



# Major Findings

## Five-Year Review

### Status of the 2008 Convention on Cluster Munitions

- Since the Convention on Cluster Munitions entered into force on 1 August 2010, becoming binding international law, another 46 signatories have ratified and nine countries have acceded, bringing the number of countries that are part of the convention to 93 States Parties and 24 signatories.
- The Convention on Cluster Munitions remains the sole international instrument on cluster munitions following the 2011 failure by states at the Convention on Conventional Weapons (CCW) to create a new protocol on cluster munitions. No state has proposed further CCW work on cluster munitions since 2011.

### Stockpile Destruction

- Seven States Parties completed their stockpile destruction before the convention's entry-into-force on 1 August 2010. Since then, States Parties have destroyed 532,938 cluster munitions and 85 million submunitions, while a dozen States Parties have completed their stockpile destruction.
- In total, 27 States Parties have destroyed 1.3 million cluster munitions and 160 million submunitions. This represents the destruction of 88% of cluster munitions and 90% of submunitions declared as stockpiled by States Parties.
- The Monitor estimates that prior to the start of the global effort to ban cluster munitions, 91 countries stockpiled millions of cluster munitions containing more than 1 billion submunitions. Currently, 47 states outside of the convention have cluster munition stockpiles.

### Use

- There have been no confirmed reports or allegations of new use of cluster munitions by any State Parties since the Convention on Cluster Munitions was adopted in May 2008.
- Cluster munitions have been used in seven non-signatories since the convention's August 2010 entry-into-force, including into Cambodia from Thailand (2011), in Libya (2011 and 2015), in Syria (2012-present), in Sudan (2012 and 2015), in South Sudan (2014), in Ukraine (2014-2015), and in Yemen by Saudi Arabia-led coalition forces (2015).
- At least 23 governments have used cluster munitions during conflict in 39 countries and four disputed territories since the end of World War II.

### Contamination

- As of July 2015, a total of 25 countries and other areas were contaminated by cluster munition remnants: nine State Parties, two signatories, 11 non-signatories, and three other areas. It is unclear whether a further three State Parties, two signatories, and two non-signatories are contaminated.
- New use since the Convention on Cluster Munitions came into force in August 2010 has resulted in further contamination in six non-signatories: Cambodia, Libya, South Sudan, Sudan, Syria, and Yemen. In addition, non-signatory Ukraine became contaminated for the first time after the Convention entered into force.
- The threat to civilians and the socio-economic impact is a particular cause for concern in: Afghanistan, Bosnia and Herzegovina, Cambodia, Iraq, Lao PDR, Lebanon, South Sudan, Sudan, Syria, Ukraine, Somalia, Vietnam, and Yemen, as well as Kosovo, Nagorno-Karabakh, and Western Sahara.

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*The Smerch and Uragan cluster munition rockets used in Ukraine prior to the February 2015 ceasefire left behind deadly unexploded submunitions that posed a threat to civilians.*

## **Recent Developments: 2014-2015**

### **Status of the 2008 Convention on Cluster Munitions**

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- Since September 2014, five signatories have ratified the convention: Canada, Republic of Congo, Guinea, Paraguay, and South Africa. Four countries also have acceded: Belize, Guyana, Palestine, and Slovakia.
- Colombia, Democratic Republic of the Congo, Iceland, Madagascar, Rwanda, and Somalia appear to be the closest to completing ratification of the convention, while the 18 other signatories have all expressed their intent to ratify. Non-signatory Mauritius appears to be close to completing its accession.

### **Stockpile Destruction**

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- During 2014, eight States Parties including France, Germany, Italy, and Japan destroyed a total of 121,585 cluster munitions and 16.4 million submunitions.
- States Parties Japan and Canada have completed their stockpile destruction since September 2014.
- States Parties Botswana, Germany, Italy, Mozambique, and Sweden are working to complete the destruction of their stocks in 2015.
- Non-signatory the United States said in February 2015 that it has removed “approximately 221,502 tons of cluster munitions” from its active stockpile to destroy through demilitarization under a 2008 policy directive, while an additional 250,224 tons will be demilitarized by 2018.

