



Cluster Munition Monitor

2012

Cluster Munition Monitor 2012

Editorial Board

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

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

Landmine and Cluster Mmunition Monitor makes every effort to limit the environmental footprint of reports by publishing all of our research reports online. This report is available online at www.the-monitor.org/cmm/2012.

Cluster Munition Coalition

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

The CMC calls for:

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



Preface

Cluster Munitions

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

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

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

▲ *Members of IKV Pax Christi hand over copies of the 2012 “Worldwide investments in cluster munitions: a shared responsibility” report to German members of parliament.*

Cluster Munition Coalition

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

Landmine and Cluster Munition Monitor

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

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

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

A five-member Editorial Board coordinates the Monitor system and has overall decision-making responsibility for the Monitor's research products. To prepare this report, a 12-person Editorial Team gathered information with the aid of a global reporting network comprised of 60 researchers and the assistance of CMC campaigners. Researchers contributed primarily to Country Profiles, available on the Monitor's website at www.the-monitor.org.

Unless otherwise specified all translations were done by the Monitor.

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

About This Report

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

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

The report focuses on calendar year 2011, with information included up to July 2012 where possible.

Acknowledgements

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

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

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. We are grateful to CMC staff for their review of the content of the report, and their assistance in the release, distribution, and promotion of Monitor reports.

Responsibility for the coordination of the Monitor lies with the Editorial Board, which is comprised of five non-governmental organizations: Action on Armed Violence (Katherine Harrison), Handicap International (Bruno Leclercq), Human Rights Watch (Stephen Goose), Mines Action Canada (Paul Hannon), and Norwegian People's Aid (Atle Karlsen). Kathryn Millett coordinated the 2012 Monitor report, while Jackie Hansen took maternity leave.

From January to July 2012, the Monitor's Editorial Team undertook research, updated country profiles, and produced thematic overviews for *Cluster Munition Monitor 2012*. The Editorial Team included:

- Ban policy: Mary Wareham, Kate Castenson, Stephen Goose, Katherine Harrison, Mark Hiznay, Yeshua Moser-Puangsuwan;
- Contamination, clearance, and support: Stuart Casey-Maslen, Nick Cumming-Bruce, Mike Kendellen; and
- Casualties and victim assistance: Loren Persi Vicentic, Megan Burke, Stephane De Greef, with research assistance from Clémence Claraux and Hugh Hosman.

Mary Wareham of Human Rights Watch provided final editing from May to August 2012 with assistance from Kathryn Millett (Monitor Coordinator); Vincent Farnsworth and Morgan McKenna (Publications Consultants); and Danisa Blaser, Dane Roth and Tomas Zak (Monitor Interns).

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We also thank the donors who have contributed to the individual members of the Monitor Editorial Board and other participating organizations.

Abbreviations and Acronyms

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

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. It also 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 (e.g. a battery) non-functional.

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

Unexploded 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 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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States Parties: Ratified or acceded as of 25 August 2012
Signatories: Signed, but not yet ratified as of 25 August 2012
States Not Party: Not yet acceded as of 25 August 2012

The Americas

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

East & South Asia & the Pacific

Afghanistan	Cook Islands
Fiji	Japan
Lao PDR	New Zealand
Samoa	Australia
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	Bulgaria	Croatia
Czech Republic	Denmark	France
Germany	Holy See	Hungary
Ireland	Italy	Lithuania
Luxembourg	Macedonia, FYR	Malta
Moldova	Monaco	Montenegro
Netherlands	Norway	Portugal
San Marino	Slovenia	Spain
Sweden	Switzerland	United Kingdom
Cyprus	Iceland	Liechtenstein
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

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

Sub-Saharan Africa

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



Major Findings

Status of the 2008 Convention on Cluster Munitions

- A total of 111 countries have signed or acceded to the Convention on Cluster Munitions as of 31 July 2012, of which 75 are States Parties legally bound by all of the convention's provisions.
- Forty-two countries that have used, produced, exported, or stockpiled cluster munitions have joined the convention, thereby committing to never engage in those activities again.
- Since the convention entered into force on 1 August 2010, becoming binding international law, states can no longer sign, but must instead accede. Three countries have acceded, all during 2011: Grenada, Swaziland, and Trinidad and Tobago.
- A total of 12 signatories have ratified the convention since August 2011, including countries where cluster munitions have been used (Afghanistan and Mauritania), former cluster munition producers (Italy, Sweden, and Switzerland), and countries that have stockpiled cluster munitions (Afghanistan, Côte d'Ivoire, Czech Republic, Honduras, Hungary, Italy, Mauritania, Sweden, and Switzerland), as well as Cameroon, Dominican Republic, and Togo.
- The Convention on Cluster Munitions remains the sole international instrument on cluster munitions after a failed attempt to create a new Convention on Conventional Weapons (CCW) protocol regulating cluster munitions by the United States (US) and other countries in November 2011.

▲ Among the remnants ejected from the storage bunkers attacked by NATO at Mizdah, Libya are explosive submunitions contained in cluster munitions. Above is a Soviet PTAB high explosive anti-tank bomblet

Use

- Cluster munitions have been used by at least 19 government armed forces during conflict in 36 countries and four disputed territories since the end of World War II.
- Since the Convention on Cluster Munitions entered into force, there have been two confirmed instances of new use of cluster munitions, by Libya and Thailand in the first half of 2011.
- There were credible reports, as yet unconfirmed, of new use of cluster munitions in Sudan and Syria in the first half of 2012, including photographic evidence of cluster munition remnants.
- Production
 - A total of 34 states have developed or produced more than 200 types of cluster munitions.
 - Sixteen former producers of cluster munitions have signed or ratified the Convention on Cluster Munitions, thereby forswearing any future production. Non-signatory Argentina has also stopped production.
 - Seventeen countries, mostly in Asia and Europe, continue to produce cluster munitions or reserve the right to produce in the future. None of these cluster munition producers is confirmed to have used the weapons except for Israel, Russia, and the US.

Transfer

- The Monitor has identified at least 15 countries that have transferred more than 50 types of cluster munitions to at least 60 other countries.
- Two states not party to the convention, Singapore and the US, have instituted a moratorium on exports of cluster munitions.
- Stockpiling
 - The Monitor estimates that prior to the start of the global effort to ban cluster munitions, 91 countries stockpiled millions of cluster munitions containing more than 1 billion submunitions.
 - Currently, 73 nations have cluster munition stockpiles, including 18 States Parties and seven signatories to the Convention on Cluster Munitions.
 - Collectively, prior to any destruction activities, 24 States Parties possessed 1.09 million cluster munitions and 143 million submunitions.

Stockpile Destruction

- A total of 19 States Parties have reported the destruction of 744,231 cluster munitions containing 85.8 million submunitions. This represents the destruction of 68 percent of cluster munitions and 60 percent of explosive submunitions declared as stockpiled by States Parties.
- In 2011, ten States Parties destroyed more than 107,000 munitions and 17.6 million submunitions. States Parties Hungary, Portugal, and Slovenia completed destruction of their stockpiled cluster munitions in 2011.
- Two of the biggest stockpilers have destroyed the majority of their stocks: Germany had destroyed 66 percent of its stockpile (63 million submunitions) by the end of 2011, while the United Kingdom (UK) had destroyed 72 percent of its stockpile (38 million submunitions) by April 2012.
- Almost all of the 18 States Parties with stockpiles left to destroy have indicated they will complete this task within the convention's eight-year deadline. Several major stockpilers have indicated they will complete destruction well in advance of the deadline, including the Netherlands (by the end of 2012), the UK (by the end of 2013), Sweden ("no later than 2014"), Italy (by 2014), Japan (by February 2015), and Germany (by the end of 2015).

Retention

- Most States Parties that have made a formal statement have said that they will not retain any cluster munitions or submunitions for training and development purposes.
- Ten States Parties are retaining cluster munitions and/or submunitions for training and research as permitted by the convention. Belgium, Germany, the Netherlands, and Spain have indicated they each intend to keep hundreds of cluster munitions and more than 15,000 submunitions. Others that intend to retain cluster munitions and/or submunitions are the Czech Republic, Denmark, France, Sweden, Switzerland, and the UK.

Contamination

- At least 24 states and three other areas are contaminated by cluster munition remnants, including unexploded submunitions. Ten contaminated states have ratified the Convention on Cluster Munitions, committing to clear their land within 10 years, including heavily affected Lao PDR and Lebanon.
- Chile has been added to the list of states contaminated by cluster munition remnants after it formally acknowledged in April 2012 that it has unexploded submunitions resulting from the use of cluster munitions on testing/training ranges.
- Non-signatories Cambodia, Serbia, and Vietnam are heavily affected by cluster munition remnants, as are the disputed areas of Nagorno-Karabakh and Western Sahara.
- Another 14 states may also have a small amount of contamination from past use of the weapon.

Casualties

- As of 31 July 2012, cluster munition casualties were reported in 30 countries, including 16 States Parties and signatories to the Convention on Cluster Munitions, as well as in three other areas.
- At least 17,194 cluster munition casualties have been confirmed globally through the end of 2011, but a better indicator of the number of cluster munition casualties is the estimated total of between 20,000 and 54,000.
- Where the status was recorded, civilians accounted for the majority (94 percent) of casualties. Most civilian casualties were male (83 percent) and a significant proportion were children (40 percent).
- In 2011, based on incomplete data, at least 55 new cluster munition casualties were confirmed in Cambodia, Iraq, Lao PDR, Lebanon, and Sudan, as well as Western Sahara.

Clearance

- In 2011, more than 52,845 unexploded submunitions were destroyed during clearance operations of some 55km² of area across 10 states and two other areas. This data is, however, known to be incomplete.
- Five contaminated States Parties and signatories conducted clearance of unexploded submunitions in 2011: Croatia, Iraq, Lao PDR, Lebanon, and Norway. Abandoned cluster munitions were also cleared in Afghanistan. The bulk of the clearance in 2011 was reported in State Party Lao PDR, the world's most contaminated country.
- In 2011, clearance was also conducted in non-signatories Cambodia, Libya, Serbia, South Sudan, and Vietnam, as well as Nagorno-Karabakh and Western Sahara.
- Signatory the Republic of Congo is believed to have completed clearance of unexploded submunitions in 2012, while non-signatory Thailand completed clearance of its sole cluster-munition-contaminated area in 2011.

Victim Assistance

- Most States Parties have taken steps to improve casualty data collection and/or needs assessments to compile the information necessary to assist cluster munition victims, while non-signatory countries in 2011 made little or no progress in assessing the needs of cluster munition victims.
- All States Parties with cluster munition victims continued to provide some form of victim assistance services despite reliance on international funding and the poor global economic outlook, but few significant or readily measurable improvements in the accessibility of services were recorded.
- Several States Parties had to cut back victim assistance services due to a decline in international funding, including Albania, Bosnia and Herzegovina, and Lebanon.
- Countries with cluster munition victims that have not joined the convention (Cambodia, Eritrea, Ethiopia, Georgia, Serbia, Sudan, Tajikistan and Vietnam) generally achieved less progress and faced greater challenges in providing victim assistance.
- Nearly all States Parties with cluster munition casualties have designated a focal point within the government to take responsibility for ensuring that victim assistance efforts are coordinated and that work is implemented.
- Except for Lao PDR and Lebanon, all States Parties and signatories with cluster munition victims are also party to the Mine Ban Treaty and have developed victim assistance programs in that context.

International Cooperation and Assistance

- In 2011, based on significantly incomplete data, a total of 21 states including 16 States Parties as well as the European Commission provided US\$60 million in support of cluster munition-related activities in 13 states contaminated by cluster munition remnants.
- Five donors—Australia, Germany, Norway, the UK, and the US—contributed more than \$6 million each in 2011.
- Almost 90% of total recorded international cluster munition-related funding in 2011 went toward clearance of cluster munition remnants. The remaining funds went to victim assistance, advocacy, and stockpile destruction.
- Recipient states included seven States Parties and signatories to the Convention on Cluster Munitions (Afghanistan, Bosnia and Herzegovina, Croatia, DR Congo, Lao PDR, Lebanon, and Mauritania) and six non-signatories (Georgia, Libya, Serbia, South Sudan, Sudan, and Vietnam).

National Legislation and Transparency

- Eighteen States Parties have enacted national legislation to implement the convention, including three in 2011 (Cook Islands, Czech Republic, and Italy) and three in the first half of 2012 (Hungary, Sweden, and Switzerland).
- At least 20 States Parties and signatories are in the process of drafting, considering, or adopting national legislation, including signatories Australia and Canada.
- A total of 44 States Parties have submitted an initial transparency report as required by Article 7 of the convention, which represents three-quarters of States Parties.

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 (“interoperability”). More than 36 States Parties and signatories to the convention have expressed a view that, even during joint operations, any intentional or deliberate assistance is prohibited.
- States Parties Japan, the Netherlands, and the UK have indicated support for the contrary view that the Article 1 prohibition on assistance with prohibited acts may be overridden by the interoperability provisions contained in Article 21.
- Signatories Australia and Canada are both in the process of considering draft implementation laws containing extensive provisions on interoperability that the CMC believes contradict the letter and spirit of the convention.

Foreign Stockpiling and Transit

- At least 34 states have said 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.
- Some States Parties have asserted that transit and foreign stockpiling are not prohibited by the convention, including Japan, the Netherlands, Portugal, and the UK.
- States Parties Norway and the UK have both confirmed that the US has removed its stockpiled cluster munitions from their respective territories.

- The US Department of State cables released by Wikileaks show that the US has stockpiled and may continue to be storing cluster munitions in a number of countries, including in States Parties Afghanistan, Germany, Italy, Japan, and Spain, as well as in non-signatories Israel, Qatar, and perhaps Kuwait.

Disinvestment

- Six states have enacted legislation that explicitly prohibits investment in cluster munitions: Belgium, Ireland, Italy, Luxembourg, New Zealand and, in 2012, Switzerland.
- At least 23 States Parties and signatories to the convention have stated their view that investment in cluster munitions production is a form of assistance that is prohibited by the convention.
- A few States Parties have expressed the contrary view that the convention does not prohibit investment in cluster munition production, including Denmark, Germany, Japan, and Sweden.
- Government pension funds in Australia, Ireland, New Zealand, Norway, Luxembourg, and Sweden have withdrawn and/or banned investments in cluster munition producers.
- Financial institutions in at least 17 States Parties and signatories have taken action to stop investment in cluster munition production and promote socially responsible investment.

581,237 people all over the world call on you to:

STOP CLUSTER BOMBS.
KEEP CHILDREN SAFE.

To all governments:

As countries...
111 governments...
The Convention...
with this...
...being used...
...coming days...
...innocent children...

© CMC, November, 2011



Cluster Munition Ban Policy

Introduction

The Convention on Cluster Munitions represents a milestone in humanitarian disarmament diplomacy aimed at protecting civilians both during and after conflict. Its disarmament obligations comprehensively prohibit cluster munitions and require the destruction of stockpiles within eight years. Responding to humanitarian imperatives, the convention requires clearance of areas contaminated by cluster munition remnants within 10 years and assistance to ensure that the rights of cluster munition victims are met.

Created through the fast-track diplomatic Oslo Process, the convention was adopted by 107 states on 30 May 2008 in Dublin.¹ It was opened for signature in Oslo on 3 December 2008 and entered into force on 1 August 2010, six months after the 30th ratification was deposited at the UN.

As of 31 July 2012, a total of 111 states had joined the convention (108 signatories and three accessions). A total of 75 States Parties are legally bound by all of the convention's provisions, and ratification is well underway in most of the remaining 36 signatories.

Out of the 91 countries that have used, produced, exported, or stockpiled cluster munitions, 46% (42 countries) have signed or acceded to the convention and thereby committed to never engage in those activities again.² States Parties include former producers and users of cluster munitions such as France, Germany, the Netherlands, and the United Kingdom (UK).

After holding their First Meeting of States Parties in Lao PDR in November 2010, States Parties convened in Lebanon, another highly contaminated country, for the convention's Second Meeting of States Parties on 12–16 September 2011. At the meeting, States Parties adopted the Beirut Progress Report, charting implementation of the Vientiane Action Plan, which guides the work of the convention through to its First Review Conference in 2015.

Cluster Munition Monitor 2012 details how States Parties and signatories are demonstrating great determination to implement all aspects of the convention rapidly and thoroughly. States Parties have destroyed nearly 750,000 cluster munitions and 85 million submunitions to date, representing more than half of their declared stockpiles. At least 14 countries have enacted national legislation to implement the convention. Three-quarters of States Parties have provided initial transparency reports detailing their implementation of the convention.

There were serious but unconfirmed reports of cluster munition use by Sudan and Syria in the first half of 2012 and confirmed instances of new use of cluster munitions by Libya and Thailand in the first half of 2011. Despite these instances of use by non-signatories to the Convention on Cluster Munitions, this report shows how the vast majority of countries that have not yet joined the convention are acting consistently with its provisions.

This overview covers activities in the period of the second half of 2011 and the first half of 2012, where data is available. For universalization efforts, developments cover the period from the date of completion of *Cluster Munition Monitor 2011* (25 August 2011) to the date of comparison of this report (31 July 2012). For more detailed country information, please consult the relevant country profile on cluster munition ban policy, available online.³

▲
CMC
spokesperson,
Branislav
Kapetanovic,
hands over an
Avaaz petition
with close
to 600,000
signatures to
Ambassador
Danon,
chair of the
Convention
on Certain
Conventional
Weapons
negotiations.

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.

² This includes seven former users (Colombia, France, Iraq, Netherlands, Nigeria, South Africa, and the UK); six former exporters (Chile, France, Germany, Moldova, Spain, and the UK); 16 former producers (Australia, Belgium, BiH, Chile, Croatia, France, Germany, Iraq, Italy, Japan, and South Africa, Spain, Sweden, Switzerland, and the UK); and 42 former and current stockpilers (see Table in Global stockpiles section).

³ See: http://www.the-monitor.org/index.php/cp/display/region_profiles.

Universalization

This section looks at the status of universalization of the Convention on Cluster Munitions, including progress by countries that did not sign and signatories that still need to ratify. Key meetings and campaigning actions related to the Convention on Cluster Munitions during the period are also reviewed, as is the unsuccessful initiative to conclude a new protocol on cluster munitions at the Convention on Conventional Weapons (CCW).

More than half of the countries in the world—111 states—have signed, ratified, or acceded to the convention as of 31 July 2012. Of these states, 41 are from Sub-Saharan Africa, 33 are from Europe, 22 are from the Americas, 12 are from Asia-Pacific, and three are from the Middle East and North Africa region, as listed in the summary table at the front of this report.

Signature

A total of 108 states signed the Convention on Cluster Munitions in the period from when it was opened for signature in Oslo on 3-4 December 2008 until its entry into force on 1 August 2010.⁴ Since the convention entered into force, states can no longer sign, but must instead accede (essentially a process that combines signature and ratification into a single step).⁵

Of the 108 signatories, 72 have ratified (as of 31 July 2012), leaving 36 signatories that still need to ratify to become States Parties.

Signatories are bound by the Vienna Convention on the Law of Treaties not to engage in acts that “would defeat the object and purpose” of any treaty they have signed. Thus, signatories to the Convention on Cluster Munitions have committed to never use, produce, or transfer cluster munitions, even if they have not yet ratified.⁶

Accession

Three countries have acceded to the Convention on Cluster Munitions since its entry into force, all during the second half of 2011: Grenada on 29 June, Swaziland on 13 September, and Trinidad and Tobago on 21 September.

No countries acceded to the convention in the first half of 2012 and progress overall on accession remained slow. Still, a number of non-signatories have indicated their intention to accede, including several of the states that adopted the convention in Dublin, but did not subsequently sign.⁷ In June 2012, the government of Andorra approved accession to the convention and parliamentary consent is expected by the end of the year.⁸

States that indicated during the reporting period that they are seriously considering accession to the convention came from Africa (Eritrea, Gabon, Mauritius, South Sudan, and Zimbabwe) and Asia-Pacific (Cambodia, Kiribati, Malaysia, Solomon Islands, Thailand, and Vanuatu) as well as Tajikistan. The failure of the CCW in November 2011 to conclude a protocol on cluster munitions may lead to policy reviews by countries that previously said they were waiting for a CCW outcome before making a decision on accession to the Convention on Cluster Munitions.⁹

Ratification

A total of 72 signatories had ratified the Convention on Cluster Munitions as of 31 July 2012, an increase of 12 ratifications since August 2011. Four signatories ratified during the signing conference on 3 December 2008 (Holy See, Ireland, Norway, and Sierra Leone); 22 ratified in 2009; 23 in 2010; 15 in 2011; and eight in 2012, as of 31 July.

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

⁵ A state must deposit an instrument of accession with the UN in New York. The convention enters into force for each individual state on the first day of the sixth month after their deposit of the instrument of accession.

⁶ The Vienna Convention is considered customary international law binding on all countries.

⁷ The 18 states that adopted the convention in Dublin, but did not subsequently sign are: Argentina, Bahrain, Belize, Brunei, Cambodia, Estonia, Finland, Kyrgyzstan, Malaysia, Morocco, Papua New Guinea, Qatar, Serbia, Slovakia, Sudan, Timor-Leste, Vanuatu, and Venezuela. Six states adopted the convention and did not sign during the Convention on Cluster Munitions Signing Conference, but joined later: Cameroon, DRC, Jamaica, Nigeria, Seychelles, and Swaziland.

⁸ “Proposal of approval to the accession of the Convention on Cluster Munitions, adopted in Dublin on 30 May 2008,” accession package submitted to the Council General (Consell General) by Andorra’s Head of Government, 25 June 2012. <http://www.parlament.ad/micg/webconsell.nsf/0/50A89FE0306B71B6C1257A28003BE978>. Translation by the Monitor.

⁹ Among the states that said they preferred to wait for a CCW outcome before deciding on the Convention on Cluster Munitions are Estonia, Finland, Greece, Latvia, Romania, Slovakia, and Turkey.

Convention on Cluster Munitions ratifications since 25 August 2011

2011		2012	
Afghanistan	8 September	Mauritania	1 February
Italy	21 September	Côte d'Ivoire	12 March
Czech Republic	22 September	Honduras	21 March
Dominican Republic	20 December	Sweden	23 April
		Togo	22 June
		Hungary	3 July
		Cameroon	12 July
		Switzerland	17 July

Compared to 2009 and 2010, the pace of ratifications appeared to slow in 2011 but picked up again by mid-2012 with four ratifications occurring within a month.

The 12 states to ratify the convention since August 2011 include countries where cluster munitions have been used (Afghanistan and Mauritania), former producers (Italy, Sweden, Switzerland), and countries that have stockpiled cluster munitions (Afghanistan, Côte d'Ivoire, Czech Republic, Honduras, Hungary, Italy, Mauritania, Sweden, Switzerland). Other ratifying states include Cameroon, Dominican Republic, and Togo. Regionally, five of the new ratifications were from Europe, four from Sub-Saharan Africa, two from the Americas, and one from Asia-Pacific.

Most of the 36 signatories are in the process of either consulting on ratification or preparing the ratification package for approval. Several states must complete national implementation legislation before they can ratify, including Australia, Canada, Colombia, and South Africa. As of 31 July 2012, several states, including Chad and Peru, were thought to have completed their domestic ratification processes and all that remained was to deposit the instrument of ratification.

Regional universalization developments

Africa

States from Sub-Saharan Africa played a key role during the Oslo Process that created the convention and have continued to show a high level of commitment to the convention. Forty-one of the 49 Sub-Saharan African states signed the convention, of which 20 have ratified and one has acceded, becoming full States Parties.¹⁰ Since August 2011, four African signatories have ratified the convention (Cameroon, Côte d'Ivoire, Mauritania and Togo) while Swaziland joined by accession, depositing its instrument of accession with the UN during the convention's Second Meeting of States Parties.

Of the eight non-signatory countries from Sub-Saharan Africa, four participated as observers in the convention's Second Meeting of States Parties in September 2011: Eritrea, South Sudan, Sudan, and Zimbabwe.¹¹ At the meeting, South Sudan stated that it was working to join the convention.¹² During intersessional meetings in April 2012, Sudan said that accession to the convention was under active consideration.¹³ An official informed the CMC that the government of Eritrea has established a committee to study the ban convention and provide recommendations on accession.¹⁴ In May 2012, Zimbabwe stated its intent to "work diligently towards accelerating the conclusion of consultations with relevant stakeholders" on the country's accession to the convention.¹⁵

Nearly all of the convention's states not party from Sub-Saharan Africa participated in the Accra Regional Conference on Universalization of the Convention on Cluster Munitions in May 2012, where they drafted and adopted the Accra Universalization Action Plan. The plan encourages states not party to the convention to "take all necessary steps to ratify or otherwise accede" by the convention's Third Meeting of States Parties in September 2012 or as soon as possible.¹⁶ Following the conference, Togo ratified on 22 June 2012, and Cameroon ratified on 12 July 2012. In Nigeria, an inter-

¹⁰ There are 49 states in sub-Saharan Africa with the creation of the Republic of South Sudan as an independent state on 9 July 2011. There are 21 States Parties: Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Comoros, Côte d'Ivoire, Ghana, Guinea-Bissau, Lesotho, Malawi, Mali, Mauritania, Mozambique, Niger, Senegal, Seychelles, Sierra Leone, Swaziland, Togo and Zambia.

