," *Liberty Times* (Chinese), 28 December 2004, www.libertytimes.com.tw; "How powerful could Taiwan's new missile Wan-Jian be," *China's National Defense*, 5 July 2005, news.xinhuanet.com. It was reported in 2008 that the Chung Shan Institute of Science and Technology had produced at least four Wan-Jiang cruise missiles for testing. Wang Chiung-Hua, "Taiwan made 4 Wan-Jian missiles," *Apple Daily*, 11 October 2008, tw.nextmedia.com.

¹⁷ "How powerful could Taiwan's new missile Wan-Jian be," *China's National Defense*, 5 July 2005, news.xinhuanet.com; and Hsu Shao-Hsuen, "MND says Taiwan is ready to make cluster-bombs," *Taipei Times*, 5 July 2008, www.taipeitimes.com. See also, Russell Hsiao, "Taiwan's State-Owned Aerospace Firm to Build Aircraft in China: Risks and Opportunities," *Jamestown China Brief*, Vol. 9, Issue 14, 9 July 2009, www.jamestown.org.

¹⁸ Lu Shih-Min, "'Chinese Glory' military drills: Taiwan shows off military muscle in defense training drill," *Military News Agency*, 20 July 2006; and Sun Chien-Ping, "'Chinese Glory' military drills at Hai-Kou, Pingdong shows combined military operation in high-performance," *Military News Agency*, 17 May 2007.

¹⁹ Chu Ming, "Wan-Jian missile can attack China's missile base in long-range," *Apple Daily*, 20 April 2006, tw.nextmedia.com.

²⁰ Colin King, ed., *Jane's Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane's Information Group Limited, 2008).

²¹ Sun Chien-Ping, "'Chinese Glory' military drills at Hai-Kou, Pingdong shows combined military operation in high-performance," *Military News Agency*, 17 May 2007, mna.gpw.gov.tw; and Wang Chiung-Hua, "Taiwan made 4 Wan-Jian missiles," *Apple Daily*, 11 October 2008, tw.nextmedia.com.

Taiwan has also imported from the US Hydra-70 air-to-surface unguided rocket system, but it is not known if the ammunition types available to it include the M261 Multi-Purpose Submunition rocket.²²

Western Sahara

The sovereignty of Western Sahara remains the subject of a dispute between the government of Morocco and the Popular Front for the Liberation of Saguia el Hamra and Río de Oro (Polisario). Polisario's Saharawi Arab Democratic Republic is a member of the African Union, but is not universally recognized. It has no official representation in the UN, which prevents formal accession to the Convention on Cluster Munitions.

Western Saharan authorities have not made a public statement regarding their policy toward cluster munitions. There is no evidence that Polisario has ever used cluster munitions. It is not known if Polisario possesses any cluster munitions.

The Royal Moroccan Armed Forces used artillery-fired and air-dropped cluster munitions against Polisario in Western Sahara during their conflict from 1975–1991.

²² Colin King, ed., *Jane's Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane's Information Group Limited, 2008).



Convention on Cluster Munitions

DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A CONVENTION ON CLUSTER MUNITIONS

DUBLIN 19-30 MAY 2008

CCM/77

▲ Francophone campaigners plan upcoming activities during a workshop in Chile.

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 2010

Cluster Munition Monitor 2010 provides a global overview of efforts to eliminate cluster munitions with a focus on developments in 2009 and 2010. It covers global developments in ban policy, survey and clearance of cluster munition remnants, casualties and victim assistance, and support for mine action. The report includes chapters 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 © Tim Dirven, 2008

Thap Noy, a 50-year-old farmer from Asinsinli village, Nong district, in one of Lao PDR's most heavily contaminated areas, lost his arm in 1976 but recounts the incident as though it happened yesterday. "I was working in my ricefield with three family members when I touched something with my tool," he said. "The other people in the field were not injured but I was the one closest to the explosion. The injury took four years to heal completely as it got infected repeatedly."

www.the-monitor.org

Landmine and Cluster Munition Monitor is coordinated by an Editorial Board of five organizations: Mines Action Canada, Action On Armed Violence, Handicap International, Human Rights Watch, and Norwegian People's Aid. Mines Action Canada serves as the lead agency.



Norwegian People's Aid



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