### **New Use**

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Cluster munitions have been used in five non-signatories to the convention since September 2014:

- Cluster bombs were dropped on two locations in Libya in early 2015, but it was not possible to conclusively determine responsibility. Previously, in April 2011, Libyan government forces loyal to Muammar Gaddafi fired cluster munition mortar rounds into Misrata city;
- Syrian government forces began using air-dropped cluster bombs in mid-2012 and then cluster munition rockets in attacks that are believed to be continuing, while non-state armed group Islamic State forces used cluster munition rockets in the second half of 2014;
- Sudan’s armed forces used air-dropped cluster bombs in Southern Kordofan province in the first half of 2015 and previously in 2012;
- Ukrainian government forces and Russian-backed anti-government forces used cluster munition rockets in Donetsk and Luhansk provinces of eastern Ukraine in attacks that started in 2014 and stopped after a February 2015 ceasefire;
- One or more members of a Saudi Arabia-led coalition has used air-dropped cluster munitions in northern Yemen since 25 March 2015 in operations against Ansar Allah (the Houthi), while it is currently not clear who used ground-fired cluster munition rockets that have also been recorded.

### **Casualties**

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- Casualties from cluster munition attacks were recorded in Syria, and for the first time in Ukraine, in 2014.
- Additional casualties from cluster munition remnants were recorded in 12 countries and three other areas in 2014.

### **Clearance**

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- Approximately 74km<sup>2</sup> of land was cleared and 69,000 submunitions destroyed during 2014.
- Conflict and insecurity impeded land release efforts in 2014 and 2015 in Afghanistan, Iraq, Libya, Somalia, South Sudan, Syria, Ukraine, and Yemen.

### **Production and Transfer**

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- Former cluster munition producer and exporter Slovakia acceded to the convention in July 2015.

### **National Legislation**

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- Iceland and Spain have enacted national legislation to implement the convention since September 2014.

### **Interpretation of the Convention on Cluster Munitions**

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- In July 2015, Spain became the tenth State Party to enact legislation that explicitly prohibits investment in cluster munitions.

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## Clearance

- Eight State Parties have completed clearance of areas contaminated by cluster munition remnants: Albania, Republic of Congo, Grenada, Guinea-Bissau, Malta, Mauritania, Norway, and Zambia. One signatory, Uganda, and one non-signatory, Thailand, have also completed clearance of areas contaminated by cluster munition remnants.
- Between 2010 and 2014, a total of more than 255km<sup>2</sup> of land was cleared and 295,000 submunitions destroyed.
- Five States Parties, one signatory, four non-signatories, and two other areas have reported land release through either technical survey, non-technical survey, or both since the Convention came into force.
- Survey and clearance results have been poorly recorded and reported in many countries. Therefore a clear picture is not available of the scale of contamination, the amount of land released through survey and clearance, and the number of submunitions destroyed.

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## Casualties

- In 2010-2014, casualties from cluster munition remnants were recorded in 13 countries and three other areas: Afghanistan, Cambodia, Democratic Republic of the Congo, Croatia, Iraq, Lao PDR, Lebanon, Libya, Serbia, South Sudan, Sudan, Syria, and Vietnam as well as Kosovo, Nagorno-Karabakh, and Western Sahara. Casualties from cluster munition attacks were recorded in Syria, and for the first time in Ukraine, in 2014.
- From 2012-2014, at least 1,968 cluster munition casualties were reported in Syria, by itself higher than any other global casualty total since well before the Convention on Cluster Munitions was adopted.
- Civilians accounted for the vast majority of casualties, making up 92% of all casualties whose status was recorded, in 2010-2014. Half of those people killed and injured were children.
- Over time (through 31 July 2015), the Monitor reported cluster munition casualties in 12 States Parties, five signatories, 16 non-signatories, and three other areas.
- The estimated number of global all-time cluster munition casualties is more than 55,000. Since the United States conducted cluster munition attacks on Lao PDR and Southeast Asia in the 1960s through the end of 2014, 19,868 cluster munition casualties have been documented globally. Following the adoption of the Convention on Cluster Munitions, which requires states to collect data on survivors and their needs, the total number of casualties known globally increased by one-third. The largest number of cluster munition casualties ever were recorded in Lao PDR.