¹¹ Sudan adopted the convention in Dublin in May 2008. The four other non-signatories from Africa are Equatorial Guinea, Ethiopia, Gabon, and Mauritius.

¹² Statement of South Sudan, Convention on Cluster Munitions, Second Meeting of States Parties, Beirut, 14 September 2011. http://www.clusterconvention.org/files/2011/09/statement_south_sudan.pdf.

¹³ Statement of Sudan, Convention on Cluster Munitions, Intersessional meetings, Geneva, 19 April 2012. http://www.clusterconvention.org/files/2012/04/Sudan_Wrap-up.pdf.

¹⁴ CMC meeting with Ghebremedhin-Mehari Tesfamichael, Finance and Administrative Officer, Permanent Mission of Eritrea to the UN in Geneva, Geneva, 18 April 2012. Notes by the CMC.

¹⁵ Statement of Zimbabwe, Accra Regional Conference on the Universalization of the Convention on Cluster Munitions, Accra, May 2012.

¹⁶ The Accra Universalization Action Plan is available at: <http://www.clusterconvention.org/files/2012/05/The-Accra-Universalization-Action-Plan-Final-as-agreed-at-closing-session.pdf>.

ministerial committee met for the first time in June 2012 to discuss preparations for ratification of the ban convention.¹⁷ Ratification is underway in most of the signatory states from Sub-Saharan Africa.¹⁸

As of 25 June 2012, Chad had completed all the necessary domestic steps to ratify the convention and all that remained was for the instrument of ratification to be deposited with the UN in New York.

Americas

Mexico, Canada, and states from Central and South America as well as the Caribbean have continued to promote the Convention on Cluster Munitions. Twenty-two of the 35 countries in the Americas have joined the convention, of which 13 signatories have ratified and two non-signatories have acceded, becoming full States Parties.¹⁹ Since August 2011, signatories Dominican Republic and Honduras have ratified the convention, while Trinidad and Tobago acceded to the convention on 21 September 2011.

Of the 13 countries from the Americas that have not signed or acceded to the convention, four participated in the convention's Second Meeting of States Parties in September 2011 as observers: Argentina, Brazil, Suriname, and Venezuela.²⁰ The United States was invited to attend the meeting but did not participate.

As of 25 June 2012, Peru had completed all the necessary domestic steps to ratify the convention and all that remained was for the instrument of ratification to be deposited with the UN in New York. Legislative processes to approve ratification were underway in all the remaining signatory countries from the Americas: Bolivia, Canada, Colombia, Haiti, Jamaica, and Paraguay.

Asia-Pacific

Asia-Pacific includes several notably active States Parties, such as Japan, Lao PDR, and New Zealand, but overall the region has the most non-signatories to the Convention on Cluster Munitions. Only 12 of the 40 states from Asia-Pacific signed the convention, of which seven have ratified, becoming full States Parties.²¹ No Asia-Pacific state has acceded to the ban convention, while signatory Afghanistan ratified on 8 September 2011.

Of the 28 states from the Asia-Pacific region that have not signed or ratified the convention, nine attended the convention's Second Meeting of States Parties in September 2011 as observers: Cambodia, China, Kiribati, Malaysia, Solomon Islands, Sri Lanka, Thailand, Timor-Leste, and Vietnam.²² At the meeting, a Malaysian official stated that the government "is currently in consultation with relevant stakeholders with the view to studying the possibility of Malaysia acceding" and said it hopes to "be able to join the Convention in the near future."²³ During the meeting, a representative of the Solomon Islands informed the CMC that an internal consultation process is considering accession to the convention.²⁴

Of the five signatories left to ratify, Australia is still at an advanced legislative stage, while stakeholder consultations are continuing in Indonesia, Palau, and the Philippines. No information is available on the status of Nauru's ratification process.

Europe, the Caucasus, and Central Asia

Thirty-three of the 54 countries in Europe, the Caucasus, and Central Asia have signed the convention, of which 30 have ratified.²⁵ All but eight of the 27 European Union member states are now party to the Convention on Cluster Munitions.²⁶ By contrast, Russia and all eight states from the Caucasus and Central Asia remain outside the ban convention. There have

¹⁷ The committee includes a civil society representative from CMC member: IANSA Women's Network-Nigeria. Email from Mimidoo Achakpa, Network Coordinator, IANSA Women's Network-Nigeria, 20 June 2012.

¹⁸ The African signatories that have not completed ratification as of 31 July 2012 are: Angola, Benin, Central African Republic, Chad, DR Congo, Republic of Congo, Djibouti, Gambia, Guinea, Kenya, Liberia, Madagascar, Namibia, Nigeria, Rwanda, São Tomé and Príncipe, Somalia, and South Africa.

¹⁹ There are 15 States Parties from the Americas: Antigua and Barbuda, Chile, Costa Rica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Honduras, Mexico, Nicaragua, Panama, Saint Vincent and the Grenadines, Trinidad and Tobago, and Uruguay.

²⁰ The 13 non-signatories from the Americas are: Argentina, Bahamas, Barbados, Belize, Brazil, Cuba, Dominica, Guyana, Saint Kitts and Nevis, Saint Lucia, Suriname, the US, and Venezuela. Argentina, Belize, and Venezuela adopted the convention in Dublin in May 2008.

²¹ There are seven States Parties from the Asia-Pacific: Afghanistan, Cook Islands, Fiji, Japan, Lao PDR, New Zealand, and Samoa.

²² There are 19 non-signatories from Asia: Bangladesh, Bhutan, Brunei, Cambodia, China, India, North Korea, South Korea, Malaysia, Maldives, Mongolia, Myanmar, Nepal, Pakistan, Singapore, Sri Lanka, Thailand, Timor-Leste, and Vietnam. There are nine non-signatories from the Pacific: Kiribati, Marshall Islands, Micronesia, Niue, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, and Vanuatu. Six of these states adopted the convention in Dublin in May 2008: Brunei, Cambodia, Malaysia, Papua New Guinea, Timor-Leste, and Vanuatu. During the Oslo Process, the Marshall Islands, Nepal, and Niue subscribed to the 2008 Wellington Declaration affirming their intent to conclude the negotiation of an instrument prohibiting cluster munitions that cause unacceptable harm to civilians.

²³ Statement by Mr. Raja Reza Raja Zaib Shah, Undersecretary for Multilateral Security, Ministry of Foreign Affairs, Head of Malaysian Delegation, Beirut, 14 September 2011. <http://bit.ly/Nic36X>.

²⁴ ANZCMC web story, "Pacific action on cluster munitions," 22 September 2011. <http://www.stopclusterbombs.org.nz/2011/09/22/pacific-action-on-cluster-munitions/#more-825>.

²⁵ There are 30 States Parties from Europe: Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, France, Germany, Holy See, Hungary, Ireland, Italy, Lithuania, Luxembourg, FYR Macedonia, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Portugal, San Marino, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom.

²⁶ The EU member states that have yet to accede to the Convention on Cluster Munitions are Estonia, Finland, Greece, Latvia, Poland, Romania, and Slovakia. Cyprus has signed, but not yet ratified the convention.

been no accessions from the region, while five signatories have ratified since August 2011: Czech Republic, Hungary, Italy, Sweden, and Switzerland.

Ten non-signatories from Europe, the Caucasus, and Central Asia attended the convention's Second Meeting of States Parties in September 2011 as observers.²⁷ At the meeting, Tajikistan stated that its accession to the ban convention has been delayed by a number of internal and organizational issues, but affirmed there are no apparent obstacles to joining.²⁸

In July 2012, a representative informed the Monitor that the General Council of Andorra is due to consider accession to the ban convention in October 2012 and, if approved, the instrument of ratification should be deposited "around December 2012."²⁹

Of the three signatories still left to ratify, Liechtenstein has stated that it would ratify after Switzerland has ratified (this occurred in July 2012). In April 2012, the minister of foreign affairs of Cyprus informed the Monitor that ratification of the convention is "currently pending before the House of Representatives."³⁰ Also in April 2012, an official in Iceland said that the convention will be submitted to the parliament for consideration and approval in the session starting 1 October 2012.³¹

Middle East and North Africa

From the Middle East and North Africa, there are two States Parties to the convention, Lebanon and Tunisia, while Iraq has signed, but not yet ratified.³² In April and May 2012, Iraqi officials confirmed that the Council of Representatives (parliament) is still considering ratification of the Convention on Cluster Munitions.³³

As president of the Second Meeting of States Parties, Lebanon has continued to play an active leadership role in the convention, promoting universalization especially in the Middle East and North Africa. Of the 15 countries from the region that have not signed the convention, 11 participated as observers in the convention's Second Meeting of States Parties in September 2011: Egypt, Iran, Jordan, Kuwait, Morocco, Oman, Qatar, Saudi Arabia, Syria, United Arab Emirates, and Yemen.³⁴ Many were participating for the first time in a meeting of the convention. Egypt, Iran, and Morocco informed the meeting that they are not in a position to join the convention. Kuwait and Morocco also attended the convention's intersessional meetings in April 2012.

Meetings and Actions on Cluster Munitions

Convention on Cluster Munitions

On 12-16 September 2011, Lebanon hosted the Second Meeting of States Parties of the Convention on Cluster Munitions in Beirut, under the theme of "Together for a Safer Life." A total of 131 states participated in the meeting (52 States Parties, 38 signatories, and 40 observers including China), as well representatives from UN agencies, the ICRC, and the Cluster Munition Coalition.³⁵ The CMC delegation was comprised of 390 campaigners from 60 countries, including survivors and youth. Hundreds of delegates participated in field visits to southern Lebanon to observe clearance, risk education, and victim assistance activities undertaken by government authorities, including the national army, and by civil society groups.

²⁷ Ten of the 21 non-signatories from Europe attended the Second Meeting of States Parties: Armenia, Finland, Kazakhstan, Poland, Romania, Serbia, Slovakia, Tajikistan, Turkey, and Ukraine. The other European non-signatories are: Andorra, Azerbaijan, Belarus, Estonia, Greece, Georgia, Kyrgyzstan, Latvia, Russia, Turkmenistan, and Uzbekistan. Estonia, Kyrgyzstan, Serbia, and Slovakia joined in the consensus adoption of the convention on 30 May 2008 in Dublin, while Tajikistan subscribed to the 2008 Wellington Declaration affirming its intent to conclude the negotiation of an instrument prohibiting cluster munitions that cause unacceptable harm to civilians.

²⁸ Statement of Tajikistan, Convention on Cluster Munitions, Second Meeting of States Parties, Beirut, 14 September 2011. www.clusterconvention.org/files/2011/09/statement_tajikistan.pdf.

²⁹ Email from Montserrat Gesse Mas, First Secretary and Deputy Permanent Representative, Permanent Mission of Andorra to the United Nations in Geneva, 3 July 2012.

³⁰ Letter from Dr. Erato Kozakou-Marcoullis, Minister of Foreign Affairs, to Mary Wareham, Senior Advisor, Human Rights Watch, 19 April 2012.

³¹ Email from Pétur G. Thorsteinsson, Minister-Counsellor, Office of the Legal Adviser, Directorate of International and Security Affairs, Ministry for Foreign Affairs of Iceland, 18 April 2012.

³² The 15 non-signatories from the Middle East and North Africa are: Algeria, Bahrain, Egypt, Iran, Israel, Jordan, Kuwait, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, UAE, and Yemen. Bahrain, Morocco, and Qatar joined in the consensus adoption of the convention at the conclusion of the negotiations in May 2008.

³³ Letter from the Ministry of Environment, forwarded by Dr. Abbas K. O. Abbas, Deputy Permanent Representative, Permanent Mission of Iraq to the UN in Geneva, to Mary Wareham, Human Rights Watch, Ref. 205/2012, 8 May 2012. Translation by the Monitor; and Interview with Abbas Kadhom Obaid, Counsellor, Arms Control and Disarmament, Permanent Mission of Iraq to the UN in Geneva, 18 April 2012.

³⁴ From the Middle East and North Africa, the following non-signatories to the Convention on Cluster Munitions participated in the Second Meeting of States Parties: Egypt, Iran, Jordan, Kuwait, Morocco, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Yemen, as well as Palestine.

³⁵ UN, "Final Document, Convention on Cluster Munitions, Second Meeting of States Parties," CCM/MSP/2011/5, Beirut, 16 September 2011. <http://www.clusterconvention.org/files/2011/05/2MSP-Final-Document.pdf>.

At the Second Meeting of States Parties, governments adopted the Beirut Progress Report, a bold document that strongly condemns the use of cluster munitions and reports on progress made in the implementation of the Vientiane Action Plan issued by the First Meeting of States Parties.³⁶

During the annual UN treaty event held during the opening of the UN General Assembly (UNGA) in the second half of September 2011, Trinidad and Tobago acceded to the Convention on Cluster Munitions, while Czech Republic and Italy deposited their instruments of ratification. Several states provided updates on their ratification status during the meeting of the UNGA First Committee on Disarmament and International Security in October 2011.

In cooperation with the CMC, the UK held a workshop in London in October 2011 to promote universalization of the ban convention with Commonwealth countries.³⁷

At the 16th Ministerial meeting of the Non-Aligned Movement (NAM) in Bali, Indonesia in May 2011, Lao PDR and Lebanon cooperated to secure language in the final declaration on the Convention on Cluster Munitions. The following NAM Ministerial meeting, held in Sharm el Sheikh, Egypt on 7-10 May 2012, produced a document that “recognized the adverse humanitarian impact caused by the use of cluster munitions and expressed sympathy with the cluster munitions-affected countries.”³⁸

Campaigners undertook outreach in support of the convention’s universalization during the Mine Ban Treaty’s Eleventh Meeting of States Parties in Phnom Penh, Cambodia on 28 November–2 December 2011. Just prior to the formal opening of the meeting, Prime Minister Hun Sen met with a group of survivors of landmines, cluster munitions, and other unexploded ordnance who requested that Cambodia accede to the Convention on Cluster Munitions.³⁹ All States Parties to the Convention on Cluster Munitions have joined the Mine Ban Treaty except Lao PDR and Lebanon, while 50 Mine Ban Treaty States Parties have yet to accede to the Convention on Cluster Munitions.⁴⁰

The second intersessional meetings of the Convention on Cluster Munitions were held in Geneva on 16-19 April 2012 with assistance provided by UNDP, which has acted as an informal secretariat for the convention and hosts an Executive Coordinator appointed by State Parties to support the Second Meeting of States Parties President. More than 200 diplomatic representatives from 77 countries participated in the meetings, as well as a CMC delegation of 83 campaigners from 32 countries. At the conclusion of the meeting, Norway, as President-Designate of the Third Meeting of States Parties, invited all states to Oslo for the Third Meeting of States Parties on 11-14 September 2012.

Croatia held a regional workshop on implementation of the Convention on Cluster Munitions in Rakitje on 16-18 May 2012, with participation from seven States Parties (Albania, Bosnia and Herzegovina, Croatia, Germany, Lebanon, FYR Macedonia, and Montenegro) as well as from non-signatory Serbia.⁴¹

Ghana hosted the Accra Regional Conference on the Universalization of the Convention on Cluster Munitions on 28-30 May 2012, with participants from 34 African states, including 14 States Parties, 17 signatories, and three non-signatories (Eritrea, Mauritius, and Zimbabwe).⁴² Participating governments adopted the conference’s Accra Universalization Action Plan which encourages states not party to the convention to “take all necessary steps to ratify or otherwise accede” by the

³⁶ “Draft Beirut Progress Report,” CCM/MSP/2011/WP.5, 25 August 2011. <http://www.clusterconvention.org/files/2011/05/Beirut-Progress-Report-ODS-upload4.pdf>.

³⁷ Statement of the UK, Convention on Cluster Munitions Intersessional Meetings, Geneva, 16 April 2012. http://www.clusterconvention.org/files/2012/04/UK_Universalisation.pdf. The workshop was convened by Minister of State Lord Howell. In April 2012, the UK said that “30 out of 54 Commonwealth countries are signatories [to the Convention on Cluster Munitions] and we anticipate the accession or ratification of others in the near future.”

³⁸ The final document recognizes the entry into force of the Convention on Cluster Munitions and its Second Meeting of States Parties held in Lebanon in September 2011. See paragraphs 218 and 219. Final Document of the Non-Aligned Movement Ministerial meeting, Sharm el Sheikh, 7-10 May 2012. <http://www.mfa.gov.eg/nam/documents/final%20document%20adopted%20by%20the%20ministerial%20meetings%209-10%20May.pdf>.

³⁹ Prime Minister Hun Sen responded that he is continuing to receive advice from government authorities on the matter, including from Deputy Prime Minister and Minister of Defense Tea Banh. In 2011 and the first half of 2012, the CMC and others have continued to provide technical advice and other information on the ban convention to Cambodia’s leadership.

⁴⁰ As of 31 July 2012, there were 160 States Parties to the Mine Ban Treaty, while Poland and the Marshall Islands had signed, but not yet ratified. A total of 50 Mine Ban Treaty States Parties have not yet joined the Convention on Cluster Munitions: Algeria, Andorra, Argentina, Bahamas, Bangladesh, Barbados, Belarus, Belize, Bhutan, Brazil, Brunei, Cambodia, Dominica, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, Gabon, Greece, Guyana, Jordan, Kiribati, Kuwait, Latvia, Malaysia, Maldives, Mauritius, Niue, Papua New Guinea, Qatar, Romania, Saint Kitts and Nevis, Saint Lucia, Serbia, Slovakia, Solomon Islands, South Sudan, Sudan, Suriname, Tajikistan, Thailand, Timor-Leste, Turkey, Turkmenistan, Ukraine, Vanuatu, Venezuela, Yemen, and Zimbabwe.

⁴¹ The event was organized by Croatia’s Ministry of Foreign and European Affairs and the RACVIAC-Centre for Security Cooperation. Ministry of Foreign and European Affairs of the Republic of Croatia/RACVIAC, “Workshop on the Implementation of the Convention on Cluster Munitions, 15-18 May 2012,” undated. http://www.racviac.org/downloads/2012/CSE-01_report.pdf. See also: Statement of Croatia, Convention on Cluster Munitions Intersessional Meetings, Geneva, 16 April 2012. <http://bit.ly/Mip5iu>.

⁴² Ghana’s Ministry of Foreign Affairs and Regional Integration organized the conference in cooperation with the Ministry of Foreign Affairs and Cooperation of Togo and the Ministry of Foreign Affairs of Zambia. UNDP provided technical support and Norway provided financial support. <http://www.clusterconvention.org/work-programme/accra-regional-conference-on-the-universalization-of-the-cmc-28-30-may-2012/>. Participating African states were: States Parties Botswana, Burkina Faso, Burundi, Ghana, Lesotho, Malawi, Mali, Mauritania, Mozambique, Niger, Senegal, Sierra Leone, Swaziland and Zambia; signatories Angola, Benin, Cameroon, Central African Republic, Chad, Democratic Republic of Congo, Republic of Congo, the Gambia, Kenya, Liberia, Madagascar, Namibia, Nigeria, South Africa, Tanzania, Togo, and Uganda; and non-signatories: Eritrea, Mauritius, and Zimbabwe.

convention's Third Meeting of States Parties in September 2012 or as soon as possible. The plan lays out practical steps states should take to promote and achieve universalization of the Convention on Cluster Munitions in Africa.

Convention on Conventional Weapons

After years of talks, an attempt led by the United States and other self-proclaimed major users and producers of cluster munitions to create a new protocol to the 1980 Convention on Conventional Weapons (CCW) failed at the CCW's Fourth Review Conference in November 2011.

Discussions on cluster munitions in the 1980 CCW had been ongoing in one form or another for more than a decade.⁴³ NGO and ICRC concerns over cluster munitions largely led the CCW to address the larger problem of explosive remnants of war through the 2003 CCW Protocol V on explosive remnants of war.⁴⁴ The inability of the CCW to reach agreement on a substantive mandate for future work on cluster munitions at its Third Review Conference in November 2006 led to Norway's initiation of the Oslo Process that created the 2008 Convention on Cluster Munitions.

After the establishment of the Convention on Cluster Munitions in December 2008, the tone of the debate on cluster munitions in the CCW shifted markedly, as two-thirds of CCW states were now bound by the higher standards contained in the Convention on Cluster Munitions.⁴⁵ Led by the US, a small number of non-signatories to the Convention on Cluster Munitions, aided by a few ban convention signatories and States Parties, nonetheless continued to pursue a CCW protocol aimed at regulating some cluster munitions.

For three years a Group of Governmental Experts (GGE) met regularly in an effort to "negotiate a proposal" on cluster munitions, but in reality the talks on cluster munitions did not advance significantly, with major differences even among those not embracing a ban. In the year preceding the CCW's Fourth Review Conference in November 2011, calls increased for the CCW work on cluster munitions to cease at the Review Conference.

The US, however, increased its outreach in support of a CCW protocol in late 2010 and 2011, including through letters and calls from Secretary of State Hillary Clinton and intense bilateral engagement and outreach. By the final GGE meeting on cluster munitions before the Review Conference in August 2011, it became apparent that the US had managed to get tacit approval for a protocol from most of the major military states not party to the Convention on Cluster Munitions, namely China, Russia, and India, as well as Brazil, Belarus and Ukraine, and later Israel and South Korea. It also gained the support of notable European countries that had not joined the ban, such as Greece, Poland, Romania, Slovakia, and Turkey.

But there remained significantly divergent views among many of these states on the specific draft text. Moreover, there was widespread and strong opposition to the draft text and even to the concept of the protocol among states that had signed the ban convention, as well as among NGOs, the ICRC and UN agencies. The CMC described the proposed protocol as "weak and replete with exceptions, loopholes, and reservations so that little humanitarian impact can be achieved" and stated, "If any deal is to be struck at this Review Conference, it should be to adopt a strong political declaration committing CCW States Parties to take national measures on cluster munitions."⁴⁶ ICRC President Dr. Jakob Kellenberger warned that the adoption of the draft protocol would "be the first time that States will have adopted a treaty of humanitarian law that provides less protection for civilians than a treaty already in force."⁴⁷

The Review Conference opened on 14 November with a series of general country statements outlining national positions that did not change or evolve much over the subsequent two weeks of negotiations. Costa Rica read a joint statement from about one-quarter of the CCW States Parties expressing their collectively-held view that the chair's draft text represented an inadequate response to the humanitarian problems posed by cluster munitions and, with numerous concerns and disagreements yet to be addressed, did not enjoy consensus.⁴⁸ There was also a noticeable lack of convergence on key provisions of the draft protocol among the nations that have not joined the ban convention.

⁴³ As of 31 July 2012, there were a total of 115 States Parties to the Convention on Conventional Weapons. Five countries had signed, but not ratified the CCW (Afghanistan, Egypt, Nigeria, Sudan, and Vietnam). Three new countries joined the CCW in 2011, while Burundi joined the CCW on 13 July 2012.

⁴⁴ As of 31 July 2012, there were a total of 80 States Parties to CCW Protocol V on explosive remnants of war. Argentina and Poland ratified Protocol V in 2011, while Burundi, Lao PDR, South Africa and Turkmenistan ratified in the first half of 2012.

⁴⁵ All but 39 CCW States Parties have joined the Convention on Cluster Munitions: Argentina, Bangladesh, Belarus, Brazil, Cambodia, China, Cuba, Estonia, Finland, Gabon, Georgia, Greece, India, Israel, Jordan, Kazakhstan, South Korea, Latvia, Maldives, Mauritius, Mongolia, Morocco, Pakistan, Poland, Qatar, Romania, Russia, Saudi Arabia, Serbia, Slovakia, Sri Lanka, Tajikistan, Turkey, Turkmenistan, Ukraine, UAE, the US, Uzbekistan, and Venezuela.

⁴⁶ CMC, "Editorial: No Deal," CCW News, 14 November 2011. <http://www.stopclustermunitions.org/wp/wp-content/uploads/2011/11/cmc-ccw-newsletter-14-november.pdf>.

⁴⁷ Statement of Jakob Kellenberger, President of the International Committee of the Red Cross, Fourth Review Conference, CCW, 15 November 2011. [http://www.unog.ch/80256EDD006B8954/%28httpAssets%29/C3DE092D8814F07BC1257965005C058B/\\$file/4thRevCon_ICRC.pdf](http://www.unog.ch/80256EDD006B8954/%28httpAssets%29/C3DE092D8814F07BC1257965005C058B/$file/4thRevCon_ICRC.pdf).

⁴⁸ On 14 November 2011, the following 28 states, which were later joined by Ghana, issued a joint statement: Austria, Burkina Faso, Chile, Colombia, Costa Rica, DRC, Djibouti, Ecuador, El Salvador, Guatemala, Guinea-Bissau, Holy See, Iceland, Lao PDR, Lebanon, Madagascar, Mali, Mexico, Mozambique, New Zealand, Nicaragua, Niger, Norway, Senegal, South Africa, Spain, Togo, and Uruguay. The statement affirmed that there is no consensus on the Chair's text; that concerns and disagreements have not yet been addressed; that the text does not adequately respond to humanitarian and legal concerns; and that it might take steps in the wrong direction and risk undermining the CCW and diminishing its relevance as an instrument of international humanitarian law. See Statement of Costa Rica, Fourth Review Conference, CCW, Geneva, 14 November 2011, [http://www.unog.ch/80256EDD006B8954/%28httpAssets%29/CCAAF3EAF88BBB9BC1257965005B68AF/\\$file/4thRevCon_CostaRica_GroupStmnt.pdf](http://www.unog.ch/80256EDD006B8954/%28httpAssets%29/CCAAF3EAF88BBB9BC1257965005B68AF/$file/4thRevCon_CostaRica_GroupStmnt.pdf).

Ambassador Eric Danon of France was appointed to chair the negotiations on the draft protocol. At the end of the first week, on 18 November 2011, Ambassador Danon introduced a new version of a protocol text containing minimal amendments to the previous, still highly contested, August 2011 version of the GGE chair's text.

Meanwhile, on 17 November, Spain announced the European Parliament had adopted a resolution on that same day urging EU member states not to "adopt, endorse or subsequently ratify any protocol to the CCW allowing for the use of cluster munitions, which are prohibited under the [Convention on Cluster Munitions]."⁴⁹ Questions were raised in a number of legislative bodies about why some governments that had joined the ban convention were working for the adoption of the draft protocol.⁵⁰ The CMC published a list naming a "dirty dozen" of these states in order of concern.⁵¹

At the beginning of the second week of negotiations, cluster bomb survivor and CMC spokesperson Branislav Kapetanovic delivered an Avaaz petition of over 600,000 signatures to Ambassador Danon, calling for a CCW outcome that is aligned with the ban convention "ensuring cluster munitions are comprehensively outlawed and innocent children protected."⁵²

On the final day of the conference, an hour before the negotiations were scheduled to end, the US introduced a new proposal to remove all references to the "use" of cluster munitions from the draft text in a last-minute attempt to create an arms-control type of stockpile management and transfers agreement, that would still implicitly allow for unrestricted use of all cluster munitions. France expressed support for the US proposal, describing it as "a significant move forward."⁵³

After a brief recess, the meeting reconvened and Costa Rica read a joint statement on behalf of a group of 50 states declaring that the chair's draft text does not fully address the fundamental concerns and is unacceptable from a humanitarian standpoint, and therefore does not command consensus.⁵⁴

Nevertheless, the President of the Review Conference, Ambassador Gancho Ganjev of Bulgaria, asked if states in the room were not prepared to adopt the draft protocol with the US amendment. One after another, the 50 states that had endorsed the declaration by Costa Rica began to raise their flags to say no. Eventually the president gavelled the session to a close and the Review Conference concluded without agreeing on a protocol and with no proposal to extend the negotiations into the next year, thus marking the end of the CCW's work on cluster munitions.

The US issued a statement that it was "deeply disappointed by the failure" to conclude a protocol on cluster munitions and said, "In the wake of this outcome, the United States will continue to implement its own voluntary policy to prohibit by 2018 the use of cluster munitions with more than a one percent unexploded ordnance rate, and we encourage other countries to take similar steps."⁵⁵

The head of the CMC delegation described the failure of the CCW negotiations as "a great day for those who care about the protection of civilians" because the proposed protocol "would have given political and legal cover to those who want to continue to use these weapons that have already caused so much human suffering."⁵⁶

Use of Cluster Munitions

Cluster munitions have been used during armed conflict in 36 countries and four disputed territories since the end of World War II.⁵⁷ Almost every part of the world has experienced cluster munition use at some point over the past 70 years, including Southeast Asia, Southeast Europe, the Caucasus, the Middle East and North Africa, Sub-Saharan Africa, and Latin America.

⁴⁹ European Parliament resolution on banning cluster munitions, 17 November 2011. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+20111117+ITEMS+DOC+XML+V0//EN&language=EN#docta6>.

⁵⁰ In France, a total 53 parliamentary questions were put forth by different political groups requesting clarification on France's role in and objectives for the proposed CCW protocol.

⁵¹ France, Germany, Australia, Italy, Sweden, Switzerland, Portugal, Netherlands, Croatia, Ireland, Lithuania, and Japan. After the list was distributed, only Germany and Switzerland spoke again in support of the protocol. After actively supporting a new CCW protocol on cluster munitions for several years, the UK played a low-key role in the Review Conference after a significant domestic debate on the merits of the draft protocol under consideration. See: "Convention on Cluster Munitions States Parties that May Embrace a Double Standard," *CCW News*, 24 November 2011. <http://www.stopclustermunitions.org/wp/wp-content/uploads/2011/11/ccw-news-24-november.pdf>.

⁵² Avaaz petition, "Save our children from cluster bombs." http://www.avaaz.org/en/cluster_bombs_ji_b/?fpla.

⁵³ Statement of France, CCW Fourth Review Conference, Geneva, 25 November 2011. Notes by AOAV.

⁵⁴ Joint Statement read by Costa Rica, on behalf of Afghanistan, Angola, Austria, Bolivia, Burkina Faso, Chile, Colombia, Congo, Costa Rica, Democratic Republic of Congo, Denmark, Djibouti, Ecuador, El Salvador, Ghana, Guatemala, Guinea, Guinea-Bissau, Haiti, Holy See, Honduras, Iceland, Lao PDR, Lebanon, Lesotho, Liechtenstein, Liberia, Madagascar, Mali, Mexico, Mozambique, Namibia, Nicaragua, Niger, Nigeria, Norway, Panama, Paraguay, Senegal, Slovenia, South Africa, Spain, Sudan, Togo, Tunisia, Uganda, Uruguay, Venezuela, Zambia and Zimbabwe. CCW Fourth Review Conference, Geneva, 25 November 2011. List confirmed in email from Bantan Nugroho, Head of the CCW Implementation Support Unit, UN Department for Disarmament Affairs, 1 June 2012.

⁵⁵ Permanent Mission of the United States of America statement. "U.S. Deeply Disappointed by CCW's Failure to Conclude Protocol on Cluster Munitions: Statement of the United States of America on the Outcome of the Fourth Review Conference of the CCW," Geneva, 25 November 2011. <http://geneva.usmission.gov/2011/11/25/u-s-deeply-disappointed-by-ccws-failure-to-conclude-protocol-on-cluster-munitions/>.

⁵⁶ Human Rights Watch press release, "Cluster Bombs: Nations Reject Weakening of Global Ban," 25 November 2011. <http://www.hrw.org/news/2011/11/25/cluster-bombs-nations-reject-weakening-global-ban>. The CMC delegation to the CCW's Fourth Review Conference was comprised of 37 campaigners from 17 countries and headed by CMC chair Steve Goose of Human Rights Watch. See: <http://stopclustermunitions.org/ccw/>.

⁵⁷ Afghanistan, Albania, Angola, Azerbaijan, BiH, Cambodia, Chad, Colombia, Croatia, Democratic Republic of the Congo (DRC), Eritrea, Ethiopia, Georgia, Grenada, Iran, Iraq, Israel, Kuwait, Lao PDR, Lebanon, Libya, Mauritania, Montenegro, Mozambique, Russia (Chechnya), Saudi Arabia, Serbia, Sierra Leone, South Sudan, Sudan, Syria, Tajikistan, Uganda, Vietnam, Yemen, and Zambia, as well as in the Falklands/Malvinas, Kosovo, Nagorno-Karabakh, and Western Sahara.

Article 1 of the Convention on Cluster Munitions contains the convention's core preventive measures designed to eliminate future humanitarian problems from cluster munitions, most crucially the absolute ban on use of cluster munitions. There have been no confirmed reports or allegations of new use of cluster munitions by any of the State Parties or signatories to the ban convention since it entered into force on 1 August 2010.

New use

Since the Convention on Cluster Munitions entered into force, there have been two confirmed instances of new use of cluster munitions, by Libya and Thailand in the first half of 2011. Sudan and Syria were reported to have used cluster munitions during the first half of 2012, but the Monitor has not been able definitively confirm either instance of use as of 31 July 2012. There has been one other serious allegation of cluster munition use, in Yemen in December 2009.⁵⁸

Most recently, in July 2012, Syrian activists posted videos online showing cluster munition remnants and bomblets found in Jabal Shahshabu, a mountainous area near Hama that had been under sustained bombardment by Syrian forces.⁵⁹ From the videos, arms experts from Human Rights Watch (HRW) and the Geneva International Centre for Humanitarian Demining identified remnants of a Soviet-made RBK-250 series cluster bomb canister and at least 20 unexploded AO-1Sch submunitions.⁶⁰ The CMC expressed concern and urged Syrian authorities to confirm or deny the use of cluster munitions.⁶¹

There were two allegations of new cluster munition use by the armed forces of Sudan in the first half of 2012 in Southern Kordofan, a state bordering South Sudan that has experienced fighting by the Sudan People's Liberation Army North (SPLM-N) and the Sudan Armed Forces since June 2011. On 1 March 2012, an independent journalist filmed and photographed dud explosive submunitions in the town of Troji in Southern Kordofan that HRW identified as Chinese Type-81 dual purpose improved conventional munitions (DPICM).⁶² On 24 May 2012, *The Independent* newspaper published photos of a failed cluster munition in the settlement of Ongolo in Southern Kordofan that residents said had been dropped from a government aircraft on 15 April 2012.⁶³ HRW identified the weapon as a Soviet-made RBK-500 cluster bomb containing AO-2.5RT explosive submunitions.⁶⁴ Sudan has denied on multiple occasions that it has ever used cluster munitions.⁶⁵ The CMC and others have called on Sudan to investigate the allegations of use.⁶⁶ As of 31 July 2012, the Monitor has not been able independently to confirm definitively in either case when the cluster munitions were used or by whom.

Libya and Thailand used cluster munitions in the previous reporting period covered by *Cluster Munition Monitor 2011*. Over the past year, further details have emerged in Libya concerning the instances of use by government forces loyal to Muammar Gaddafi during the 2011 conflict. In April 2011, government use of the MAT-120 projectile fired by a 120mm mortar and containing 21 dual-purpose submunitions was documented in Misrata.⁶⁷ Mines Advisory Group (MAG) estimated a dud rate of 9.5% for the Spanish-made MAT-120s used in Libya.⁶⁸ In January 2012, MAG clearance staff found the remnants of an RBK-250 air-dropped cluster bomb and about 30 PTAB-2.5M submunitions 20 miles south

⁵⁸ According to Amnesty International, the US used at least one ship- (or submarine-) launched TLAM-D cruise missile, which contains 166 BLU-97 submunitions, to attack a "training camp" in Abyan, Yemen on 17 December 2009. AI published a series of photographs showing the remnants of the cruise missile, including the propulsion system, a BLU-97 submunition, and the payload ejection system, the latter of which is unique to the TLAM-D cruise missile. See also, "U.S. missiles killed civilians in Yemen, rights group says," CNN, 7 June 2010. Neither the US nor Yemeni governments have publicly denied the claim or refuted the substantial photographic evidence of the incident.

⁵⁹ Brown Moses blog post, "Evidence of cluster bombs being deployed in Syria," 10 July 2012. <http://brown-moses.blogspot.co.nz/2012/07/evidence-of-cluster-bombs-being.html>.

⁶⁰ Human Rights Watch, "Syria: Evidence of Cluster Munitions Use by Syrian Forces," Press release, 12 July 2012, New York, <http://www.hrw.org/news/2012/07/12/syria-evidence-cluster-munitions-use-syrian-forces>, accessed 18 July 2012.

⁶¹ Cluster Munition Coalition press release, "CMC concerned over reports of cluster munition use in Syria," 12 July 2012.

⁶² Local residents told the journalist that the government of Sudan attacked Troji with cluster munitions on 29 February 2012, one day after the SPLM-N took control of the town. Human Rights Watch press release, "Sudan: Cluster Bomb Found in Conflict Zone," 25 May 2012. <http://www.hrw.org/news/2012/05/24/sudan-cluster-bomb-found-conflict-zone>.

⁶³ Aris Roussinos, "In a Sudanese field, cluster bomb evidence proves just how deadly this war has become," *The Independent*, 24 May 2012. <http://www.independent.co.uk/news/world/africa/in-a-sudanese-field-cluster-bomb-evidence-proves-just-how-deadly-this-war-has-become-7782501.html?origin=internalSearch>.

⁶⁴ Human Rights Watch press release, "Sudan: Cluster Bomb Found in Conflict Zone," 25 May 2012. <http://www.hrw.org/news/2012/05/24/sudan-cluster-bomb-found-conflict-zone>.

⁶⁵ In April 2012, a representative of Sudan's Permanent Mission to the UN in Geneva stated, "Sudan is not a producing country and does not own stockpiles, [sic] and did not use it before, neither in the far past, nor the near one." See Statement of Sudan, Convention on Cluster Munitions Intersessional Meeting, Session on General Status and Operation of the Convention, Geneva, 19 April 2012. [http://www.clusterconvention.org/files/2012/04/Sudan Wrap-up.pdf](http://www.clusterconvention.org/files/2012/04/Sudan%20Wrap-up.pdf). On 27 May, the spokesperson of Sudan's armed forces, Colonel Al-Sawarmi Khalid Sa'ad was quoted in the local media stating, "Whether or not we end up joining the international treaty that bans cluster bombs, the fact remains that we never use them in our military operations and we don't have them to begin with." See "Sudan's army denies using cluster munitions in South Kordofan," *Sudan Tribune* (Khartoum), 28 May 2012. <http://www.sudantribune.com/Sudan-s-army-denies-using-cluster,42728>.

⁶⁶ See for example, Cluster Munition Coalition letter to Ali Ahmed Karti, Minister of Foreign Affairs of Sudan, 8 March 2012. No response had been received as of 31 July 2012.

⁶⁷ C.J. Chivers, "Qaddafi Troops Fire Cluster Bombs Into Civilian Areas," *The New York Times*, 15 April 2011; and Human Rights Watch press release, "Libya: Cluster Munitions Strike Misrata," 15 April 2011.

⁶⁸ UNOHCHR, "Report of the International Commission of Inquiry on Libya," A/HRC/19/68, 2 March 2012, p. 173, Para 664. <http://bit.ly/yBvmCR>.

of the city of Ajdabiya.⁶⁹ In March 2012, the UN Commission of Inquiry on Libya reported that unidentified DPICM and 122mm cargo rockets used by the Libyan government were also found in the Nafusa Mountains near Jadu and Zintan.⁷⁰ On 8 March 2012, HRW found two different types of intact submunitions that had been scattered from their storage site in bunkers at Mizdah military depot, 160 kilometers south of Tripoli, during NATO air strikes in 2011.⁷¹ In its formal response to the UN Commission of Inquiry, NATO confirmed that it did not use cluster munitions in the Libya operation.⁷²

Article 21(2) of the Convention on Cluster Munitions requires that each State Party “make its best efforts to discourage States not party...from using cluster munitions.” A significant number of States Parties and signatories condemned or expressed grave concern about the use of cluster munitions by Libya and Thailand in 2011 and the incidents attracted widespread media coverage and public outcry. States welcomed the strong international response in the Beirut Progress Report issued by the Second Meeting of States Parties in September 2011.⁷³ In 2012, Austria’s Minister of Foreign Affairs Michel Spindelegger expressed concern at reports of new cluster munition use in Sudan and Syria.⁷⁴

Overview of cluster munitions use

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

At least 19 government armed forces have used cluster munitions since the end of World War II, detailed in the following table.

Summary of states using cluster munitions and locations used⁷⁵

User state	Locations used
Colombia	Colombia
Eritrea	Ethiopia
Ethiopia	Eritrea
France	Chad, Iraq, Kuwait
Georgia	Georgia, possibly Abkhazia
Iraq	Iran, Iraq
Israel	Lebanon, Syria
Libya	Chad, Libya

⁶⁹ Manufactured in the Soviet-era, the cluster munition was found “where journalists witnessed low-elevation airstrikes by Libyan government aircraft” in March 2011 “often against convoys and concentrations of anti-Qaddafi fighters who roamed the highway between Ajabiya and Ras Lanuf.” C.J. Chivers, “More Evidence of Cluster-Bomb Use Discovered in Libya,” *The New York Times – At War Blog*, 13 February 2012. <http://atwar.blogs.nytimes.com/2012/02/13/more-evidence-of-cluster-bomb-use-discovered-in-libya/>.

⁷⁰ UNOHCHR, “Report of the International Commission of Inquiry on Libya,” A/HRC/19/68, 2 March 2012, p. 168, Para 665. <http://bit.ly/yBvmCR>.

⁷¹ Human Rights Watch found approximately 15 PTAB bomblets and about three dozen DPICM submunitions of an unidentified type Statement of Human Rights Watch, CCW Group of Governmental Experts Meeting on Protocol V on Explosive Remnants of War, Geneva, 25 April 2012. <http://www.hrw.org/news/2012/04/25/statement-explosive-remnants-war-libya-and-implementation-convention-conventional-we>. *The New York Times* reporter C.J. Chivers has led an effort to identify the DPICM submunition and the type of 122mm cargo rocket that carried it found at Mizdah, which could be of China or North Korean origin, but still did not have a confirmed identification as of 1 June 2012. C.J. Chivers, “A Code, of Sorts, to the Mystery Cluster Bomb from Libya,” *The New York Times – At War Blog*, 16 February 2012. <http://atwar.blogs.nytimes.com/2012/02/16/a-coda-of-sorts-to-the-mystery-cluster-bomb-from-libya/>.

⁷² NATO letter to the Commission, 15 February 2011. Cited in UNOHCHR, “Report of the International Commission of Inquiry on Libya,” A/HRC/19/68, 2 March 2012, p. 168, Para 665. <http://bit.ly/yBvmCR>.

⁷³ According to the report, “Several states have reported actions reacting to the instance of use of cluster munitions by Thailand in 2011. This includes individual and joint demarches, support for fact-finding missions and condemnation of the use in public statements. The President of the Convention has also issued a statement, stating his concern over the use of cluster munitions. States and civil society have reported on how they follow up, in terms of actions to increase the understanding and knowledge of the Convention. States and civil society have had a good dialogue with Thailand, which was followed up by a workshop on the CCM held in Bangkok in August.” See “Draft Beirut Progress Report: Monitoring progress in implementing the Vientiane Action Plan from the First up to the Second Meeting of States Parties,” CCM/MSP/2011/WP.5, 25 August 2011. <http://www.clusterconvention.org/files/2011/05/Beirut-Progress-Report-ODS-upload4.pdf>.

⁷⁴ Austrian Ministry of Foreign Affairs press release, “Foreign Minister Spindelegger condemns use of cluster munition in Sudan,” 5 June 2012. <http://www.bmeia.gv.at/en/foreign-ministry/news/press-releases/2012/foreign-minister-spindelegger-condemns-use-of-cluster-munition-in-sudan.html>; and Austrian Ministry of Foreign Affairs press release, “Spindelegger: ‘I call for urgent clarification about the use of cluster munitions in Syria,’” 13 July 2012. http://www.bmeia.gv.at/en/foreign-ministry/news/press-releases/2012/spindelegger-fordere-dringende-aufklaerung-ueber-die-verwendung-von-streumunition-in-syrien.html?ADMCMedia_view=&ADMCMedia_editIcons=1.

⁷⁵ This accounting of states using cluster munitions is incomplete, however, as the party that used cluster munitions is not known or is unclear in several cases, including in Angola, Azerbaijan, the DRC, Mozambique, Tajikistan, Uganda, and Zambia, as well as Nagorno-Karabakh.

User state	Locations used
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
Thailand	Cambodia
UK	Falklands/Malvinas, Iraq, Kuwait, former Yugoslavia (Kosovo, Montenegro, Serbia)
US	Afghanistan, Albania, BiH, Cambodia, Grenada, Iran, Iraq, Kuwait, Lao PDR, Lebanon, Libya, Saudi Arabia, Sudan, Vietnam, Yemen, former Yugoslavia (Kosovo, Montenegro, Serbia)
Yugoslavia (former Socialist Republic of)	Albania, BiH, Croatia, Kosovo

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

The vast majority of states outside the Convention on Cluster Munitions have never used cluster munitions. Ten of the 17 non-signatories known to produce cluster munitions have stated that they have never used the cluster munitions: Brazil,⁷⁶ China,⁷⁷ Egypt,⁷⁸ Greece,⁷⁹ South Korea,⁸⁰ Pakistan,⁸¹ Poland,⁸² Romania,⁸³ Slovakia,⁸⁴ and Turkey.⁸⁵ The Monitor has not verified any use of cluster munitions by four other producer states (India, Iran, North Korea, and Singapore). Therefore only three states that have not joined the Convention on Cluster Munitions could be considered as “major” users *and* producers of cluster munitions: Israel, Russia, and the US.

In addition, several non-signatories that stockpile cluster munitions have stated that they have never used the weapons, including Estonia,⁸⁶ Finland,⁸⁷ Turkey,⁸⁸ and the United Arab Emirates.⁸⁹ Another 14 non-signatories with stockpiles are not known to have ever used cluster munitions.⁹⁰

⁷⁶ Brazil has stated several times that it has never used cluster munitions. 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.

⁷⁷ China has repeatedly stated that it has never used cluster munitions anywhere in the world, most recently in September 2011. Statement of China, Convention on Cluster Munitions Second Meeting of States Parties, Beirut 13 September 2011. Notes by the Monitor.

⁷⁸ Egypt has said that it has never used cluster munitions. Statement by Ehab Fawzy, Oslo Conference on Cluster Munitions, 22 February 2007. Notes by the CMC/WILPF.

⁷⁹ Greece has stated it has never used cluster munitions. Email from Yannis Mallikourtis, First Secretary, Permanent Mission of Greece in Geneva, 1 May 2012.

⁸⁰ In April 2012, South Korea confirmed that it has not used cluster munitions. Email response, to Monitor questionnaire, from Il Jae Lee, Second Secretary, Disarmament and Nonproliferation Division, Ministry of Foreign Affairs and Trade, Seoul, 4 April 2012. South Korea has stated on several occasions that it has never used cluster munitions. See: Statement by Amb. Dong-hee Chang, CCW GGE on Cluster Munitions, Geneva, 7 July 2008.

⁸¹ Pakistan has often stated that it has never used cluster munitions, most recently in November 2011. Statement of Pakistan, CCW Fourth Review Conference, 15 November 2011. <http://bit.ly/Jcbvz9>.

⁸² Poland has consistently stated that the Polish Armed Forces have never used cluster munitions in combat situations, most recently in June 2011. Letter from Tomasz ŁękarSKI, Ministry of Foreign Affairs, 10 June 2011.

⁸³ Romania, In April 2011, the Ministry of Foreign Affairs informed the Monitor that, “Romania has never used and does not intend to use cluster munition[s] in operational theaters,” and that “this type of ammunition is only used within the framework of the national defense program.” Letter from Doru Costea, 27 April 2011, C1-3/3782.

⁸⁴ 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.” 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.

⁸⁵ In early August 2011, Turkey said that it “has never used cluster munitions in the past.” Email from Ramazan Ercan, Arms Control and Disarmament Department, Ministry of Foreign Affairs, 8 August 2011.

⁸⁶ In 2010, the Minister of Foreign Affairs stated that, “Estonia has never produced or used cluster munitions” and has no intention of doing so. Letter No. 3.3-1/3080-1 from Urmas Paet, Minister of Foreign Affairs, 6 April 2011; letter No. 03.3-1/4591 from Urmas Paet, Minister of Foreign Affairs, 29 March 2010; and letter No. 3.3-1/5341 from Urmas Paet, Minister of Foreign Affairs, to Judith Majlath, CMC Austria, 27 April 2010.

⁸⁷ According to the Ministry of Foreign Affairs, “Finland does not produce cluster munitions nor has is never [sic] used them.” Letter from Mari Männistö, Ministry of Foreign Affairs, 26 February 2009.

⁸⁸ In early August 2011, Turkey said that it “has never used cluster munitions in the past.” Email from Ramazan Ercan, Arms Control and Disarmament Department, Ministry of Foreign Affairs, 8 August 2011.