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## Victim Assistance

- The Convention on Cluster Munitions continues to set the highest standards for victim assistance in international humanitarian law; states remained committed to supporting cluster munition victims resulting in measurable improvements.
- All States Parties with cluster munition victims provided some victim assistance services and nearly all have acted in accordance with the time-bound actions of the Convention's victim assistance plan that is to be revised in 2015.
- States Parties did not have the resources to replace or manage services that were reduced and programs that closed because of declines in international funding. Further international support was essential to ensure that assistance will be adequately available, particularly for survivors in remote and rural areas.

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## Production and Transfer

- A total of 34 states have developed or produced more than 200 types of cluster munitions.
- Seventeen States Parties and non-signatory Argentina have ceased the production of cluster munitions.
- Sixteen countries continue to produce cluster munitions or reserve the right to produce in the future, but only three of these states are known to have used the weapon: Israel, Russia, and the United States.
- In the past, at least 15 countries have transferred more than 50 types of cluster munitions to at least 60 other countries. Seven former exporters are now States Parties.
- At least two non-signatories have enacted an export moratorium: Singapore and the United States.

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## Retention

- Most States Parties that have made a formal statement have said that they will not retain any cluster munitions or submunitions for training and development purposes as permitted by the convention.
- Ten States Parties—all from Europe—have retained live cluster munitions or submunitions for training and research: Belgium, Czech Republic, Denmark, France, Germany, Italy, the Netherlands, Spain, Sweden, and Switzerland.
- Germany has reduced the number of cluster munitions retained by almost a quarter since 2011 by consuming them in EOD training, but remains the State Party retaining the highest number of cluster munitions. Belgium, Czech Republic, Denmark, France, and Spain have also lowered—in most cases significantly—the number of cluster munitions retained for training since their initial declarations were made. Australia and the United Kingdom initially retained cluster munitions, but have since destroyed them.

## National Legislation and Transparency

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- A total of 23 States Parties and one signatory have enacted national legislation to implement the convention. Eleven States Parties enacted such legislation prior to the convention's August 2010 entry-into-force, while 12 States Parties and a signatory have enacted implementation legislation in the period since. Another 20 States Parties are in the process of drafting, considering, or adopting national legislation and 28 have indicated existing law will suffice to enforce their implementation of the convention.
- A total of 67 States Parties have submitted an initial transparency report as required by Article 7 of the convention, representing 80% of all of States Parties.
- Interpretation of the Convention on Cluster Munitions
- At least 34 States Parties and signatories to the convention view any intentional or deliberate assistance with activities banned by the convention as prohibited, even during joint military operations with states not party. States Parties Australia, Canada, Japan, and the UK however support the contrary view that the convention's Article 1 prohibition on assistance with prohibited acts may be overridden by the interoperability provisions contained in Article 21.
- At least 32 states agree that both the transit of cluster munitions by a state not party across the territory of a State Party and foreign stockpiling are prohibited by the convention. States Parties Australia, Canada, Japan, the Netherlands, Portugal, Sweden, and the UK have asserted that transit and foreign stockpiling are not prohibited by the convention.
- States Parties Norway and the United Kingdom have confirmed that the United States has removed its stockpiled cluster munitions from their respective territories, while the United States has stockpiled and may continue to store cluster munitions in States Parties Afghanistan, Germany, Italy, Japan, and Spain, as well as in non-signatories Israel, Qatar, and perhaps Kuwait.
- Ten States Parties have enacted legislation that explicitly prohibits investment in cluster munitions. At least 27 States Parties and signatories to the convention have provided their view that investment in cluster munitions production is a form of assistance that is prohibited by the convention.

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