⁸⁹ The United Arab Emirates informed the Monitor that it has never used cluster munitions. Interview with Ambassador Faris Mohammed Al-Mazroui, Assistant for Security and Military Affairs, UAE Ministry of Foreign Affairs, Beirut, 15 September 2011.

⁹⁰ Algeria, Argentina, Bahrain, Belarus, Cuba, Jordan, Kazakhstan, Kuwait, Mongolia, Oman, Qatar, Turkmenistan, Ukraine, and Uzbekistan.

Timeline of cluster munition use

Date	Location	Known details
1939–1945	Italy, Libya, Malta, Palau, USSR, the UK, possibly other locations	Munitions similar in function to modern cluster munitions were used by belligerent parties during World War II.
1965–1975	Cambodia, Lao PDR, Vietnam	According to an analysis of US bombing data by Handicap International (HI), 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 non-state armed group (NSAG) training camps near Damascus.
1975–1988	Western Sahara, Mauritania	Moroccan forces used artillery-fired and air-dropped cluster munitions against an NSAG in Western Sahara. Cluster munition remnants of the same types used by Morocco in Western Sahara 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 bombs in 1984. Iraq reportedly used Ababil-50 surface-to-surface cluster munition rockets during the later stages of the war.
1986	Libya	US Navy aircraft attacked Libyan ships using Mk-20 Rockeye cluster bombs in the Gulf of Sidra on 25 March. On April 14-15, US Navy aircraft dropped 60 Rockeye bombs on Benina Airfield.
1986–1987	Chad	French aircraft dropped cluster munitions on a Libyan airfield at Wadi Doum. Libyan forces also used AO-1Sch and PTAB-2.5 submunitions at various locations.
1988	Iran	US Navy aircraft attacked Iranian Revolutionary Guard speedboats and an Iranian Navy ship using Mk-20 Rockeye bombs during Operation Praying Mantis.
1991	Saudi Arabia	Saudi Arabian and US forces used artillery-delivered and air-dropped cluster munitions against Iraqi forces during the battle of Khafji.
1991	Iraq, Kuwait	The US, France, and the UK dropped 61,000 cluster bombs containing 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 DPICM submunitions were used in the conflict.
1992–1994	Angola	Deminers have found dud Soviet-made PTAB and AO-2.5 RT submunitions in various locations.
1992–1994	Nagorno-Karabakh, Azerbaijan	Submunition contamination has been identified in at least 162 locations in Nagorno-Karabakh. Submunition types cleared by deminers include PTAB-1, ShOAB-0.5, and AO-2.5. There are also reports of contamination in other parts of occupied Azerbaijan, adjacent to Nagorno-Karabakh.
1992–1995	BiH	Yugoslav forces and NSAGs used cluster munitions during war. NATO aircraft dropped two CBU-87 bombs.
1992–1997	Tajikistan	ShOAB and AO-2.5RT submunitions have been found in the town of Gharm in the Rasht Valley, used by unknown forces in civil war.
1994–1996	Chechnya	Russian forces used cluster munitions against NSAGs.

Date	Location	Known details
1995	Croatia	On May 2-3, 1995, an NSAG used Orkan M-87 multiple rocket launchers to conduct attacks in the city of Zagreb. Additionally, the Croatian government claimed 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 the Economic Community of West African States Monitoring Group (ECOMOG) peacekeepers used BLG-66 Beluga bombs on the eastern town of Kenema. ECOMOG Force Commander General Victor Malu 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 combined effects bomblets, at a factory target in Khartoum, Sudan, and at NSAG training camps in Afghanistan.
1998	Ethiopia, Eritrea	Ethiopia attacked Asmara airport and dropped BL-755 bombs in Gash-Barka province in Eritrea. Eritrea used cluster munitions in two separate strikes in Mekele, including at a school.
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	The DRC	Deminers have found BL-755 bombs, BLU 63 cluster munitions, and PM1 munitions.
1999	Yugoslavia, Federal Republic of (FRY)	The US, the UK, and the Netherlands dropped 1,765 cluster bombs containing 295,000 submunitions in what is now Kosovo, Montenegro, Serbia, and Albania. FRY also used cluster munitions.
2001–2002	Afghanistan	The US dropped 1,228 cluster bombs containing 248,056 submunitions.
Unknown	Uganda	RBK-250/275 bombs and AO-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	Both Russian and Georgian forces 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 rocket-delivered M85.
2009	Yemen	AI reported that the US used at least one TLAM-D cruise missile with 166 BLU-97 submunitions to attack a "training camp" in Yemen on 17 December 2009.
2011	Cambodia	Thai forces fired artillery-delivered cluster munitions into Cambodia during border clashes near the Preah Vihear temple.
2011	Libya	Libyan government forces used MAT-120 mortar-fired cluster munitions, RBK-250 cluster bombs with PTAB-2.5M submunitions, 122mm cargo rockets with an unidentified type of DPICM. Intact submunitions were found an arms depot hit by NATO air strikes.
2012	Sudan (unconfirmed)	Two allegations of new cluster munition use by the armed forces of Sudan in the first half of 2012 in Southern Kordofan state bordering South Sudan: One involved the use of Chinese Type-81 DPICM in Troji on 29 February 2012 and the involved the use of a Soviet-made RBK-500 cluster bomb containing AO-2.5RT explosive submunitions in Ongolo on 15 April 2012.
2012	Syria (unconfirmed)	In July 2012, Syrian activists posted videos online showing remnants of an RBK-250 series cluster bomb canister and at least 20 unexploded AO-1SCh submunitions in Jabal Shahshabu, an area that had been under sustained bombardment by Syrian forces.

Non-State Armed Groups

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

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

Unilateral restrictions on use

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

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

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

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

Production of Cluster Munitions

A total of 34 states have developed or produced⁹¹ more than 200 types of cluster munitions.⁹² Half of these producers ceased manufacturing cluster munitions prior to or as a result of joining the Convention on Cluster Munitions, while the other half still produce cluster munitions.

Producers

Seventeen countries are believed to produce cluster munitions or reserve the right to do so.⁹³ None of these states have joined the Convention on Cluster Munitions. Asia and Europe account for the majority of producer states, with six each, while the Middle East and North Africa has three producer states, and two producers are from the Americas.

Due to a lack of transparency and available data, it is not known if cluster munitions were produced in all these states in 2011 and/or the first half of 2012. In April 2012, South Korea informed the Monitor that Hanwha produced 42,800 DPICM extended range (base-bleed) 155mm artillery projectiles in 2011.⁹⁴ India did not produce any cluster munitions in 2011, according to a Right to

Cluster munition producers

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

⁹¹ 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.

⁹² The list of producers has changed over time as new information has become available. In May 2002, Human Rights Watch identified a total of 33 states that had produced at least 208 different types of cluster munitions. Human Rights Watch, “Memorandum to CCW Delegates: A Global Overview of Explosive Submunitions,” 20 May 2002. <http://www.hrw.org/node/66890>.

⁹³ In April 2011, Romania’s Deputy Minister for Foreign Affairs stated that “Romania is not a producer of cluster munition[s].” In August 2011, Turkey said it has not produced cluster munitions since 2005. However, the Monitor continues to list both Romania and Turkey as producers since it is unclear if they have adopted a new policy forswearing any future production of cluster munitions.

⁹⁴ Response to Monitor questionnaire from Il Jae Lee, Second Secretary, Disarmament and Nonproliferation Division, Ministry of Foreign Affairs and Trade, 4 April 2012. The response also stated that Hanwha produced 6,150 227mm Multiple Launch Rocket System (MLRS) during the year.

Information request response by an official in the Ammunition Division of the Ordnance Factory Board.⁹⁵ In June 2011, a Greek official informed the Monitor that “the last production of cluster munitions in Greece was in 2001.”⁹⁶

At least three of the countries still producing cluster munitions have established reliability standards for submunitions. In 2001, the US instituted a policy that all submunitions reaching a production decision in fiscal year 2005 and beyond must have a UXO rate of less than 1 percent.⁹⁷ Poland stated in 2005, “The Ministry of Defense requires during acceptance tests less than 2.5% failure rate for the purchased submunitions.”⁹⁸ South Korea issued a directive in 2008 requiring that in the future it would only acquire cluster munitions with self-destruct mechanisms and a 1% or lower failure rate.⁹⁹ In September 2011, Wikileaks released a US diplomatic cable dated April 2007 that states that “more than 90 percent” of South Korea’s stockpile of cluster munitions are of the non-self-destructing kind and “the cost of retrofitting them would be prohibitive.”¹⁰⁰

Former producers

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

Seventeen states have ceased the production of cluster munitions. All these states have signed or ratified the Convention on Cluster Munitions except Argentina, which has indicated that it does not intend to produce cluster munitions in future.

Of the 16 former producers that have joined the convention and foresworn any future production, thirteen are States Parties and three are signatories (Australia, Iraq, and South Africa).

France and Japan have reported detailed information on the status and progress of programs for conversion or de-commissioning of production facilities.¹⁰¹ In August 2011, Bosnia and Herzegovina (BiH), which inherited the production capacity of former Yugoslavia, declared that “There are no production facilities for [cluster munitions] in Bosnia and Herzegovina.”¹⁰²

Former producers of cluster munitions

Argentina *	Italy
Australia	Japan
Belgium	Netherlands
Bosnia and Herzegovina	South Africa
Chile	Spain
Croatia	Sweden
France	Switzerland
Germany	United Kindom
Iraq	

* has not joined the Convention on Cluster Munitions

Transfer of Cluster Munitions

The true scope of the global trade in cluster munitions is difficult to ascertain due to the overall lack of transparency on arms transfers. Despite this challenge, the Monitor has identified at least 15 countries that have in the past transferred more than 50 types of cluster munitions to at least 60 other countries.¹⁰³

⁹⁵ Response to Right to Information request submitted by Control Arms Foundation of India from T.J. Konger, Director and Central Public Information Officer, Ordnance Factory Board, Ministry of Defense, 6 June 2012.

⁹⁶ Email from Yannis Mallikourtis, Permanent Mission of Greece in Geneva, 14 June 2011. The Monitor continues to list Greece as a producer as it has not adopted a formal policy renouncing any future production of cluster munitions.

⁹⁷ Secretary of Defense William Cohen, “Memorandum for the Secretaries of the Military Departments, Subject: DoD Policy on Submunition Reliability (U),” 10 January 2001. Submunitions that reach “full rate production,” i.e. production for use in combat, during the first quarter of Fiscal Year 2005 and afterward must meet the new standard. However, a waiver was granted for M30 GMRLS rocket submunitions, allowing a 2–4% dud rate.

⁹⁸ Communication from the Polish Ministry of National Defense, to Pax Christi Netherlands, 14 February 2005. The information was provided to Pax Christi with the proviso that the “content of the paper does not necessarily reflect the official position of Poland.”

⁹⁹ Statement of the Republic of Korea, CCW Meeting of High Contracting Parties, Geneva, 13 November 2008. During 2008, South Korea included a representative of the Hanwha Company, a Korean company which produces cluster munitions, in its official delegation to the CCW.

¹⁰⁰ The Ministry of National Defense reportedly informed the US that “the ROK military was not in a position to dismantle its current CM stockpiles, prohibit CM production or development, or replace their stockpiles with effective alternative weapon systems for at least the next 20 years.” “ROK supports USG cluster munitions policy,” US Department of State cable 07SEOUL1329 dated 7 May 2007, released by Wikileaks on 30 August 2011. <http://bit.ly/LSI459>.

¹⁰¹ Belgium, Croatia, Germany, Spain and the UK did not report on status and progress of programs for conversion or de-commissioning of production facilities, most likely because production of cluster munitions ceased before they became States Parties to the convention.

¹⁰² BiH, Convention on Cluster Munitions Article 7 Report, Form E, 20 August 2011.

¹⁰³ While there is no comprehensive accounting available of global transfers of cluster munitions, at least 15 countries are known to have exported the weapon including States Parties Chile, France, Germany, Moldova, Spain, and UK, and non-signatories Brazil, Egypt, Israel, Russia, Slovakia, South Korea, Turkey, US, and Yugoslavia.

Exporters and recent transfers

While the historical record is incomplete and there are large variations in public information available, the US has probably been the world leader in exports, having transferred hundreds of thousands of cluster munitions containing tens of millions of submunitions to at least 30 countries.¹⁰⁴

Cluster munitions of Russian/Soviet origin are reported to be in the stockpiles of 33 states, including many that inherited stocks after the dissolution of the USSR.¹⁰⁵ The full extent of China's exports of cluster munitions is not known, but unexploded submunitions of Chinese origin have been found in Iraq, Israel, Lebanon, and Sudan.

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

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

- According to a May 2012 document provided to the Monitor by Chile, there were “no other applications or new exports authorizations” for cluster munitions after the year 2001.¹⁰⁶ According to Ministry of Defense information, Chile exported cluster munitions to five countries between 1991 and 2001.¹⁰⁷
- On 15 September 2011, the arms expo Defence & Security Equipment international (DSEi) in London closed the Pakistan Ordnance Factory stand and Pakistan's Defence Export Promotion Organisation pavilion after promotional material was found at both locations listing cluster munitions available for sale, including the 155mm extended range (base bleed) DPICM projectiles containing 45 submunitions and the 155mm M483A1 cluster munition containing 88 submunitions, both manufactured by the Pakistan Ordnance Factory.¹⁰⁸ Pakistani authorities reportedly stated that cluster munitions were not offered for sale by Pakistan at DSEi.¹⁰⁹ Similar concerns were raised during the 2009 DSEi arms fair, when Pakistan Ordnance Factory was found to be advertising the 155mm extended range (base bleed) DPICM cluster munition.¹¹⁰

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

At least two states that have not joined the Convention on Cluster Munitions, the US and Singapore, have enacted an export moratorium. Estonia is not known to have exported cluster munitions, but in May 2012, a Ministry of Defense official informed the Monitor that Estonia is considering enacting a national moratorium on the transfer of cluster munitions.¹¹¹

New transfer information arising from recent use

It is not known who supplied the cluster munitions that were allegedly used in Sudan and Syria in 2012 or when they were transferred, but both states are known stockpilers of cluster munitions. Libya's use of cluster munitions in April 2011 led to the revelation that Spain transferred 1,055 MAT-120 cluster munitions containing 22,155 submunitions to Libya in 2006 and 2008, before Spain adopted the convention.¹¹² Thailand's use of NR269 and M85 cluster munitions in the February 2011 border conflict with Cambodia may indicate recent transfer, as these cluster munition types were not previously known to be stockpiled by Thailand.

Sensor Fuzed Weapons

The US has announced several new sales of CBU-105 Sensor Fuzed Weapons in the reporting period, following earlier announcements of sales to India and Saudi Arabia. These weapons are prohibited under the Convention on Cluster Munitions, but are not covered by the US export ban because they have a reported UXO rate of less than 1%. In the

¹⁰⁴ Argentina, Australia, Bahrain, Belgium, Canada, Colombia, Egypt, Denmark, France, Germany, Greece, Honduras, India, Indonesia, Israel, Italy, Japan, Jordan, Morocco, the Netherlands, Norway, Oman, Pakistan, Saudi Arabia, South Korea, Spain, Thailand, Turkey, the UAE, and the UK, as well as Taiwan.

¹⁰⁵ Algeria, Angola, Azerbaijan, Belarus, Bulgaria, Republic of Congo, Croatia, Cuba, Czech Republic, Egypt, Hungary, Georgia, Guinea, Guinea-Bissau, India, Iran, Iraq, Kazakhstan, North Korea, Kuwait, Libya, Macedonia FYR, Moldova, Mongolia, Peru, Poland, Romania, Slovakia, Syria, Turkmenistan, Uganda, Ukraine, Uzbekistan, and Yemen. In addition, Russian cluster munition remnants have been identified in Sudan, although the government has denied having a stockpile.

¹⁰⁶ Letter from the Brigadier General Roberto Ziegele Kerber, Director-General of National Mobilization, Ministry of Defense, 18 May 2012.

¹⁰⁷ Brazil, Colombia, Turkey, United Arab Emirates, and the US. Cluster Munition Monitor notes on Chilean Air Force document signed by Chair of the Joint Chief of Staff of the Air Force, “Exports of Cluster Bombs authorized in the years 1991-2001,” dated 23 June 2009, taken during Monitor meeting with Juan Pablo Jara, Desk Officer, Ministry of Defense, Santiago, 11 April 2012. Translation by the Monitor.

¹⁰⁸ The United Kingdom is a State Party to the Convention on Cluster Munitions so the references to equipment were found to breach UK Government Export Controls and DSEi's contractual requirements.

¹⁰⁹ Saba Imtiaz, “London exhibition controversy: Pakistan says no brochures listed cluster munitions,” *The Express Tribune*, 21 September 2011. <http://tribune.com.pk/story/256773/london-exhibition-controversy-pakistan-says-no-brochures-listed-cluster-munitions/>.

¹¹⁰ “Evidence submitted by the UK Working Group on Arms (UKWG),” Strategic Export Controls (UK Parliament), November 2010. <http://www.publications.parliament.uk/pa/cm201011/cmselect/cmquad/writev/arms/m5.htm>.

¹¹¹ Email from Kadi Silde, Adviser, International Co-operation Department, Ministry of Defense, 2 May 2012.

¹¹² Five MAT-120 cluster munitions were transferred in October 2006 and another 1,050 in March 2008. Statement of Spain, Convention on Cluster Munitions Intersessional Meetings, Geneva, 29 June 2011.

current reporting period, the US Defense Security Cooperation Agency (DSCA) notified Congress in September 2011 of a possible foreign military sale to Taiwan of 64 CBU-105,¹¹³ but as of 1 May 2012, the sale reportedly had not been finalized.¹¹⁴ On 1 June 2012, the DSCA notified Congress of a possible sale to South Korea of 367 CBU-105. Both agreements are governed by the provision in the US Consolidated Appropriations Act of 2012, which stipulates that “the agreement applicable to the assistance, transfer, or sale of such cluster munitions or cluster munitions technology specifies 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 or in areas normally inhabited by civilians.”¹¹⁵ According to the US 2008 cluster munitions policy, states receiving cluster munitions that do not meet the 1% UXO standard after 19 June 2008 must agree not to use those munitions after 2018.¹¹⁶

Stockpiles of Cluster Munitions and their Destruction

Global stockpiles

The Monitor estimates that prior to the start of the global effort to ban cluster munitions, 91 countries stockpiled millions of cluster munitions containing more than 1 billion submunitions, as shown in the following table.¹¹⁷ At least 19 states have destroyed their stockpiled cluster munitions and more than a dozen others are in the process of destruction.

The Monitor has added six new countries to the list of known stockpilers. In September 2011, Côte d’Ivoire informed States Parties that reported air-launched cluster munitions had been discovered at three sites controlled by the armed forces and were awaiting destruction.¹¹⁸ FYR Macedonia informed States Parties in September 2011 that stockpiled cluster munitions had been found during the process of preparing its initial transparency report.¹¹⁹ Mauritania informed a regional conference in May 2012 that it once held a stockpile of cluster munitions that was destroyed in 2007 as part of a program to destroy old and “dangerous” munitions.¹²⁰ Mozambique declared a stockpile in its initial Article 7 transparency report provided in July 2012. The Central African Republic stated in September 2011 that it had voluntarily destroyed a considerable stockpile of cluster munitions.¹²¹ Non-signatory Venezuela announced in late August 2011 the “recent” destruction of Israeli-produced TAL-1 cluster munitions belonging to the Air Force of Venezuela, but it is not known if additional cluster munitions are stockpiled by Venezuela.¹²²

¹¹³ These were to be included as associated parts in the sale of F-16A/B aircraft. “Taipei Economic and Cultural Representative Office in the United States - Retrofit of F-16A/B Aircraft”, Defense Security Cooperation Agency, News Release. No. 11-39, 21 September 2011. <http://bit.ly/L3nWtL>.

¹¹⁴ Ming-Chieh Wu, “Negotiate with US to cut arms sale bill by 50 billion,” *China Times*, 6 February 2012, p. A4; Fu-gui Lin “Cut the arms sale bill? - MND: no such thing!” *The Commons Daily*, 7 February 2012, p.4.

¹¹⁵ Public Law 112-74, Consolidated Appropriations Act, 2012, 112th Congress, 23 December 2011, <http://www.gpo.gov/fdsys/pkg/PLAW-112publ74/pdf/PLAW-112publ74.pdf>, accessed 18 July 2012.

¹¹⁶ “Q&A on New DOD Cluster Munitions Policy,” US Department of State cable 08STATE77331 dated 18 July 2008, released by Wikileaks on 30 August 2011. <http://wikileaks.org/cable/2008/07/08STATE77331.html>. Question 7 of this document notes that this policy “seems to give recipients of transfer of old cluster munitions free reign to use them until 2018.” The response to this question notes “[I]t is part of our export control practice to have end-user certification and agreements. The nature and content of these are often classified between the United States and the recipient government.”

¹¹⁷ The number of stockpiling states has increased since it was first estimated a decade ago as new information has become available and as governments have clarified current and past possession of cluster munitions. In May 2002, Human Rights Watch identified a total of 56 states that have stockpiled cluster munitions. Human Rights Watch, “Memorandum to CCW Delegates: A Global Overview of Explosive Submunitions,” 20 May 2002. <http://www.hrw.org/node/66890>.

¹¹⁸ Statement of Côte d’Ivoire, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 16 September 2011. http://www.clusterconvention.org/files/2011/09/ca_cote_d_ivoire.pdf. Translation by the Monitor.

¹¹⁹ Macedonia FYR stated that a location had been identified for the destruction, a funds assessment carried out, and consultations undertaken with partner nations on destruction techniques. Statement by Svetlana Geleva, Head of Department for Multilateral Affairs, Ministry of Foreign Affairs, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 14 September 2011. http://www.clusterconvention.org/files/2011/09/ssd_macedonia.pdf.

¹²⁰ Statement of Mauritania, Accra Regional Conference on the Universalization of the Convention on Cluster Munitions, Accra, 29 May 2012. Notes by AOA.

¹²¹ Statement of the Central African Republic, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 14 September 2011. <http://bit.ly/K79uVk>. In May 2012, a government representative clarified that the cluster munitions were recovered from a non-state armed group operating within the country. CMC meeting with Mr. Desire Laurent Malibangar, Chargé de Mission, Ministry of Defense of the Central African Republic, Accra, 29 May 2012.

¹²² “The Ministry of Defense of Venezuela destroy cluster bombs,” Infodefensa.com, 26 August 2011. <http://bit.ly/qviolZ>.

Countries that have stockpiled cluster munitions

States Parties	Signatories	Non-Signatories	
<i>Afghanistan</i>	<i>Angola</i>	Algeria	Mongolia
<i>Austria</i>	Canada	<i>Argentina</i>	Morocco
<i>Belgium</i>	<i>Central African Rep.</i>	Azerbaijan	Oman
BiH	<i>Colombia</i>	Bahrain	Pakistan
Bulgaria	Congo, Rep. of	Belarus	Poland
Chile	Guinea	Brazil	Qatar
Côte d'Ivoire	Indonesia	Cambodia	Romania
Croatia	<i>Iraq</i>	China	Russia
<i>Czech Republic</i>	Nigeria	Cuba	Saudi Arabia
Denmark	Peru	Egypt	Serbia
<i>Ecuador</i>	South Africa	Eritrea	Singapore
France		Estonia	Slovakia
Germany		Ethiopia	Sudan
Guinea-Bissau		Finland	Syria
<i>Honduras</i>		Georgia	Thailand
<i>Hungary</i>		Greece	Turkey
Italy		India	Turkmenistan
Japan		Iran	Ukraine
Macedonia FYR		Israel	United Arab Emirates
<i>Mauritania</i>		Jordan	United States
<i>Moldova</i>		Kazakhstan	Uzbekistan
<i>Montenegro</i>		North Korea	Venezuela
Mozambique		South Korea	Yemen
Netherlands		Kuwait	Zimbabwe
<i>Norway</i>		Libya	
<i>Portugal</i>			
Slovenia			
<i>Spain</i>			
Sweden			
Switzerland			
UK			
31 (18 current)	11 (7 current)	49 (48 current)	

Note: Countries in italics report no longer possessing stockpiles.

Stockpiles possessed by non-signatories

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

Only a few non-signatories have disclosed information on the size of their stockpile of cluster munitions, disclosing even less information about the types. In November 2011, a US official stated that the US stockpile includes “more than 6 million cluster munitions,” which indicates the stockpile may be larger than previously reported.¹²³ In June 2011, a Greek official informed the Monitor that Greece possesses 1,286 CBU-55B cluster bombs.¹²⁴ Ukraine stated in 2010 that of its stockpile of conventional weapons totaling two million tons of ammunition, 35 percent are cluster munitions.¹²⁵

¹²³ Statement of the US, Fourth Review Conference, CCW, Geneva, 14 November 2011. [http://www.unog.ch/80256EDD006B8954/%28httpAssets%29/AA39A701F5D863C9C1257965003B6737/\\$file/4thRevCon_USA_Rev2.pdf](http://www.unog.ch/80256EDD006B8954/%28httpAssets%29/AA39A701F5D863C9C1257965003B6737/$file/4thRevCon_USA_Rev2.pdf). Previously, in 2004, the US stockpile consisted of nearly 5.5 million cluster munitions containing nearly 730 million submunitions. Office of the Under Secretary of Defense (Acquisition, Technology and Logistics), Department of Defense, “Report to Congress: Cluster Munitions,” October 2004. The report lists 626,824,422 submunitions in the “Active Inventory” and 728,527,689 in the “Total Inventory.”

¹²⁴ Email from Yannis Mallikouritis, Permanent Mission of Greece in Geneva, 14 June 2011. This was in response to Monitor data showing that according to US export records Greece also imported 4,008 CBU-55B cluster bombs at some point between 1970 and 1995. 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.

¹²⁵ Presentation of the Ukraine, “Impact of the CCW Draft Protocol VI (current version) on Ukraine’s Defense Capability,” Geneva, 1 April 2011, Slide 2.

In June 2012, Ethiopia informed the Monitor that it “does not possess cluster bombs and did not possess them during the Ethiopia-Eritrea conflict.”¹²⁶ However, there is ample evidence that Ethiopia attacked several parts of Eritrea with cluster munitions and the Monitor and others believe that Ethiopia possesses cluster munition stockpiles.

Stockpiles possessed by States Parties

A total of 31 States Parties have possessed stockpiles of cluster munitions at some point in time, of which 13 have already destroyed their stockpiled cluster munitions and the other 18 are preparing to begin, or are in the process of, destruction.

According to available information, 24 States Parties have stockpiled over 1.09 million cluster munitions containing 143 million submunitions. Most of this information is contained in Article 7 transparency reports, where 20 States Parties have formally declared stockpiling over 1.088 million cluster munitions containing 140 million explosive submunitions, as shown in the table below. Four States Parties that had yet to submit initial Article 7 transparency reports as of 31 July 2012 have provided information on a total of 6,006 cluster munitions and 2.8 million submunitions (Chile, Czech Republic, Hungary, and Italy).

Cluster Munitions and Explosive Submunitions declared by States Parties

State Party	Quantity of Cluster Munitions	Quantity of Explosive Submunitions
<i>Austria</i>	12,672	798,336
<i>Belgium</i>	115,210	10,138,480
BiH	449	148,059
Bulgaria	6,874	146,665
Croatia	7,380	190,868
Denmark	42,020	2,440,940
<i>Ecuador</i>	117	17,199
France	34,937	14,923,621
Germany	552,608	63,297,553
Japan	14,011	2,029,469
Macedonia FYR	2,448	40,376
<i>Moldova</i>	1,385	27,050
<i>Montenegro</i>	353	51,891
Mozambique	290	33,850
Netherlands	44,782	3,840,478
<i>Norway</i>	52,190	3,087,910
<i>Portugal</i>	11	1,617
Slovenia	1,080	52,920
Spain	8,362	308,245
UK	191,128	38,758,898
Sub-total	1,088,307	140,334,425
Chile	249	25,896
<i>Czech Republic</i>	400	15,000
<i>Hungary</i>	289	4,000
Italy	5,068	2,815,864
Sub-total	6,006	2,860,760
Total	1,094,313	143,195,185

Note: Italics indicate states that no longer possess stockpiles.

Two new States Parties with initial transparency reports due in 2013 have provided information on the types of cluster munitions stockpiled, but not the quantities. 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

¹²⁶ Letter 066/2012-A from the Permanent Mission of the Federal Democratic Republic of Ethiopia to the UN Office at Geneva, 13 June 2012.

bomblets.¹²⁷ Switzerland has listed the various types of cluster munitions stockpiled by the Swiss Army and all contain modified M85-type self-destructing submunitions.¹²⁸

As of 31 July 2012, Guinea-Bissau was late in submitting its initial Article 7 transparency report, but has stated that it is conducting an inventory into the numbers, types, and origins of its stockpiled cluster munitions.¹²⁹ In September 2011, Côte d'Ivoire stated that an unknown quantity of air-launched cluster munitions have been identified at three sites controlled by the armed forces, and it requested support from the international community to destroy them.¹³⁰

Afghanistan, Honduras, and Mauritania have stated that they destroyed their stockpiles prior to entry into force of the convention, but no information is available on the number and types of munitions destroyed.

Stockpiles possessed by signatories

A total of 11 signatories are known to have stockpiled cluster munitions, of which four have completed destruction or have stated they no longer stockpile cluster munitions. Colombia destroyed its stockpile of 72 cluster munitions (31 ARC-32 and 41 CB-250K cluster bombs) containing 10,832 submunitions during 2009.¹³¹ The Central African Republic stated in September 2011 that it had voluntarily destroyed a “considerable” stockpile of cluster munitions and now has no stockpiles on its territory.¹³² In September 2011, the Republic of Congo declared that it had no stockpiles of cluster munitions on its territory.¹³³ Iraq has stated on several occasions that it does not stockpile cluster munitions, most recently in May 2012.¹³⁴

Two signatories with stockpiles have provided information on numbers and/or types of stockpiled cluster munitions. In 2012, Canada reported a stockpile of 12,597 cluster munitions containing 1.1 million explosive submunitions.¹³⁵ In April 2012, a government official confirmed that Nigeria has a stockpile of BL-755 cluster bombs.¹³⁶

Five signatories have not yet disclosed information on the number and types of stockpiled cluster munitions. A government official stated in 2010 that Angola had destroyed its stockpile of cluster munitions and the armed forces no longer held any stocks, but Angola has yet to make an official declaration that all stocks have been identified and destroyed.¹³⁷ South Africa has stated that its “relatively small stockpile of obsolete cluster munitions” has been earmarked for destruction.¹³⁸ Indonesia and Peru have stated that they are undertaking an inventory of their stockpiled cluster munitions. The status of Guinea’s stockpile and plans for its destruction were not known as of 31 July 2012.

¹²⁷ 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.

¹²⁸ Switzerland stockpiles cluster munitions (*projectiles cargos pour l'artillerie à tube*) for 155mm M-109 and M-109 Kawest self-propelled howitzers, 155mm Bison fortress cannons, and 120mm fortress mortars. “Message relatif à l'approbation de la Convention sur les armes à sous-munitions ainsi qu'à la modification de la loi sur le matériel de guerre.” (Message on the Ratification of the Convention of 30 May 2008 on Cluster Munitions and the Amendment of the Law of 13 December 1996 on War Materials), June 2011, Section 1.5.1. http://www.parlament.ch/f/suche/pages/geschaefte.aspx?gesch_id=20110036.

¹²⁹ Interview with César Luis Gomes Lopes de Carvalho, General Director, CAAMI, Geneva, 27 June 2011.

¹³⁰ Statement of Côte d'Ivoire, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 16 September 2011. http://www.clusterconvention.org/files/2011/09/ca_cote_d_ivoire.pdf. Translation by the Monitor.

¹³¹ Letter from Sonia Matilde Eljach Polo, Director of Multilateral Affairs, Ministry of External Relations, 19 April 2012. Translation by the Monitor; Response to Monitor questionnaire by the Ministry of Foreign Affairs, 26 March 2010. The CB-250K bombs were produced by Chile and each contains 240 submunitions. The ARC-32 bomb is apparently a 350kg weapon containing 32 anti-runway submunitions produced by Israel.

¹³² Statement of the Central African Republic, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 14 September 2011. <http://bit.ly/K79uVv>.

¹³³ Statement of Republic of Congo, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 15 September 2011. http://www.clusterconvention.org/files/2011/09/cl_congo.pdf. In 2011, clearance personnel destroyed cluster munitions remnants and PTAB-2.5M and AO-1SCh submunitions from an arms depot that was bombed during the 1997-1998 conflict. Cluster munitions were also apparently part of weapons stockpiles destroyed in 2008–2010 with the assistance of United Kingdom-based humanitarian demining organization Mines Advisory Group (MAG). Email from Lt.-Col. André Pampile Serge Oyobe, Head of Information Division, Ministry of Defense, 13 July 2010.

¹³⁴ Letter from Iraq Ministry of Environment, forwarded by Dr. Abbas K. O. Abbas, Deputy Permanent Representative, Permanent Mission of Iraq to the UN in Geneva, to Mary Wareham, Human Rights Watch, Ref. 205/2012, 8 May 2012. Translation by the Monitor.

¹³⁵ In April 2012, Canada reported a stockpile of 12,597 M483A1 155mm artillery projectiles, containing total of 1,108,800 DPICM submunitions (806,208 M42 and 302,328 M46). Canada, voluntary Convention on Cluster Munitions Article 7 Report, Form B, 30 April 2012.

¹³⁶ Statement of Nigeria, Convention on Cluster Munitions Intersessional Meetings, Geneva, 18 April 2012. http://www.clusterconvention.org/files/2012/04/Nigeria_StockpileDestruction.pdf. Jane's Information Group has reported that the Nigeria Air Force possesses British-made BL-755 cluster bombs. Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 843.

¹³⁷ 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/Human Rights Watch. Neto later confirmed this statement, noting that the Air Force headed up a task force responsible for the program. Email from Maria Madalena Neto, CNIDAH, 13 August 2010.

¹³⁸ Statement of South Africa, UN Thematic Debate on Conventional Weapons, New York, 18 October 2010. In December 2008, South Africa also said that a “relatively small stockpile of outdated cluster munitions” had been “earmarked for destruction.” See Statement by Charles Nqakula, Minister of Defence, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

No stockpiles

Confirmation by States Parties and signatories in transparency reports that they do not possess stockpiles is as important as a declaration of stockpiles. Many nations have confirmed never stockpiling the weapon. In August 2011, Ghana and Kiribati made a definitive statement that they do not stockpile cluster munitions.¹³⁹ During the reporting period, Burkina Faso, Grenada, Guatemala, Lesotho, Malta, and St. Vincent and the Grenadines also indicated they do not stockpile cluster munitions.¹⁴⁰

Stockpile destruction

Under Article 3 of the Convention on Cluster Munitions, each State Party is required to declare and destroy all stockpiled cluster munitions under its jurisdiction or control as soon as possible, but no later than eight years after entry into force for that State Party.¹⁴¹

A total of 19 States Parties have reported the destruction of 744,231 cluster munitions containing 85.8 million submunitions as of July 2012, as detailed in the following table.¹⁴² This represents the destruction of 68 percent of the total stockpiles of cluster munitions and 60 percent of the total number of explosive submunitions declared by States Parties.

Cluster Munitions destroyed by States Parties

State Party (year destruction completed)	Cluster Munitions Destroyed	Explosive Submunitions Destroyed
<i>Austria (2010)</i>	12,672	798,336
<i>Belgium (2010)</i>	115,210	10,138,480
BiH	445	147,967
Croatia	159	14,281
<i>Czech Republic (2010)</i>	400	15,000
<i>Ecuador (2004)</i>	117	17,199
France	100	12,124
Germany	371,378	35,946,247
<i>Hungary (2011)</i>	289	4,000
Italy	1,630	211,528
Macedonia FYR	5	104
<i>Moldova (2010)</i>	1,385	27,050
<i>Montenegro (2010)</i>	353	51,891
Netherlands	42,711	3,758,568
<i>Norway (2010)</i>	52,190	3,087,910
<i>Portugal (2011)</i>	11	1,617
<i>Slovenia (2011)</i>	1,080	52,920
Spain	4,762	232,647
UK	139,334	31,359,245
Total	744,231	85,877,114

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

¹³⁹ Albania, the Holy See, Ireland, Lao PDR, Lebanon, Lithuania, Luxembourg, Norway, Sierra Leone, and Zambia have also included a definitive statement in their Article 7 transparency reports that they do not possess stockpiles. States Parties Antigua and Barbuda, Botswana, Cape Verde, Chile, Cook Islands, Comoros, Costa Rica, El Salvador, Fiji, Grenada, Guinea-Bissau, Mali, Niger, Panama, Samoa, Senegal, Seychelles and Tunisia are late in submitting their initial transparency reports, but with the exception of Chile and Guinea-Bissau, none of these states is believed currently to stockpile cluster munitions. Transparency reports for the remaining States Parties are not yet due as of 31 July 2012.

¹⁴⁰ In their Article 7 reports submitted prior to July 2012, Burkina Faso, Burundi, Guatemala, Ireland, Lao PDR, Lebanon, Lithuania, Luxembourg, Malawi, Malta, Mexico, Moldova, Monaco, New Zealand, Nicaragua, Norway, Portugal, Saint Vincent and the Grenadines, San Marino, Uruguay and Zambia did not indicate if they possess stockpiles, but simply indicated “not applicable” or “none” in the form or left the form blank. The CMC has urged all states to clearly indicate in their next reports that there are no cluster munitions stockpiled under their jurisdiction and control, including by stating a more unequivocal response such as “zero.”

¹⁴¹ In addition, cluster munition stockpiles have been destroyed as part of broader conventional weapons destruction and post-conflict stabilization programs supported by donors and implemented by NGOs and commercial companies. Such circumstances include Afghanistan, Angola, Republic of the Congo, Iraq, and Montenegro.

¹⁴² This includes the information submitted by States Parties on a voluntary basis for those cluster munitions and explosive submunitions destroyed before entry into force.

Destruction completed

Thirteen States Parties have indicated that they no longer stockpile cluster munitions. This includes ten States Parties that have declared the completed destruction of their stocks and provided information on the number and/or types of munitions destroyed. Ecuador destroyed its stockpile in 2004, before the convention was created, while six States Parties completed stockpile destruction in 2010 (Austria, Belgium, Czech Republic, Moldova, Montenegro, and Norway) and three completed in 2011 (Hungary, Portugal, and Slovenia). States Parties Afghanistan, Honduras and Mauritania have all stated that they destroyed their stockpiles prior to entry into force of the convention.

Spain initially announced the completion of its stockpile destruction in 2009, the first signatory to do so, and Bosnia and Herzegovina (BiH) announced completion in 2011, but in early 2012 both BiH¹⁴³ and Spain¹⁴⁴ reported additional cluster munitions requiring destruction.

No states are known to have completed stockpile destruction in 2012, as of 31 July.

Destruction underway

In 2011, ten States Parties destroyed over 107,000 munitions and 17.6 million submunitions, as detailed in the following table.

Cluster Munitions destroyed by States Parties in 2011

State Party	Cluster Munitions Destroyed	Explosive Submunitions Destroyed
BiH	445	147,967
Croatia	159	14,281
France	91	11,403
Germany	61,045	7,989,453
<i>Hungary</i>	289	4,000
Italy	1,630	211,528
Macedonia FYR	5	104
<i>Portugal</i>	11	1,617
<i>Slovenia</i>	1,080	52,920
UK	42,821	9,206,097
Total	107,576	17,639,370

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

Germany and the UK account for the majority of cluster munitions destroyed in 2011. By the end of 2011, Germany had destroyed 66 percent of its stockpile.¹⁴⁵ The UK reported in April 2012 that 71.51 percent of its stockpile had been destroyed.¹⁴⁶

Several States Parties with stockpiles have indicated they will complete destruction well in advance of their treaty deadlines, including the Netherlands and FYR Macedonia (both are working to complete by the end of 2012), the UK (by the end of 2013), Sweden (“no later than 2014”), Italy (by 2014), Japan (by February 2015), and Germany (by the end of 2015).

Other States Parties with cluster munitions stockpiles have indicated their intention to complete destruction within the eight-year deadline required by the convention, if not sooner, including: Bulgaria, Chile, Croatia, Denmark, France, Guinea-Bissau, Mozambique, and Switzerland, as well as BiH and Spain.

Other stockpile destruction developments in the reporting period include:

- Bulgaria informed the Monitor that “All cluster munitions have been decommissioned, separated from munitions retained for operational use and marked for the purpose of destruction,” and a plan for their destruction is under development.¹⁴⁷

¹⁴³ BiH found four M-93 120mm mortar projectiles containing 92 submunitions following the initial completion of stockpile destruction. Statement of BiH, Convention on Cluster Munitions Intersessional Meetings, Session on Stockpile Destruction and Retention, Geneva, 18 April 2012. <http://www.clusterconvention.org/files/2012/04/BiHStockpiledestructionStatementBiH2012.pdf>; and BiH, Convention on Cluster Munitions Article 7 Report, Form B, 4 May 2012.

¹⁴⁴ After becoming the first signatory to complete destruction of cluster munitions in 2009, Spain declared in March 2012 total of 3,600 cluster munitions and 75,598 submunitions remain to be destroyed. When Spain declared its unilateral moratorium on cluster munitions on 11 July 2008, producer Instalaza SA was in the midst of a manufacturing cycle, which was “automatically stopped” mid-process resulting in both completed and incomplete MAT-120 mortar projectiles and submunitions that require destruction. Spain, Convention on Cluster Munitions Article 7 report, Form B, 31 March 2012. <http://bit.ly/S2CnSn>.

¹⁴⁵ Statement of Germany, Convention on Cluster Munitions Intersessional Meetings, Geneva, 18 April 2012.

¹⁴⁶ UK, Convention on Cluster Munitions Article 7 Report, Form B, 30 April 2012.

¹⁴⁷ Letter from Plamen Bonchev, Director, Security Policy Directorate, Ministry of Foreign Affairs, to Mary Wareham, Senior Advocate, Human Rights Watch, Ref: 55-76g-47, 23 April 2012.

- In Croatia, a forest fire on 13 September 2011 caused an explosion at the Padane military storage site, resulting in the destruction of a portion of the cluster munitions stockpile.¹⁴⁸
- Denmark announced in April 2012 that its stockpile destruction process will begin four years earlier than originally planned, with physical destruction now due to begin by the end of 2013.¹⁴⁹
- French company MBDA concluded an agreement with the NATO Maintenance and Supply Agency on 3 November 2011 to destroy France's stockpile of cluster munitions at a purpose-built industrial facility at Bourges-Sudray, while part of the destruction will be done by Esplodenti Sabino (Lanciano, Chieti) in Italy.¹⁵⁰
- Japan has concluded a contract with Nammo Demil Division to destroy its cluster munitions stockpile in Germany and Norway.¹⁵¹
- FYR Macedonia has reported that it is working with the NGO Norwegian People's Aid to complete its stockpile destruction.¹⁵²
- Mozambique stated in June 2012 that the Ministry of Defense will separate the cluster munitions from other munitions maintained for operational use and is developing a plan for their destruction, but requires technical assistance and financial support to complete the destruction process.¹⁵³

At least \$12 million has been spent on stockpile destruction by States Parties (including BiH, Croatia, Moldova, Norway, and Spain), while at least \$171 million has been allocated or estimated as necessary for the destruction of stockpiled cluster munitions by States Parties Denmark, France (€20 million or \$24.4 million), Germany (€41.4 million or \$50 million), Japan (JPY ¥2.8 billion or \$32 million), and the UK (£40 million or \$62.1 million).

Destruction by signatories

In the reporting period, two signatories that later became States Parties completed the destruction of their stockpiles (Czech Republic, Hungary), as detailed in the previous section. There were no other reports of stockpile destruction by signatories.

In its initial voluntary Article 7 report, Canada stated that a total of 1,026 Rockeye cluster bombs containing 253,422 submunitions were destroyed over a two-year period ending in September 2006.¹⁵⁴ In May 2012, an official stated that Nigeria's preparations for stockpile destruction process are "on-going" and they are committed to destroying the "few cluster munitions in our armoury."¹⁵⁵

Retention

Article 3 of 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 CMC and at least 34 States Parties believe that no compelling reason exists to retain live cluster munitions and explosive submunitions for these purposes, but a small number of states have chosen to retain them. It is not clear if their holdings constitute the "minimum number absolutely necessary" as required by the convention for the permitted purposes.

Retention by States Parties and signatories

At least ten States Parties are retaining cluster munitions and submunitions for training and research purposes. Six States Parties have declared the numbers and types of cluster munitions and submunitions retained, as shown in the following table.

¹⁴⁸ Croatia, Convention on Cluster Munitions Article 7 Report, Form B, Part II, 4, 10 April 2012. <http://bit.ly/O819RQ>.

¹⁴⁹ Statement of Denmark, Convention on Cluster Munitions Intersessional Meetings, Geneva, 18 April 2012.

¹⁵⁰ France, Convention on Cluster Munitions Article 7 Report, Form B, 30 April 2012, p. 87; Statement of France, Convention on Cluster Munitions Intersessional Meetings, Geneva, 18 April 2012; and "MBDA signe un contrat pour detruire des explosifs," (MBDA has signed a contract to destroy explosives,) *L'usine Nouvelle*, 25 November 2011. <http://www.usinenouvelle.com/article/mbda-signe-un-contrat-pour-detruire-des-explosifs.N163715>.

¹⁵¹ Japan, Convention on Cluster Munitions Article 7 Report, Form B – Section II.1, 14 May 2012. <http://bit.ly/MJqI62>.

¹⁵² Convention on Cluster Munitions Article 7 Report, 8 May 2012, Form B; and letter from Edvard Mitevski, Head of Arms Control Department, Sector for Political Multilateral Relations, Directorate for Political and Security Cooperation and Multilateral Relations, Ministry of Foreign Affairs, to Mary Wareham, Senior Advisor, Human Rights Watch, 4 May 2012.

¹⁵³ Mozambique, Convention on Cluster Munitions Article 7 Report, Form B Part II, June 2012.

¹⁵⁴ In June 2011, Canada provided slightly different numbers, stating that the Rockeye destruction program included destruction of "over 248,000 bomblets contained within 826 bombs." Statement of Canada, Convention on Cluster Munitions Intersessional Meetings, Session on Stockpile Destruction, 27 June 2011.

¹⁵⁵ Statement of Nigeria, Accra Regional Conference on the Universalization of the Convention on Cluster Munitions, 30 May 2012. Notes by the CMC.

Types and Quantities of Cluster Munitions and Submunitions Retained

State	Quantity and type of cluster munitions (quantity of submunitions) retained	Quantity and type of individual submunitions retained	Total quantity of submunitions retained
Belgium	271 M483A1 projectiles (23,848)	0	23,848
France	9 total (4,053): 6 M26 rockets (3,864) and 3 1550GR shells (189)	927 total: 288 KB-1, 582 from SAKR rockets, 14 M93, 27 KB-1 and KB-2, 16 9N22	4,980
Germany	743 (59,919) total: 247 DM602 projectiles (15,561), 8 DM632 projectiles (504), 258 DM642/DM642A1 projectiles (16,254), and 230 DM602 projectiles (27,600)	8,991 total: 750 MUSA, 3,185 KB44, 550 STABO, 1,008 MIFF, 750 MUSPA	956
Netherlands	272 (23,370) total: 7 CBU-87 bombs (1,414), 7 Mk.-20 Rockeye bombs (1,902), 58 M261 Hydra rocket warheads (522), 200 155mm M483 projectiles (19,532)	175 1MK1	23,545
Spain	683 (15,515) total: 353 MAT-120 projectiles (7,413), 319 ESPIN-21 projectiles (6,699), 6 BME-330 bombs (168), and 5 CBU-100 bombs (1,235)	0	15,515
UK	0	956 total: 244 M42, 96 M46, 576 KB-1, 40 Alpha submunitions from CB-470 bomb	956

In addition, Denmark said in July 2012 that it intends to retain a total 3,600 submunitions for training, but it has not indicated the type.¹⁵⁶ Denmark has also stated that submunitions retained for training will be separated from their cluster munition containers and so “cannot be used operationally anymore.”¹⁵⁷ In April 2012, the Czech Republic stated that it has retained “explosive submunitions with no air or surface-fired means of delivery” and said that the number of retained submunitions has decreased to 461 from the original 796 explosive submunitions announced at the end of 2010.¹⁵⁸ Other States Parties that have stated their intention to retain cluster munitions and/or submunitions for training and research purposes include Sweden and Switzerland.

Chile still had yet to provide an initial Article 7 report as of 31 July 2012 or indicate if it intends to retain cluster munitions for training or research purposes.

At least four signatories have indicated that they intend to retain cluster munitions and/or submunitions for training and research purposes: Angola, Australia, Canada, and Colombia. In June 2011, Australia confirmed its intention to retain a combination of submunitions and dispensers of which only two bombs would be “live” and noted these would not be part of operational stocks and not suitable for use.¹⁵⁹ South Africa has stated that it would likely retain cluster munitions for training purposes, but only inert cluster munition casings would be retained and not the explosive content.¹⁶⁰

Use of retained cluster munitions

The Convention on Cluster Munitions requires that States Parties maintain detailed annual reporting on past and planned use of retained cluster munitions to ensure they are being kept only for permitted purposes.

In 2012, five States Parties reported using (consuming, destroying) cluster munitions and explosive submunitions:

- Belgium declared that five projectiles and 440 submunitions were used during 2011.¹⁶¹
- The Czech Republic stated in April 2012 that more than 300 explosive submunitions have been used for training explosive ordnance disposal (EOD) specialists.¹⁶²

¹⁵⁶ Letter from Adam Ravnkilde, Ministry of Foreign Affairs to Rune Saugmann, Chairman of Denmark Against Landmines, 16 July 2012.

¹⁵⁷ Statement of Denmark, Convention on Cluster Munitions Intersessional Meetings, Geneva, 18 April 2012.

¹⁵⁸ Statement of the Czech Republic, Convention on Cluster Munitions Intersessional Meetings, Geneva, 18 April 2012. <http://www.clusterconvention.org/files/2012/04/CZE-Statement-on-ISM-CCM-120418-on-Stockpile-update.pdf>.

¹⁵⁹ Statement of Australia, Convention on Cluster Munitions Intersessional Meetings, Session on Stockpile Destruction, Geneva, 27 June 2011.

¹⁶⁰ Interview with Colonel Nigel Aspey, Department of Defence, Pretoria, 7 April 2011.

¹⁶¹ In the report, Belgium stated the consumption of these munitions as “leaving a remaining quantity of 271” but 300 minus 5 leaves a total of 275 projectiles. Belgium, Convention on Cluster Munitions Article 7 Report, Form C, 30 April 2012.

¹⁶² Statement of the Czech Republic, Convention on Cluster Munitions Intersessional Meetings, Geneva, 18 April 2012. <http://www.clusterconvention.org/files/2012/04/CZE-Statement-on-ISM-CCM-120418-on-Stockpile-update.pdf>. According to the Ministry of Foreign Affairs, “The Czech Republic has determined this quantity to be the ‘minimum number absolutely necessary’ for training and research

- France reported consuming 36 cluster munitions containing 3,067 submunitions, as well as seven individual submunitions, during training and research in 2011.¹⁶³ In addition, six cluster munitions were dismantled and four M26 rockets containing 2,576 submunitions were transferred to a UK company for training and research purposes as part of a bilateral agreement on the MLRS cluster munitions system.¹⁶⁴
- Germany reported consuming 39 cluster munitions and 2,862 submunitions during EOD training in 2011.¹⁶⁵
- Spain reported 28 fewer cluster munitions and 1,047 fewer submunitions retained in its 2012 Article 7 report compared its 2011 report; presumably these were consumed during training or in the course of the development and testing of countermeasures.¹⁶⁶

The Netherlands and UK did not consume any cluster munitions or submunitions for training and research purposes in 2011. The Netherlands reduced the total number retained by transferring 72 M261 warheads containing 648 submunitions for destruction; these had been originally retained for training.¹⁶⁷

Switzerland's implementing legislation enacted in March 2012 permits the retention of cluster munitions for training and research purposes, but states that the number retained should not exceed the number that is absolutely necessary.¹⁶⁸ Canada's draft implementing legislation introduced in April 2012 permits retention of cluster munitions for training and counter-measures, but it does not specify that only the minimum number of cluster munitions absolutely necessary may be retained.

No retention

At least 34 States Parties have expressed their view that there is no need to retain any live cluster munitions or explosive submunitions for training in detection in clearance and destruction techniques or for the development of counter-measures. Many States Parties and signatories have expressed their views on retention in their Article 7 transparency reports, in statements and letters, and in their national implementation legislation.

Eleven States Parties that have formally declared stockpiled cluster munitions in their Article 7 reports have reported that they do not intend to retain cluster munitions for training or research purposes: Austria, BiH, Bulgaria, Ecuador, Japan, FYR Macedonia, Montenegro, Mozambique, Norway, Portugal, and Slovenia. At least four other States Parties that have stockpiled have stated that they do not intend to retain cluster munitions and/or submunitions: Afghanistan, Honduras, Hungary, and Italy.¹⁶⁹

Two States Parties—Croatia and Moldova—have stated they are retaining only inert items that have been rendered free from explosives and no longer qualify as cluster munitions or submunitions under the convention.

Eighteen States Parties that have never stockpiled cluster munitions have confirmed they do not retain any cluster munitions or explosive submunitions.¹⁷⁰ Malawi has stated that the retention of cluster munitions for training and development "should be the exception and not the rule," and those that do retain should only keep a "very limited number."

Transparency Reporting

Under Article 7 of the Convention on Cluster Munitions, States Parties are obliged to submit an initial transparency report no later than 180 days after entry into force for that State Party. Transparency is essential for building confidence and making needs for assistance known.

purposes ... on the basis of a training plan for EOD specialists, with a 5-year outlook." Letter from Katerina Sequensova, Ministry of Foreign Affairs, to Mary Wareham, Human Rights Watch, REF: 102273/2011-OSN, 2 May 2011.

¹⁶³ France, Convention on Cluster Munitions Article 7 Report, Form C, 31 April 2012, pp. 93-96.

¹⁶⁴ France, Convention on Cluster Munitions Article 7 Report, Form C, 31 April 2012, pp. 93-96. France reported that six 122mm SAKR rockets were dismantled and four M26 rockets containing 2,576 submunitions were transferred to the UK in a bilateral visit on the MLRS. According to the Ministry of Defense, the munitions were transferred to the company DMK for expertise. Telephone interview by HI Advocacy Department with a representative of the Army Chiefs of Staff, Weapons Control Division, Ministry of Defense, 18 July 2012.

¹⁶⁵ Germany, Convention on Cluster Munitions Article 7 Report, Form C, 30 April 2012.

¹⁶⁶ In 2011, Spain declared that it was retaining 711 cluster munitions and 16,562 submunitions. Convention on Cluster Munitions Article 7 Report, Form C, 27 January 2011.

¹⁶⁷ The Netherlands, Convention on Cluster Munitions Article 7 Report, Form C, 3 May 2012.

¹⁶⁸ "Loi fédérale sur le matériel de guerre (LFMG). Modification du 16 mars 2012," (Federal Law on War Materiel (LFMG). Amendment of 16 March 2012), Article 8(a)(3). <http://www.admin.ch/ch/f/ff/2012/3213.pdf>.

¹⁶⁹ Italy's implementation law permits the retention of a "limited quantity" of cluster munitions not exceeding "1,000 units" or submunitions, but in April 2012, Italy stated that it does not intend to retain any cluster munitions for training and research purposes. Statement of Italy, Convention on Cluster Munitions Intersessional Meetings, Geneva, 18 April 2012. http://www.clusterconvention.org/files/2012/04/Italy_StockpileDestruction.pdf.

¹⁷⁰ Albania, Burkina Faso, Holy See, Ireland, Lebanon, Lao PDR, Lithuania, Luxembourg, Malawi, Malta, Mexico, Monaco, New Zealand, San Marino, Sierra Leone, St. Vincent and the Grenadines, Uruguay, and Zambia.

Initial reports

As of 31 July 2012, 44 States Parties had submitted an initial transparency report as required by Article 7 of the convention, as detailed in the table below. This represents three-quarters of States Parties for which the obligation applied at that time.

States Parties that have submitted initial transparency reports

Albania	Luxembourg
Austria	Macedonia FYR
Belgium	Malawi
BiH	Malta
Bulgaria	Mexico
Burkina Faso	Monaco
Burundi	Moldova
Croatia	Montenegro
Denmark	Mozambique
Ecuador	New Zealand
France	Netherlands
Germany	Nicaragua
Ghana	Norway
Grenada	Portugal
Guatemala	Saint Vincent and the Grenadines
Holy See	San Marino
Ireland	Sierra Leone
Japan	Slovenia
Lao PDR	Spain
Lebanon	UK
Lesotho	Uruguay
Lithuania	Zambia

Late initial reports

Seventeen States Parties were late in submitting their initial transparency reports, as listed in the table below. Thirteen of these states had submission deadlines in 2011.

State Parties with overdue initial Article 7 reports (as of 31 July 2012)

Antigua and Barbuda	31 July 2011
Botswana	29 May 2012
Cape Verde	28 October 2011
Chile	28 November 2011
Comoros	30 June 2011
Cook Islands	30 July 2012
Costa Rica	29 March 2012
El Salvador	28 December 2011
Fiji	30 April 2011
Guinea-Bissau	28 October 2011
Mali	30 May 2011
Niger	28 January 2011
Panama	28 October 2011
Samoa	30 March 2011
Senegal	30 July 2012
Seychelles	30 April 2011
Tunisia	28 August 2011

Pending deadlines for initial reports

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

State Parties with pending initial Article 7 report deadlines

Trinidad and Tobago	28 August 2012
Swaziland	28 August 2012
Afghanistan	28 August 2012
Czech Republic	28 August 2012
Italy	28 August 2012
Dominican Republic	28 November 2012
Mauritania	28 January 2013
Cote d'Ivoire	28 February 2013
Honduras	28 February 2013
Sweden	30 March 2013
Togo	29 May 2013
Hungary	30 June 2013
Cameroon	30 June 2013
Switzerland	30 June 2013

Annual updated reports

After submitting their initial transparency report, States Parties are required to provide annual updated reports for the previous calendar year by 30 April every year. A cover page can be used to indicate no change and only the forms containing new information need to be submitted.

Ten of the States Parties that have submitted initial Article 7 reports have not yet provided an annual updated report for 2011: Albania, Ecuador, Ghana, Lesotho, Malawi, Malta, Montenegro, Nicaragua, Sierra Leone, and Uruguay.

Voluntary reports

States not party to the convention may submit voluntary reports as an interim step towards ratification or accession. As of 31 July 2012, three signatories had submitted voluntary initial transparency reports: Canada, the Democratic Republic of the Congo (DRC), and Palau. Canada and the DRC have submitted two voluntary reports.

The CMC encourages states to meet their reporting submission deadlines and to provide complete information.¹⁷¹ A small number of states are not providing definitive statements throughout their reports.¹⁷² Similarly, only a small number of states used voluntary Form J to report on universalization and other implementation matters.¹⁷³

National Implementation Legislation

Article 9 of the Convention on Cluster Munitions requires States Parties to take “all appropriate legal, administrative and other measures to implement this Convention, including the imposition of penal sanctions...”¹⁷⁴ Comprehensive national legislation is the strongest means of fulfilling this obligation because it enshrines the convention’s provisions at the domestic level and provides binding, enduring, and unequivocal rules that are less subject to interpretation.

National implementation legislation by States Parties

As of 31 July 2012, a total of 18 states had enacted specific legislation to implement the convention, as listed in the table below. All these states are now States Parties, but most enacted legislation prior to ratifying, often combining the approval process for both legislation and ratification.

¹⁷¹ Statement by the CMC, Convention on Cluster Munitions Intersessional Meetings, Geneva, 18 April 2012. http://www.clusterconvention.org/files/2012/04/CMCStatement_Transparency.pdf.

¹⁷² Notably, some simply submit “not applicable” in response to particular information requests. States should, for example, include a short narrative statement on Form E on conversion of production facilities, i.e., “Country X never produced cluster munitions,” instead of simply putting “N/A” in the form.

¹⁷³ For example, actions to promote universalization and to discourage use of cluster munitions by states not party, and cooperation and assistance, or to report on other important matters such as positions on interpretative issues. Austria, Belgium, DRC, France, Guatemala, Ireland, Japan, Lao PDR, Lebanon, New Zealand, Norway, Spain and Zambia have utilized Form J in their initial transparency reports.

¹⁷⁴ For recommendations of best practice in this field, see HRW and Harvard Law School’s International Human Rights Clinic, “Fulfilling the Ban: Guidelines for Effective National Legislation to Implement the Convention on Cluster Munitions,” June 2010; and ICRC, “Model Law, Convention on Cluster Munitions: Legislation for Common Law States on the 2008 Convention on Cluster Munitions.”

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

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

- Ecuador informed States Parties in September 2011 that it had amended its penal code in May 2010 to enforce the Convention on Cluster Munitions.¹⁷⁵
- Hungary amended its Penal Code in March 2012 to include cluster munitions as an internationally prohibited weapon and to enact penal sanctions for the "procurement, use, manufacture, and transfer" of cluster munitions.¹⁷⁶
- Sweden's Law 179 on "Penalties for Illicit Dealing with Cluster Munitions" was enacted on 4 April 2012.¹⁷⁷
- Switzerland's National Council and Council of States adopted amendments in March 2012 to revise the Federal Law on War Material of 13 December 1996 to incorporate cluster munitions in its provisions.¹⁷⁸

Legislation under consideration

At least 22 other States Parties or signatories have said that they are in the process of drafting, reviewing, or adopting national legislation: Australia, Benin, BiH, Bulgaria, Burundi, Canada, Central African Republic, Croatia, Cyprus, Ghana, Grenada, Guatemala, Lao PDR, Lebanon, Malawi, Mali, Mexico, St. Vincent and the Grenadines, Sierra Leone, Uganda, and Zambia. Several of these states made progress toward enacting national legislation in the second half of 2011 and the first half of 2012:

- Australia's ministers of defense and foreign affairs and the attorney-general issued a joint statement in November 2011 expressing the government's view that draft implementation legislation, the *Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010*, "faithfully implements" the Convention on Cluster Munitions.¹⁷⁹ As of 31 July 2012, the Bill was still awaiting its third and possibly final reading.¹⁸⁰ The draft legislation has been strongly criticized by the CMC and Australian NGOs.¹⁸¹
- Bulgaria stated in April 2012 that it is considering adopting specific legislation to implement the convention, including penal sanctions for violations.¹⁸²

States that have enacted national legislation

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

¹⁷⁵ Law Amending the Penal Code to the definition of crimes committed in the military and police (*Ley Reformatoria al Código Penal y Código de Procedimientos Penal para la Tipificación y Juzgamiento de los Delitos Cometidos en el Servicio Militar y Policial*) adopted 19 May 2010. http://derechoecuador.com/index.php?option=com_content&view=article&id=5588:registro-oficial-no-196-miercoles-19-de-mayo-de-2010-suplemento&catid=332:mayo&Itemid=588#ASAMBLEANACIONAL.

¹⁷⁶ Statement of Hungary, Convention on Cluster Munitions Intersessional Meeting, Geneva, 16 April 2012. <http://www.clusterconvention.org/files/2012/04/CCM-speech-Hungary-delivered.pdf>.

¹⁷⁷ Svensk författningssamling 2012:179, "Lag (2012:179) om straff för olovlig befattning med klusterammunition," (Swedish Code of Statutes 2012:179, "Act (2012:179): Penalties for Illicit Dealings with Cluster Munitions"), 4 April 2012. http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-2012-179/.

¹⁷⁸ "Loi fédérale sur le matériel de guerre (LFMG). Modification du 16 mars 2012" (Federal Law on War Materiel (LFMG). Amendment of 16 March 2012), 16 March 2012. <http://www.admin.ch/ch/f/ff/2012/3213.pdf>.

¹⁷⁹ The statement was issued jointly by the Minister for Defence Stephen Smith, the then-Minister of Foreign Affairs Kevin Rudd, and the then-Attorney-General Robert McClelland. Statement by Minister of Defence, Minister of Foreign Affairs, and Attorney-General, "Australia committed to Cluster Munitions Convention," 23 November 2011. <http://www.minister.defence.gov.au/2011/11/23/minister-for-defence-australia-committed-to-cluster-munitions-convention/>.

¹⁸⁰ For full analysis of the draft legislation, see: CMC, *Cluster Munition Monitor 2011* (Ottawa: Mines Action Canada, October 2011), p. 187. See also: <http://www.stopclustermunitions.org/news/?id=3198>. The Bill prohibits the use, production, transfer, and stockpiling of cluster munitions and, according to the Attorney-General, includes penalties of up to 10 years imprisonment for individuals, or A\$330,000 (\$303,600) for bodies corporate for violations of these prohibitions. Attorney-General Robert McClelland, Second Reading of Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010, October 27, 2010, parlinfo.aph.gov.au. Average exchange rate for 2010: A\$1=US\$0.92. US Federal Reserve, "List of Exchange Rates (Annual)," 6 January 2011.

¹⁸¹ CMC statement, "CMC recommendations on draft bill for Australia to ratify and implement the Convention on Cluster Munitions," 9 May 2011. <http://www.stopclustermunitions.org/the-problem/countries/?id=3046>. See also: <http://bit.ly/fixthebill>.

¹⁸² Legislation to ratify the convention was passed on 10 February 2011 published in the Official Gazette on 18 February 2011 as Decree No. 28. "Law on the ratification of the Convention on Cluster Munitions," Decree No. 28, adopted 10 February 2011.

- Canada’s national implementation legislation, the Prohibiting Cluster Munitions Act (Bill S-10), was introduced in the Senate in April 2012.¹⁸³ The bill passed two readings and the Senate Committee is due to consider it in the next parliamentary session starting 25 September 2012. The draft legislation has been strongly criticized by the CMC and Canadian NGOs.¹⁸⁴
- Croatia reported in April 2012 that a working group has produced a first draft of proposed legislation to implement the convention, including penal sanctions to prevent and suppress any prohibited activity.¹⁸⁵
- Ghana’s Minister of the Interior William Kwasi Aboah stated in May 2012 that “Ghana has drafted legislation to implement the convention, which includes penal sanctions,” and said the government is engaging with stakeholders on the draft legislation.¹⁸⁶
- Grenada reported in April 2012 that the “legislative process” required for “adoption of the convention into domestic law is ongoing.”¹⁸⁷
- Lao PDR informed States Parties in September 2011 that it is preparing to draft new legislation to impose penal sanctions to prevent and suppress any prohibited activity in accordance with Article 9 of the Convention.¹⁸⁸
- Lebanon stated in June 2012 that a legal consultant was appointed in April 2012 to review existing national laws and codes in order to propose recommendations to implement the convention by August 2012.¹⁸⁹
- At least 13 other states have indicated that they intend to prepare national implementation legislation, including Botswana, Burkina Faso, Colombia, DR Congo, Republic of Congo, Liechtenstein, Niger, Senegal, Slovakia, Togo, Samoa, South Africa, and Tanzania. Honduras and Mozambique have indicated they are reviewing whether existing legislation meets the requirements of the convention or if a new law is necessary.

Existing law deemed sufficient

At least 15 states have indicated that they believe their existing laws are sufficient to implement the convention: Denmark, Holy See, Lithuania, FYR Macedonia, Malta, Mexico, Moldova, Montenegro, the Netherlands, Nicaragua, Portugal, San Marino, Slovenia, Tunisia, and Uruguay.

Status unknown

The status of national implementation measures such as legislation is not known for a dozen States Parties that had not yet submitted an initial Article 7 report as of 31 July 2012, including Antigua and Barbuda, Cape Verde, Chile, Comoros, Costa Rica, El Salvador, Fiji, Guinea-Bissau, Niger, Panama, and the Seychelles.

Interpretative Issues

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

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

A significant number of States Parties and signatories to the convention have declared their views on these issues, including through Article 7 transparency reports, statements at meetings, parliamentary debate, and in direct communication with the Monitor. Several strong implementation laws have been enacted that provide useful models for how to implement certain provisions of the Convention on Cluster Munitions.

¹⁸³ *Prohibiting Cluster Munitions Act*, S-10, introduced 25 April 2012. <http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?Language=E&Mode=1&billId=5515475>.

¹⁸⁴ CMC statement, “CMC urges Canada not to buckle to U.S. pressure and to re-draft dangerous cluster bomb law,” 10 May 2012. <http://stopclustermunitions.org/news/?id=3661>. See also: <http://www.minesactioncanada.org/>.

¹⁸⁵ The working group is comprised of officials from the Ministry of Foreign Affairs, Ministry of Defense, Ministry of Interior, CROMAC, and the NGO MineAid. Croatia, Convention on Cluster Munitions Article 7 Report, Form A, 10 April 2012. <http://bit.ly/O819RQ>.

¹⁸⁶ The legislation seeks to “prohibit the use, manufacturing, stockpiling, and transfer of cluster munitions including penal sanctions for any of our citizens who violate the provisions of the convention.” Statement of William Kwasi Aboah, Minister of Interior, Accra Regional Conference on the Universalization of the Convention on Cluster Munitions, 28 May 2012.

¹⁸⁷ Grenada, Convention on Cluster Munitions Article 7 report, Form A, 30 April 2012.

¹⁸⁸ Statement of Lao PDR, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 14 September 2011. <http://bit.ly/KyotXI>; and Statement of Lao PDR, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 15 September 2011. <http://bit.ly/M5zRLa>.

¹⁸⁹ Letter N/Ref: 8/27/1 & 131/2012 from the Permanent Mission of Lebanon to the UN in Geneva, 7 June 2012.

Yet, as of 31 July 2012, 32 of the 75 States Parties to the Convention on Cluster Munitions still had not declared their views on even one of the interpretive issues listed above.¹⁹⁰

In addition, US Department of State cables made public by Wikileaks in late 2010 and 2011 show how the US, despite not itself participating in the Oslo Process, has attempted to influence its allies, partners and other states on the content of the Convention on Cluster Munitions, especially with respect to interoperability.¹⁹¹ The cables also show that the US has stockpiled and may continue to be storing cluster munitions in a number of States Parties, including Afghanistan, Germany, Italy, Japan, and Spain. US cluster munition stocks have been removed from Norway and the UK.

Prohibition on assistance and interoperability

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

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

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

At least 35 States Parties and signatories have agreed that the convention’s Article 21 provision on interoperability should not be read as allowing states to avoid their specific obligation under Article 1 to prohibit assistance with prohibited acts.¹⁹² This includes 28 States Parties and signatories that have previously stated their agreement with this view and seven more States Parties and signatories that confirmed this view in the reporting period:

- Burundi informed the Monitor in March 2012 that it considers assistance with prohibited acts in joint military operations to be prohibited by the convention.¹⁹³
- Cameroon’s Ministry for External Relations stated in May 2011 that, among other prohibitions, it “approves” the prohibition on the assistance in joint military operations.¹⁹⁴
- A Chilean Ministry of Defense official informed the Monitor in April 2012 that Article 21 does not prevent Chile from conducting military training exercises with states not party to the convention, but emphasized that Chile would require that states participating in exercises do not use cluster munitions via a written order sent to officials involved in exercises.¹⁹⁵
- The Czech Republic stated in an April 2012 letter to the Monitor that it considers that assistance with prohibited acts in joint military operations prohibited under the convention and any assistance with non-States Parties during joint operations “shall not go beyond Article 21 together with Article 1 of the Convention.”¹⁹⁶

¹⁹⁰ States Parties that have not publicly expressed a view on any of these interpretive issues include: Afghanistan, Albania, Antigua and Barbuda, Botswana, Cape Verde, Cook Islands, Costa Rica, Côte d’Ivoire, Dominican Republic, El Salvador, Fiji, Guinea-Bissau, Honduras, Lesotho, Lithuania, Mauritania, Moldova, Monaco, Mozambique, Niger, Panama, Saint Vincent and the Grenadines, Samoa, San Marino, Seychelles, Sierra Leone, Swaziland, Trinidad and Tobago, Togo, Tunisia, and Uruguay.

¹⁹¹ As of July 2012, Wikileaks had made public a total of 428 cables relating to cluster munitions originating from 100 locations for the period from 2003 to 2010. Previously, Cluster Munition Monitor 2011 had reviewed cables released by Wikileaks as of early August 2011, a total of 57 US diplomatic cables from 24 locations. See <http://www.cablegatesearch.net/search.php?q=cluster+munitions&qo=0&qc=0&qto=2010-02-28>.

¹⁹² At least 28 States Parties and signatories have previously stated their agreement with this view: Austria, Belgium, BiH, Bulgaria, Colombia, Croatia, Ecuador, France, Ghana, Guatemala, Holy See, Hungary, Iceland, Ireland, Lao PDR, Lebanon, Madagascar, Malawi, Mali, Mexico, Montenegro, New Zealand, Nicaragua, Norway, Portugal, Slovenia, Sweden, and Switzerland. See CMC, *Cluster Munition Monitor 2011* (Ottawa: Mines Action Canada, October 2011), pp. 25-27; ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 20–21; and Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 25–26.

¹⁹³ Response to Monitor questionnaire from Denis Gahiru, Director General, Civil Protection and Humanitarian Action Against Mines and Explosive Remnants of War, Ministry of Public Security, 20 March 2012.

¹⁹⁴ Translation by the Monitor. “Cameroon and the Convention on Cluster Munitions,” statement provided to Handicap International in email from Dr Yves Alexandre Chouala, Head of Agreements and Conventions Unit, Ministry of External Relations, 12 May 2011.

¹⁹⁵ Interview with Luis Doñas, Director of International Treaties, Ministry of Defense, Santiago, 20 April 2012.

¹⁹⁶ Letter from Miroslav Klíma, UN Director, Ministry of Foreign Affairs, to Mary Wareham, Senior Advisor, Human Rights Watch, REF: no. 102870-2/2012-OSN, 30 April 2012.

- A Democratic Republic of the Congo official stated in April 2012 that the DRC agrees with the view of the CMC that the convention forbids assistance with the use of cluster munitions in joint military operations with states not party.¹⁹⁷
- Germany informed the Monitor in June 2012 that, prior to the entry into force of the convention on 1 August 2010, it issued “clear orders for the German Armed Forces” that “forbade German soldiers from using cluster munitions themselves, and from requesting or ordering the use of cluster munitions.”¹⁹⁸
- Senegal affirmed its view in April 2012 that assistance with activities banned by the Convention is prohibited.¹⁹⁹

States Parties Japan, the Netherlands, and the UK have indicated support for the contrary view that the Article 1 prohibition on assistance with prohibited acts may be overridden by the interoperability provisions contained in Article 21. Japan has been reluctant to publicly discuss its views on Article 21, but in a June 2008 State Department cable, a senior Japanese official apparently told the US that Japan interprets the convention as enabling the US and Japan to continue to engage in military cooperation and conduct operations that involve US-owned cluster munitions.²⁰⁰

In addition, signatories Australia and Canada are both in the process of considering draft implementation laws that contain extensive provisions on interoperability:

- Australia’s Department of Defence has publicly described several activities banned by the convention that, under proposed implementing legislation, would be allowed in joint military operations.²⁰¹ Australia’s ministers of defence and foreign affairs and the attorney-general issued a joint statement in November 2011 affirming “[t]he ability to maintain interoperability is central to the maintenance of Australia’s national security,” but stating that “Australian Defence Force (ADF) personnel will not be permitted to use, develop, produce or otherwise acquire cluster munitions, or to make the decision to do so. This includes while serving on combined operations with Defence forces of other countries, in combined headquarters, or on exchange with a foreign force.”²⁰² In May 2012, the Department of Foreign Affairs and Trade informed the Monitor that “ADF personnel involved in joint operations may call in fire support from forces of a State not party to the Convention, where they are aware that cluster munitions may be used. However, ADF personnel must not specifically request the use of cluster munitions where the choice of munitions is within their exclusive control.”²⁰³
- Section 11 of Canada’s draft implementing legislation on “Joint Military Operations” would permit Canadian Armed Forces and public officials to “direct or authorize” an act that “may involve” a state not party while that state is performing activities prohibited under the Convention on Cluster Munitions. The bill would also permit Canadian Forces and public officials to “expressly request” use of cluster munitions by a state not party if the choice of weapons is not within the “exclusive control” of the Canadian Armed Forces. Section 11 would also allow Canadians themselves to use, acquire, possess, or transfer cluster munitions if they are on secondment to the armed forces of a state not party.²⁰⁴

Transit and foreign stockpiling

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

At least 34 states have declared that transit and foreign stockpiling are prohibited by the convention.²⁰⁵ This includes 28 states that previously provided their agreement and six more states that shared their views in the reporting period:

¹⁹⁷ Meeting with Sudi Kimputu, Coordinator, PFLAM, Brussels, 15 April 2012.

¹⁹⁸ Email from the German Federal Foreign Office, Division 241, 13 June 2012.

¹⁹⁹ Response to Monitor questionnaire from Amb. Papa Omar Ndiaye, Director, Senegal National Centre for Mine Action (CNAMS), 17 April 2012.

²⁰⁰ US Department of State, “Oslo convention on cluster munitions will not prevent U.S.-Japan military operations,” Cable, 25 June 2008, released by Wikileaks on 16 June 2011, www.cablegatesearch.net.

²⁰¹ For example, during joint military operations, Australian Defence Force (ADF) personnel could help plan, provide intelligence for, and/or contribute logistical support to an operation, that may involve a cluster munition attack. Department of Defence, “Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010,” March 2011.

²⁰² Statement by Minister of Defence, Minister of Foreign Affairs, and Attorney-General, “Australia committed to Cluster Munitions Convention,” 23 November 2011. <http://www.minister.defence.gov.au/2011/11/23/minister-for-defence-australia-committed-to-cluster-munitions-convention/>.

²⁰³ “Input for Cluster Munition Monitor” document provided in email from Philip Kimpton, First Secretary/Legal Adviser, Australian Permanent Mission to the UN in Geneva, 14 May 2012.

²⁰⁴ Senate of Canada, “Bill S-10 - Act to Implement the Convention on Cluster Munitions,” <http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?Mode=1&Language=E&billId=5515475&View=8>.

²⁰⁵ States that have previously said transit and foreign stockpiling are prohibited include: Austria, Belgium, BiH, Bulgaria, Burkina Faso, Cameroon, Colombia, Comoros, Croatia, Ecuador, France, Germany, Ghana, Guatemala, Holy See, Ireland, Lao PDR, FYR Macedonia, Madagascar, Malawi, Malta, Mexico, New Zealand, Senegal, Slovenia, Spain, and Zambia. See CMC, *Cluster Munition Monitor 2011* (Ottawa: Mines Action Canada, October 2011), pp. 27-29; ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 20–21; and HRW and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 25–26.

- Burundi informed the Monitor in March 2012 that it agrees with the view of the CMC that the transit and foreign stockpiling of cluster munitions on or across the territories of States Parties is prohibited by the convention.²⁰⁶
- Cameroon's Ministry for External Relations stated in May 2011: "Cameroon has never produced, used, or stockpiled let alone served as a platform for the transit or transfer of cluster munitions. It therefore approves a) the prohibition on the transfer of cluster munitions b) the prohibition on the assistance in joint military operations c) the prohibition on foreign stockpile of cluster munitions."²⁰⁷
- The Czech Republic said in April 2012 that it believes that "the transit of cluster munitions across the territory of the Czech Republic as well as the stockpiling of foreign cluster munitions on the territory of the Czech Republic is prohibited by the Convention."²⁰⁸
- A Democratic Republic of the Congo (DRC) official stated in April 2012 that the DRC agrees with the view of the CMC that the convention forbids the transit and foreign stockpiling of cluster munitions on the territory of States Parties.²⁰⁹
- Luxembourg's Minister of Foreign Affairs and the Minister of Justice issued a joint statement in response to a parliamentary question in September 2011 affirming that "Article 21 of the Convention on Cluster Munitions... permits a State Party to the convention to cooperate in military operations with non-States Parties" and said Luxembourg is in "full compliance with its obligations" under the convention.²¹⁰
- Norway stated in April 2012 that it is "prohibited under Article 1 to stockpile cluster munitions, and that it would be contrary to the prohibition on assistance etc. in Article 1 c to allow another state to stockpile cluster munitions on its territory."²¹¹

A number of states have indicated support for the opposite view, that transit and foreign stockpiling are not prohibited by the convention, including States Parties Japan, the Netherlands, Portugal, and the UK. Sweden's parliament in March 2012 approved a Foreign Affairs Committee report stating that Sweden does not consider the transit of cluster munitions across the territory of States Parties to be prohibited under the convention, but it noted that any allegations or complaints shall be put forward to the national courts for decision.²¹²

Signatories Australia and Canada have given their interpretation of the convention's provisions on transit and foreign stockpiling in the context of considering draft implementation laws:

- Australia's draft legislation could be read as making an exemption from the convention's prohibitions on transfer and stockpiling for states not party while they are on Australian territory and is therefore inconsistent with the convention. However, the joint statement issued by the ministers of defense and foreign affairs and the attorney-general in November 2011 affirms that the government "will not approve the stockpiling of cluster munitions in Australia by foreign governments" and says the "commitment not to authorize stockpiling by foreign governments will be confirmed in a public statement at the time of Australia's ratification of the Convention on Cluster Munitions" and in Australia's annual transparency report for the convention.²¹³ In June 2012, the attorney-general stated, "Military cooperation may entail the use by foreign military personnel of bases on Australian territory, or the entry of vessels into Australian territory," but stated "it would still be an offence for visiting forces to use, develop, produce or acquire cluster munitions in Australia." In addition, "the Government has not and will not authorise foreign stockpiles of cluster munitions in Australia."²¹⁴
- Canada's draft implementing legislation does not explicitly address transit or foreign stockpiling of cluster munitions and could be read to implicitly allow these activities.²¹⁵ According to a senior government official, the bill "does not allow stockpiling of cluster munitions on Canada's territory, including by a State not party

²⁰⁶ Response to Monitor questionnaire from Denis Gahiru, Director General, Civil Protection and Humanitarian Action Against Mines and Explosive Remnants of War, Ministry of Public Security, 20 March 2012.

²⁰⁷ Translation by the Monitor. "Cameroon and the Convention on Cluster Munitions," statement provided to Handicap International in email from Dr. Yves Alexandre Chouala, Head of Agreements and Conventions Unit, Ministry of External Relations, 12 May 2011.

²⁰⁸ Letter from Miroslav Klíma, UN Director, Ministry of Foreign Affairs, to Mary Wareham, Senior Advisor, Human Rights Watch, REF: no. 102870-2/2012-OSN, 30 April 2012.

²⁰⁹ Meeting with Sudi Kimputu, Coordinator, PPNLAM, Brussels, 15 April 2012.

²¹⁰ "Réponse Commune de Ministre de la Justice and du Ministre des Affaires Etrangères à la question no. 1647 de Monsieur le Député André Hoffmann, 5 Septembre 2011. http://www.chd.lu/wps/PA_1_084AIVIMRA0614327110000000/PrintServlet/?user=guest&library=Questpa&id=10534. Translation by the Monitor.

²¹¹ Email to Mary Wareham, Human Rights Watch from May-Elin Stener, Deputy Director-General, Section for Humanitarian Affairs, Ministry of Foreign Affairs, 3 April 2012.

²¹² Utrikesutskottets betänkande 2011/12:UU7 Nedrustning, icke-spridning och konventionell rustningskontroll samt Sveriges tillträde till konventionen om klusterammunition, (Foreign Affairs Committee Report 2011/12:UU7 Disarmament, non-proliferation and conventional arms control and Sweden's accession to the Convention on Cluster Munitions.) 23 February 2012. <http://www.riksdagen.se/sv/Dokument-Lagar/Utskottens-dokument/Betankanden/Arenden/201112/UU7/?latlast=true>.

²¹³ Statement by Minister of Defence, Minister of Foreign Affairs, and Attorney-General, "Australia committed to Cluster Munitions Convention," 23 November 2011. <http://www.minister.defence.gov.au/2011/11/23/minister-for-defence-australia-committed-to-cluster-munitions-convention/>.

²¹⁴ Letter from Nicola Roxon, Attorney-General, to Lorel Thomas, National Coordinator, Australian Network to Ban Landmines and Cluster Munitions (ANBLC), Ref: MC12/05078, 20 June 2012.

²¹⁵ The prohibition on transfer (Section 6c) applies only if there is intent to transfer ownership (not mere physical movement), which arguably means that transit of cluster munitions through Canada could be permissible.

to the Convention, as it prohibits all forms of possession.²¹⁶ In May 2012, Canadian government Senator Fortin-Duplessis said that “the Canadian Forces will prohibit their members, through official policies, from using cluster munitions, training themselves or others in their use when they participate in exchanges with the armed forces of another country. Moreover, the transport of cluster munitions by means of transportation belonging to or controlled by Canadian Forces shall be prohibited.”²¹⁷ This statement contradicts Section 11(2) of Canada’s proposed legislation, which allows Canadian forces to transport the cluster munitions of a state not party during joint military operations. It therefore creates confusion in Canada’s position on this issue.

US transit and stockpiling

States Parties Norway and the UK have both confirmed that the US has removed its stockpiled cluster munitions from their respective territories:

- In November 2010, the UK announced that there were now “no foreign stockpiles of cluster munitions in the UK or on any UK territory.”²¹⁸ Section 8 of the UK’s legislation states that its foreign secretary may grant authorization for visiting forces of states not party to the Convention on Cluster Munitions to “possess cluster munitions on, or transfer them through, UK territory.” In November 2011, UK officials stated that the only such authorization given to date was provided by former Foreign Secretary David Miliband to the US Department of State to permit the US to transfer its cluster munitions out of UK territory.²¹⁹
- The US stockpiled cluster munitions in Norway until 2010. According to a Norwegian Ministry of Foreign Affairs official, “After the adoption of the Convention on Cluster Munitions, Norway discussed with the USA the issue of their stockpile of cluster munitions on Norwegian territory. Norway offered to destroy these cluster munitions together with our own stockpiles. However, the USA decided to remove their stocks, something which happened during the spring of 2010.”²²⁰

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

- A US cable dated December 2008 states, “The United States currently has a very small stockpile of cluster munitions in Afghanistan.”²²¹ Some International Security Assistance Force (ISAF) troops operating in Afghanistan have been equipped with cluster munitions, but the current status of any possible stockpiles is not known.

²¹⁶ Email from John MacBride, Senior Defence Advisor, Non-Proliferation and Disarmament Division, Foreign Affairs and International Trade Canada, to Mary Wareham, Human Rights Watch, 9 July 2012.

²¹⁷ Debates of the Senate (Hansard), Volume 148, Issue 73, 1 May 2012. http://www.parl.gc.ca/Content/Sen/Chamber/411/Debates/073db_2012-05-01-e.htm.

²¹⁸ Statement of the UK, Convention on Cluster Munitions First Meeting of States Parties, Vientiane, 10 November 2010. A US Department of State cable dated 21 May 2009 stated that the head of the United Kingdom’s Foreign Office’s Security Policy Group, Nicolas Pickard, had “reconfirmed” to US officials that “off-shore storage” of cluster munitions “on US ships would still be permitted.” “UK cluster munitions dialogue,” US Department of State cable 09STATE52368 dated 21 May 2009, released by Wikileaks on 2 December 2010. <http://www.cablegatesearch.net/cable.php?id=08BERLIN173&q=cluster%20munitions>.

²¹⁹ Statement by Jeremy Browne, Minister of State, Foreign and Commonwealth Office, House of Commons Debate, *Hansard*, (London: HMSO, 1 November 2011), Column 589W. <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm111101/text/111101w0004.htm#1111024001854>.

²²⁰ Email from Ingunn Vatne, Senior Advisor, Department for Human Rights, Democracy and Humanitarian Assistance, Royal Norwegian Ministry of Foreign Affairs, 1 August 2012. A US cable dated 17 December 2008 includes a description of the cluster munitions stored by the US in Norway at that time and states, “Norwegian legal experts are of the opinion that Norway has jurisdiction over all CM stored on Norwegian soil, including the US CM stored in the MCPP-N [Marine Corps Pre-positioning Program – Norway] caves.” According to the cable, the US stockpile in Norway was believed to consist of “2,544 rounds” of “D563 Dual Purpose Improved Conventional Munitions (DPICM)” and “2,528 rounds” of “D864 Extended Range Dual Purpose ICM.” See “Norway raises question concerning U.S. cluster munitions,” US Department of State cable 08OSLO676 dated 17 December 2008, released by Wikileaks on 1 September 2011. <http://www.cablegatesearch.net/cable.php?id=08OSLO676&q=cluster%20munitions>.

²²¹ “Demarche to Afghanistan on cluster munitions,” US Department of State cable 08STATE134777 dated 29 December 2008, released by Wikileaks on 2 December 2010. <http://www.cablegatesearch.net/cable.php?id=08STATE134777&q=cluster%20munitions>.

- According to a December 2008 cable, Germany has engaged with the United States on the matter of cluster munitions that may be stockpiled by the US in Germany.²²² Germany has yet to publicly express clear views on the convention's prohibition on foreign stockpiling of cluster munitions.
- In a November 2008 cable, the US identified Italy, Spain, and Qatar as states of particular concern with respect to interoperability since "they are states in which the US stores cluster munitions," even though apparently Qatar "may be unaware of US cluster munitions stockpiles in the country."²²³ Spain reported in 2011 that it is in the process of informing states not party with which it cooperates in joint military operations of its international obligations with respect to the prohibition of storage of prohibited weapons on territory under its jurisdiction or control.²²⁴
- A December 2008 cable states that Japan "recognizes U.S. forces in Japan are not under Japan's control and hence the GOJ cannot compel them to take action or to penalize them."²²⁵ Japan maintains that US military bases in Japan are under US jurisdiction and control, so the possession of cluster munitions by US forces does not violate the national law or the convention.
- According to a cable detailing the inaugural meeting on 1 May 2008 of the "U.S.-Israeli Cluster Munitions Working Group (CMWG)," until US cluster munitions are transferred from the War Reserve Stockpiles for use by Israel in wartime, "they are considered to be under U.S. title, and U.S. legislation now prevents such a transfer of any cluster munitions with less than a one percent failure rate."²²⁶
- According to a May 2007 cable, the US may store clusters munitions in Kuwait.²²⁷

Disinvestment

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

Six states have enacted legislation that explicitly prohibits investment in cluster munitions: Belgium (2007), Ireland (2008), Italy (2011),²²⁸ Luxembourg (2009), New Zealand (2009) and Switzerland (2012). All are States Parties to the Convention on Cluster Munitions.

Legislative developments concerning disinvestment in the second half of 2011 and first half of 2012 included:

- Australia's draft implementation legislation does not include specific measures to prohibit investment in cluster munition production, but the government has acknowledged that prohibited conduct would include where a person "invests in a company that develops or produces cluster munitions, but only where that person intends to assist, encourage or induce the development or production of cluster munitions by that company."²²⁹
- Canada's draft implementation legislation does not contain a specific prohibition on investment in the production of cluster munitions, but according to a senior government official, "an investment that is executed with the knowledge and intention that it will encourage or assist cluster munitions production would be captured by the legislation's prohibition on aiding and abetting any primary offence."²³⁰

²²² A US cable dated 2 December 2008 citing a discussion between US officials and Gregor Koebel, then-head of the Conventional Arms Control Division of the German Federal Foreign Office, states "Koebel stressed that the US will continue to be able to store and transport CM in Germany, noting that this should be of 'no concern whatsoever to our American colleagues.'" "MFA gives reassurances on stockpiling of US cluster munitions in Germany," US Department of State cable 08BERLIN1609 dated 2 December 2008, released by Wikileaks on 1 September 2011. <http://www.cablegatesearch.net/cable.php?id=08BERLIN1609&q=cluster%20munitions>. See also "Demarche to Germany Regarding Convention on Cluster Munitions," US Department of State cable 08STATE125631 dated 26 November 2008, released by Wikileaks on 1 September 2011. <http://www.cablegatesearch.net/cable.php?id=08STATE125631&q=cluster%20munitions>.

²²³ The cable states, "Rome should note that cluster munitions are stored at Aviano and Camp Darby." "Demarche to Italy, Spain and Qatar Regarding Convention on Cluster Munitions," US Department of State cable 08STATE125632 dated 26 November 2008, released by Wikileaks on 30 August 2011. <http://www.cablegatesearch.net/cable.php?id=08STATE125632&q=cluster%20munitions>.

²²⁴ Spain, Convention on Cluster Munitions Article 7 Report, Forms A and J, 27 January 2011.

²²⁵ "Consultations with Japan on implementing the Oslo convention on cluster munitions," US Department of State cable 08TOKYO3532 dated 30 December 2008, released by Wikileaks on 1 September 2011. <http://www.cablegatesearch.net/cable.php?id=08TOKYO3532&q=cluster%20munitions>.

²²⁶ "Cluster munitions: Israeli's operational defensive capabilities crisis," US Department of State cable dated 18 April 2008, released by Wikileaks on 1 September 2011. <http://www.cablegatesearch.net/cable.php?id=08STATE41023&q=cluster%20munitions>.

²²⁷ The cable contains the text of a message sent from a US military advisor to UAE authorities concerning a transfer of "ammunition immediately via US Air Force aircraft from Kuwait stockpile to Lebanon." With respect to the items to be transferred, the cable states: "The United States will not approve any cluster munitions or white phosphorus." See "Follow-up on UAE response to Lebanese request for emergency aid," US Department of State cable 07ABUDHABI876 dated 24 May 2007, released by Wikileaks on 1 September 2011. <http://www.cablegatesearch.net/cable.php?id=07ABUDHABI876&q=cluster%20munitions>.

²²⁸ Law No. 95 bans financial assistance to anyone for any act prohibited by the convention, a provision that supports a ban on investment in the production of cluster munitions. However, the Italian Campaign to Ban Landmines has advocated for a separate, more detailed law.

²²⁹ Attorney-General Robert McClelland, Second Reading of Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010, 27 October 2010. *Hansard*, 27 October 2010, p.1755.

²³⁰ Email from John MacBride, Senior Defence Advisor, non-Proliferation and Disarmament Division, Foreign Affairs and International Trade Canada, to Mary Wareham, Human Rights Watch, 9 July 2012.

- The Netherlands announced in March 2012 that it intends to “introduce a legal prohibition on direct investments in cluster munitions by financial institutions” implemented by an amendment to the Financial Supervision Act, which will be applied from 1 January 2013.²³¹
- Switzerland approved amendments in March 2012 to revise the Federal Law on War Material of 13 December 1996 to incorporate cluster munitions in its provisions, including a specific prohibition of direct financing of the development, manufacture, or acquisition of cluster munitions.²³² The indirect financing of these activities is also prohibited, but with a clause indicating that the indirect financing is only prohibited “if the intention is to bypass the prohibition on direct financing.”²³³

In previous years, 19 States Parties and signatories to the convention have stated their view that investment in cluster munitions production is a form of assistance that is prohibited by the convention: Australia, Bosnia and Herzegovina, Cameroon, Colombia, Croatia, France, Guatemala, the Holy See, Hungary, Lao PDR, Lebanon, Madagascar, Malawi, Malta, Mexico, Rwanda, Senegal, the UK, and Zambia.

Another four states offered views in the second half of 2011 and the first half of 2012 confirming this position:

- A Ministry of Public Security official informed the Monitor in March 2012 that Burundi agrees with the CMC view that acts prohibited by the convention include investment in cluster munition production.²³⁴
- The Czech Republic informed the Monitor in April 2012 of its view that “investment in the production of cluster munitions is prohibited” under the Convention on Cluster Munitions.²³⁵
- The Democratic Republic of the Congo’s National Focal Point of the Struggle Against Mines said in April 2012 that the DRC agreed with the view of the CMC that the provisions of the convention forbid investment in the production of cluster munitions.²³⁶
- Slovenia’s Minister of Foreign Affairs Karl Erjavec informed the Monitor in March 2012 that Slovenia “has no intention of allowing investment in cluster munition production.”²³⁷

Several states have expressed the contrary view that the convention does not prohibit investment in cluster munition production, including Denmark, Germany, Japan, Sweden, and Switzerland. In March 2012, Sweden’s parliament approved a Foreign Affairs Committee report that expresses the Swedish government’s view that the Convention on Cluster Munitions does not prohibit the investment in cluster munition production.²³⁸ According to the report, Sweden does not see the need for additional legislation prohibiting investment in companies that produce cluster munitions, but it believes it is important that ethical investment strategies are developed.

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

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

CMC member NGOs and national stakeholders have continued to call on governments to legislate against cluster munition financing and to control financial institutions and investors on the issue of investment in cluster munition production.²³⁹ In June 2012, IKV Pax Christi and FairFin (former Netwerk Vlaanderen) issued an update of their October

²³¹ Jan Kees de Jager, Minister of Finance, “Letter concerning the status of the implementation of the motion Haubrich-Gooskens concerning a prohibition on direct investments in cluster munitions,” Reference: Kamerstuk 32187 –(R1902) nr. M, 21 March 2012, zoek.officielebekendmakingen.nl. Translation by IKV Pax Christi. The amended Market Abuse (Financial Supervision Act) Decree that regulates the prohibition on direct investments in cluster munitions is expected to enter into force on 1 January 2013. “Draft amendments decree financial markets 2013,” 14 April 2012.

²³² Article 8(b)(2) states: “For the purposes of this Act following acts are considered as direct financing: the direct extension of credits, loans and donations or comparable financial benefits to cover the costs of or to promote the development, manufacturing or the acquisition of prohibited war materiel.” Translation by FairFin. See also “Worldwide investments in cluster munitions: a shared responsibility, June 2012 update,” IKV Pax Christi and FairFin, June 2012, pp. 136-137. <http://www.stopexplosiveinvestments.org/uploads/pdf/Worldwide%20investments%20in%20cluster%20munitions;%20a%20shared%20responsibility%20June%202012%20Final.pdf>.

²³³ Article 8(b) states: “It is prohibited to finance indirectly the development, manufacturing or acquisition of forbidden war materiel if the intention is to bypass the prohibition on direct financing. For the purposes of this Act following acts are considered as indirect financing: a. the participation in companies that develop, manufacture or acquire forbidden war materiel [and] b. the purchase of bonds or other investments products issued by such companies.” Translation by FairFin. See also “Worldwide investments in cluster munitions: a shared responsibility, June 2012 update,” IKV Pax Christi and FairFin, June 2012, pp. 136-137. <http://www.stopexplosiveinvestments.org/uploads/pdf/Worldwide%20investments%20in%20cluster%20munitions;%20a%20shared%20responsibility%20June%202012%20Final.pdf>.

²³⁴ Response to Monitor questionnaire from Denis Gahiru, Director General, Civil Protection and Humanitarian Action Against Mines and Explosive Remnants of War, Ministry of Public Security, 20 March 2012.

²³⁵ Letter from Miroslav Klíma, UN Director, Ministry of Foreign Affairs, to Mary Wareham, Senior Advisor, Human Rights Watch, REF: no. 102870-2/2012-OSN, 30 April 2012.

²³⁶ Meeting with Sudi Kimputu, Coordinator, PPNLAM, Brussels, 15 April 2012.

²³⁷ Letter from Karl Erjavec, Minister of Foreign Affairs, to Mary Wareham, Human Rights Watch, 14 March 2012.

²³⁸ Utrikesutskottets betänkande 2011/12:UU7 Nedrustning, icke-spridning och konventionell rustningskontroll samt Sveriges tillträde till konventionen om klusterammunition, (Foreign Affairs Committee Report 2011/12:UU7 Disarmament, non-proliferation and conventional arms control and Sweden’s accession to the Convention on Cluster Munitions.) 23 February 2012, <http://www.riksdagen.se/sv/Dokument-Lagar/Utskottens-dokument/Betankanden/Arenden/201112/UU7/?latlast=true>.

²³⁹ The CMC launched the Stop Explosive Investments initiative in 2009. See www.stopexplosiveinvestments.org.

2009 report, *Worldwide investments in cluster munitions: a shared responsibility*.²⁴⁰ According to the updated report, a total of 137 financial institutions have invested almost \$43 billion in eight producers of cluster munitions in 2009-2012.²⁴¹

²⁴⁰ IKV-Pax Christi and Fairfin, “Worldwide Investments in Cluster Munitions: a shared responsibility,” June 2012. <http://bit.ly/KDRw8Q>.

²⁴¹ The report was first published on 29 October 2009 then updated on 14 April 2010, 25 May 2011, and 14 June 2012. See www.stopexplosiveinvestments.org.



Contamination and Clearance

Summary

A total of 24 states and three other areas were believed to be contaminated by cluster munition remnants as of 31 July 2012. Ten of these states have ratified the Convention on Cluster Munitions, while another three have signed, but not yet ratified. Seven states—Bosnia and Herzegovina (BiH), Cambodia, Iraq, Lao PDR, Lebanon, Serbia, and Vietnam—as well as Nagorno-Karabakh have estimated contamination that covers more than ten square kilometers of land.

The Monitor has calculated that in 2011, at least 52,845 unexploded submunitions were destroyed during clearance operations of some 55km² of land contaminated by cluster munitions in 10 states and two other areas. This data is, however, known to be incomplete.

Five contaminated States Parties and signatories conducted clearance of unexploded submunitions in 2011; Croatia, Iraq, Lao PDR, Lebanon, and Norway. Afghanistan cleared abandoned cluster munitions at Kabul Airport. Clearance of cluster munition remnants was also conducted in non-signatories Cambodia, Libya, South Sudan, and Vietnam, as well as Nagorno-Karabakh and Western Sahara. The Republic of the Congo (Congo), signatory to the convention, is believed to have completed clearance of unexploded submunitions in 2012, while in 2011 non-signatory Thailand completed clearance of its sole area contaminated by cluster munitions.

▲ During a field visit to Nabitiye, Lebanon, clearance personnel demonstrated their work for delegates to the Second Meeting of States Parties to the Convention on Cluster Munitions.

Global Contamination

Cluster munition remnants are defined in the convention as covering four types of hazard; unexploded submunitions, unexploded bomblets, failed cluster munitions, and abandoned cluster munitions.¹ Unexploded submunitions pose the greatest threat to civilians, primarily as a result of their sensitive fuzing, but also because of their shape, color, and metal content, which often attracts tampering, playful attention, or collection, especially by boys and young men.

States and other areas contaminated by cluster munition remnants

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

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

¹ Unexploded submunitions are submunitions that have been dispersed and have landed, but have failed to explode as intended. Unexploded bomblets are similar to unexploded submunitions but refer to “explosive bomblets” which have been dropped from a fixed-wing aircraft dispenser but have failed to explode as intended. Failed cluster munitions are cluster munitions that have been dropped or fired but the dispenser has failed to disperse the submunitions as intended. Abandoned cluster munitions are unused cluster munitions that have been left behind or dumped, and are no longer under the control of the party that left them behind or dumped them. See Convention on Cluster Munitions, Article 2, paragraphs 4, 5, 6, 7, and 15.

As detailed in the table below, a total of 24 states and three areas are believed to have cluster munition remnants, including unexploded submunitions, on their territory as of 31 July 2012. Ten of the states contaminated by cluster munition remnants are States Parties to the Convention on Cluster Munitions and have committed to clear their land within 10 years, while another three have signed, but not yet ratified.

Chile has been added to the list of states contaminated by cluster munition remnants after it formally acknowledged in April 2012 that it has unexploded submunitions resulting from the use of cluster munitions on testing/training ranges.

Five states have been removed from last year's list of states contaminated by cluster munition remnants: Angola, Côte d'Ivoire, Guinea-Bissau, Congo, and Thailand. Angola has been removed following input from clearance operators that there is no confirmed contamination from cluster munition remnants, although there may be a small residual threat from either abandoned cluster munitions or unexploded submunitions. Congo is believed to have cleared all the unexploded submunitions remaining from the explosion of an ammunition storage area at Maya-Maya near Brazzaville airport. Côte d'Ivoire was initially listed after stating in June 2011 that it was contaminated with cluster munition remnants.² It appears, however, that this reference was to stockpiles held by the government and not to abandoned stockpiles, therefore it is considered a stockpile destruction obligation in accordance with Article 3 of the Convention on Cluster Munitions. In Guinea-Bissau, a nationwide survey by clearance operator Norwegian People's Aid (NPA) of mine and explosive remnants of war (ERW) contamination did not find any residual threat from cluster munition remnants.³ In Thailand, the only known contaminated area was cleared in 2011.

Residual or suspected contamination

Another 14 states may also have a small amount of contamination, including Angola, Colombia,⁴ Eritrea, Ethiopia,⁵ Iran, Israel, Kuwait, Mozambique,⁶ Palau,⁷ Saudi Arabia, and Yemen. Both Argentina and the United Kingdom (UK) claim sovereignty over the Falkland Islands/Malvinas, which may contain areas with unexploded submunitions.⁸ Jordan may be affected by unexploded submunitions resulting from the use of cluster munitions on training ranges. United States (US) Navy aircraft dropped 21 Mk-20 Rockeye cluster munitions in Grenada, a State Party, in October–November 1983. Following a request by Grenada, NPA conducted an assessment mission in June 2012 that concluded Grenada could declare that it does not have clearance obligations under the convention.⁹

Extent of Contamination

The extent of contamination across affected states varies significantly. Eleven states and three other areas have the greatest contamination from cluster munition remnants, particularly unexploded submunitions (see table below).

Extent of contamination in most heavily affected states and other areas (as of 31 July 2012)

State/area	Estimated extent of contamination (km ²)	No. of confirmed and suspected hazardous areas
Lao PDR	No credible estimate, but massive	Not known
Vietnam	No credible estimate, but massive	Not known
Iraq	No credible estimate, but very large	Not known
Cambodia	327 *	708

² Statement of Côte d'Ivoire, Convention on Cluster Munitions Intersessional meetings, Session on Other Implementation Measures, Geneva, 30 June 2011.

³ Mário Nunes, "Landmine and ERW Clearance in Guinea-Bissau, Final Report," NPA, 31 March 2012.

⁴ In December 2010, the Colombian Air Force stated that cluster munitions were last used in Colombia in October 2006. Presentation on Cluster Munitions by the Colombian Ministry of Defense, Bogota, 9 December 2010.

⁵ In June 2012, the Permanent Mission of Ethiopia to the UN in Geneva informed the Monitor that cluster munition remnants "are still found in the area" around an elementary school in Ayder, Tigray region, which was hit by an Eritrean cluster munition strike in 1998. Letter from the Permanent Mission of Ethiopia to the UN in Geneva, 13 June 2012.

⁶ In its initial Article 7 transparency report provided to the CMC, Mozambique stated that an unknown number of CBU 470 alpha bomblets were found in Changara District, Tête Province in July–August 2011 and April 2012. Mozambique will conduct a survey to determine the scope of any residual threat, although it believes that "the use of these weapons was limited and that clearance of unexploded submunitions can be managed within the scope of the existing mine action programme." Mozambique, Convention on Cluster Munitions Article 7 Report (for the period 1 September 2011 to 31 May 2012), Form F4, July 2012. In 2010, the NGO APOPO reported finding one dispenser containing 150 submunitions in Gaza province. Response to Monitor questionnaire by Andrew Sully, Programme Manager, APOPO, 3 May 2011.

⁷ Cleared Ground Demining (CGD), which has been clearing ordnance in Palau since 2009, found a cluster munition remnant in 2010. CGD, "Republic of Palau – 2010 Landmine Monitor Clearance Statistics," undated but 2011. Two unexploded submunitions were found in 2011 as of July. Email from Cassandra McKeown, Finance Director, CGD, 18 July 2011.

⁸ In November 2010, the UK stated that "there is only a very small residual risk that may exist from cluster munitions" and that it had "suitable measures in place to mitigate this." Statement by Stephen Lillie, Ambassador, Head of Delegation, Convention on Cluster Munitions First Meeting of States Parties, Vientiane, 9 November 2010. The UK found and destroyed two submunitions during clearance operations in 2009–2010.

⁹ Emails from Vanessa Finson, Desk Officer, Mine Action Department, NPA, 1 and 16 July 2012.

State/area	Estimated extent of contamination (km ²)	Number of confirmed and suspected hazardous areas
<i>Nagorno-Karabakh</i>	70.9	Approx. 250**
Lebanon	17.86	449
Serbia	17.58	386
BiH	12.3	669
Mauritania	9.0 (2 of 5 areas)	5
Afghanistan	7.64	22
Croatia	7.3	Not reported
<i>Western Sahara</i>	3.88	23

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

* Partial results as survey is ongoing. ** Information as of 2011

States Parties

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

- **Afghanistan** has a threat from cluster munition remnants primarily from use of air-dropped and rocket-delivered submunitions by Soviet forces, while US aircraft used 1,228 cluster munitions containing some 248,056 submunitions between October 2001 and early 2002.¹⁰ Demining operators continue to encounter both US and Soviet-era cluster munition remnants.¹¹ Afghanistan's Mine Ban Treaty Article 5 deadline extension request, submitted in March 2012, lists 22 areas that remain contaminated by unexploded submunitions covering a total area of 7.64km².¹²
- **BiH** is contaminated with cluster munition remnants, primarily as a result of the 1992–1995 conflict related to the break-up of the Socialist Federal Republic of Yugoslavia. Yugoslav aircraft dropped BL 755 cluster munitions in the early stages of the conflict and states participating in NATO military action subsequently used cluster munitions.¹³ A general survey completed by NPA in June 2011 identified 140 areas hit by air strikes and artillery resulting in an estimated total of 3,774 unexploded submunitions and additional contamination around a former ammunition factory at Pretis that was hit by a NATO air strike. The survey resulted in a significantly higher estimate of contamination of 669 suspect hazardous areas (SHAs) covering a total of more than 12km².¹⁴
- **Chile** informed States Parties in April 2012 that it has military testing/training areas that are contaminated by cluster munition remnants, but provided no further details.¹⁵ As of 31 July 2012, Chile still had not provided an initial Article 7 transparency report for the Convention on Cluster Munitions, originally due by 28 November 2011.
- **Croatia** has areas contaminated by cluster munition remnants left over from the conflict in the 1990s. In April 2012, Croatia stated that 7.3km² of cluster-munition contaminated area remains, of which 4.7km² is classified as hazardous area containing cluster munition remnants only. Croatia has estimated that 5,500 submunitions remain to be cleared.¹⁶
- **Germany** announced in June 2011 that it had identified areas suspected of containing cluster munition remnants at a former Soviet military training range at Wittstock in Brandenburg.¹⁷ The remnants were "principally found within the confines of a target range," in the south of the training range covering an SHA of some 4km².¹⁸ Germany reported the contamination in its annual Article 7 transparency report provided in 2012.¹⁹

¹⁰ Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 27.

¹¹ Interviews with demining operators, Kabul, 12–18 June 2010. In 2009, HALO cleared 2,607 unexploded submunitions. Emails from Ollie Pile, HALO, Kabul, 30 June 2009; and from Tom Dibb, HALO, 3 June 2010.

¹² Afghanistan Mine Ban Treaty Article 5 deadline Extension Request, undated but submitted on 29 March 2012, p. 165.

¹³ NPA, "Implementation of the Convention on Cluster Munitions in Bosnia and Herzegovina," Sarajevo, undated but 2010, provided by email from Darvin Lisica, Programme Manager, NPA, 3 June 2010.

¹⁴ NPA, Cluster Munitions Remnants in Bosnia And Herzegovina: A General Survey of Contamination and Impact, Draft Report, August 2011. Previously, in 2009, NPA had estimated that cluster munitions affected only 1–2km².

¹⁵ Statement of Chile, Convention on Cluster Munitions Intersessional Working Group on Clearance and Risk Reduction, Geneva, 17 April 2012.

¹⁶ Statement of Croatia, Convention on Cluster Munitions Intersessional Working Group on Clearance and Risk Reduction, Geneva, 17 April 2012.

¹⁷ Statement of Germany, Mine Ban Treaty Standing Committee on Mine Action, Mine Risk Education and Mine Action Technologies, Geneva, 21 June 2011.

¹⁸ Statement of Germany, Convention on Cluster Munitions Intersessional Meetings, Session on Clearance and Risk Reduction, Geneva, 28 June 2011.

¹⁹ Germany, Convention on Cluster Munitions Article 7 Report (for calendar year 2011), Form F, 30 April 2012. In contrast to the rest of the report, the information in Form F is stated to be for the period from 1 August to 31 December 2011.

- **Lao PDR** is the world's most heavily cluster munition-contaminated country. The US dropped more than 270 million submunitions between 1964 and 1973.²⁰ There is no agreed estimate of the true extent of residual contamination from unexploded submunitions, but close to 70,000 cluster munition strikes have been identified, each with an average strike "footprint" of 125,000m². In September 2011, Lao PDR claimed that a rough estimate of cluster munition contamination at the end of the war was of 8,750km².²¹ According to the National Regulatory Authority (NRA), 10 of Lao PDR's 17 provinces are "severely contaminated." The NRA is planning a district-level survey of cluster munition contamination with three operators (Handicap International (HI), Mines Advisory Group (MAG), and NPA) to try to get a more precise determination of the extent of the problem. The survey is being piloted in three districts before it is eventually extended to cover all 85 districts affected by unexploded ordnance (UXO).²²
- **Lebanon's** cluster munition contamination originates primarily from the July–August 2006 conflict with Israel, but parts of the country remain affected from cluster munitions used in the 1980s. As of April 2012, 17.86km² was suspected to be contaminated by cluster munition remnants, across 449 SHAs.²³ This represents a small decrease on the estimate of 18.1km² as of May 2011.
- **Mauritania** has at least five areas containing cluster munition remnants, which are all located some 30–35km north of the village of Bir Mogrein.²⁴ The first contaminated area to be identified covers approximately 6km², although further survey is likely to reduce the size of the area.²⁵ The second area, which is located nearby, covers some 3km².²⁶ As yet, there is no formal estimate of the size of the three other contaminated areas.
- **Montenegro** did not declare any contaminated areas in its initial Article 7 report, but in July 2011, the director of the Regional Centre for Divers' Training and Underwater Demining (RCUD) confirmed a possible threat from the presence of unexploded BLU-97 submunitions, mainly at Golubovci airfield near the capital Podgorica.²⁷ The contamination, which is estimated to cover 250,000m²,²⁸ is believed to affect four villages around the airport.²⁹ In April 2012, Montenegro informed States Parties that it was contaminated by cluster munition remnants left over from conflict in the 1990s and claimed that since 1999 clearance of "several locations" had not been conducted "fully according to humanitarian mine action standards." Montenegro planned to conduct survey of the areas "in the coming period" to identify the size of the contaminated areas, but provided no further details.³⁰
- **Norway** reported in January 2011 that the Hjerkin firing range is contaminated by an estimated 30 unexploded DM 1383/DM 1385 submunitions.³¹ In June 2011, it stated that the affected area was 0.84km².³² In April 2012, Norway stated that clearance of the area is continuing and expected to be completed in 2013.³³

Signatories

Three signatories are believed to be contaminated with cluster munition remnants: Chad, the Democratic Republic of the Congo (DRC), and Iraq.

- **Chad** is contaminated by cluster munition remnants, but the precise extent remains to be determined. In December 2008, Chad stated it had "vast swathes of territory" contaminated with "mines and UXO (munitions and submunitions)."³⁴ MAG found unexploded Soviet PTAB-1.5 submunitions close to Faya Largeau during a 2010–2011 re-survey of mine and ERW contamination.³⁵
- In **DRC**, cluster munition remnants have been found in the provinces of Equateur, Katanga, Maniema, and Orientale, while North Kivu province is also suspected to be contaminated.³⁶ In April 2011, the UN Mine Action Coordination Center, DRC (UNMACC) reported 18 sites in which submunitions had been found, most

²⁰ "US bombing records in Laos, 1964–73, Congressional Record," 14 May 1975.

²¹ Statement of Lao PDR, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 14 September 2011.

²² NRA, "National Regulatory Authority for UXO/Mine Action in Lao PDR," www.nra.gov.la.

²³ Presentation by Maj. Pierre Bou Maroun, Head of Regional Mine Action Center (RMAC), Nabatiye, 3 May 2012.

²⁴ Observations during Landmine and Cluster Munition Monitor field mission, Bir Mogrein, 26 April 2010.

²⁵ Ibid.

²⁶ Email from Alioune O. Mohamed El Hacen, PNDHD, 20 April 2011.

²⁷ Telephone interviews with Veselin Mijajlovic, Director, RCUD, 19 and 25 July 2011.

²⁸ "Field of Golubovac, Reconnaissance, Survey, and Removal of Cluster Bombs, Estimated Expenses," Podgorica, 21 February 2009, received by email from Veselin Mijajlovic, RCUD, 26 March 2009.

²⁹ Interview with Borislav Miskovic, Head of Explosive Ordnance Disposal Team, Montenegro Police Force, Podgorica, 16 March 2008.

³⁰ Statement of Montenegro, Convention on Cluster Munitions Intersessional Working Group on Clearance and Risk Reduction, Geneva, 17 April 2012.

³¹ Norway, Convention on Cluster Munitions Article 7 Report, Form F, 27 January 2011.

³² Statement of Norway, Convention on Cluster Munitions Intersessional Meetings, Session on Clearance and Risk Reduction, Geneva, 28 June 2011. Notes by CMC.

³³ Statement of Norway, Convention on Cluster Munitions Intersessional Working Group on Clearance and Risk Reduction, Geneva, 17 April 2012. Notes by CMC.

³⁴ Statement of Chad, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

³⁵ Email from Liebeschitz Rodolphe, Chief Technical Advisor, UNDP, 21 February 2011; and email from Bruno Bouchardy, Program Manager, MAG Chad, 11 March 2011.

³⁶ Email from Charles Frisby, Chief of Staff, UNMACC, DRC, 30 March 2011.

in Katanga province.³⁷ The scale of residual contamination from unexploded submunitions has not yet been quantified.

- **Iraq's** contamination from cluster munition remnants is not known with any degree of precision, but is believed to be very large. During the 1991 Gulf War, the highway between Kuwait and Basra was heavily targeted by cluster bomb strikes.³⁸ In northern Iraq (Iraqi Kurdistan), MAG has found cluster munition remnants from when Coalition forces launched cluster munition strikes around Dohuk in 1991.³⁹ Cluster munitions were used extensively during the 2003 invasion of Iraq, particularly around Basra, Nasiriyah, and the approaches to Baghdad. In 2004, Iraq's National Mine Action Authority identified 2,200 sites of cluster munition contamination along the Tigris and Euphrates river valleys.⁴⁰ Cluster munition remnants are a feature of many of the clearance tasks being undertaken to open up access to oilfields, develop infrastructure and for humanitarian clearance.⁴¹ In 2010, a MAG survey of Dibis, northwest of Kirkuk, identified 20 previously unknown cluster munition strikes with contamination from unexploded BLU-97 and BLU-63 submunitions.⁴²

Non-signatories

Several of the 11 contaminated states that have not joined the convention have significant clearance programs in place, including Cambodia, Libya, Serbia, South Sudan, and Vietnam.

- **Cambodia**, particularly its eastern and northeastern areas bordering Lao PDR and Vietnam, is affected by between 1.9 million and 5.8 million cluster munition remnants. During the Vietnam War, the US dropped some 26 million explosive submunitions in Cambodia.⁴³ In February 2011, Thailand's use of cluster munitions in Cambodia's northern province, Preah Vihear, resulted in additional submunition contamination. An assessment by the Cambodian Mine Action Center (CMAC) and NPA immediately after the shelling identified 12 strike sites and contamination by unexploded submunitions over an area of approximately 1.5km², impacting four villages and affecting between 5,000 and 10,000 people.⁴⁴ As of early July 2012, an ongoing nationwide Baseline Survey of mine and ERW contamination had identified 708 suspect areas in terms of cluster munitions covering an area of 327.4km².⁴⁵
- **Libya** was added to the list of contaminated states following use of cluster munitions by government forces in April 2011, but the precise extent of contamination from cluster munition remnants is not yet known. MAG conducted a rapid assessment of contamination in Misrata at the end of May 2011 and reported, "The presence of UXO and cluster munitions is extensive. ... Conclusive evidence of cluster munition use was found at three sites, and the probability of finding additional contamination in other currently inaccessible areas of the city is very high."⁴⁶ In June 2011, MAG reported that makeshift street "museums" in Misrata were displaying a large and dangerous range of munitions, including unexploded submunitions.⁴⁷ By March 2012, however, the Joint Mine Action Coordinating Team (JMACT) reported that all but one major street museum in Misrata had closed.⁴⁸
- **Serbia's** significant problem with cluster munition remnants dates from NATO air strikes in 1999, which hit 16 municipalities across the country.⁴⁹ A survey initiated by NPA in 2010 is still in progress and as of June 2012 had confirmed 165 hazardous areas totaling 11.85km² and identified 221 SHAs totaling some 5.73km².⁵⁰ On 29 April 2011, NPA initiated clearance operations in what was planned to be a three-year project.⁵¹
- In **South Sudan**, a total of 449 sites containing cluster munition remnants have been identified in nine states since 2006. As of July 2012, the number of uncleared sites stood at 52, of which 43 (more than 80%) are located in Western and Eastern Equatoria states.⁵² Cluster munition remnants have been found in residential

³⁷ Email from Charles Frisby, UNMACC, 21 April 2011.

³⁸ UNICEF/UNDP, "Overview of Landmines and Explosive Remnants of War in Iraq," June 2009, p. 10.

³⁹ Zana Kaka, "IRAQ: Saving lives of returnees in Dohuk," MAG, 28 May 2010, www.maginternational.org.

⁴⁰ Landmine Action, "Explosive remnants of war and mines other than anti-personnel mines," London, March 2005, p. 86.

⁴¹ Telephone interview with Kent Paulusson, Senior Mine Action Advisor for Iraq, UNDP, 28 July 2011.

⁴² Cuts in funding resulted in MAG standing down these two teams in May 2011. Response to Monitor questionnaire by Mark Thompson, Country Programme Manager, MAG, 23 July 2011.

⁴³ South East Asia Air Sortie Database, cited in Dave McCracken, "National Explosive Remnants of War Study, Cambodia," NPA in collaboration with CMAA, Phnom Penh, March 2006, p. 15; Human Rights Watch, "Cluster Munitions in the Asia-Pacific Region," April 2008; Handicap International (HI), *Fatal Footprint: The Global Human Impact of Cluster Munitions* (HI: Brussels, November 2006), p. 11.

⁴⁴ Three kinds of submunitions were used: M42, M46, and M85. Aina Ostreng, "Norwegian People's Aid clears cluster bombs after clash in Cambodia," NPA, 19 May 2011. NPA said evidence in the area suggested about one in five of the submunitions had failed to detonate. Thomas Miller, "Banks tied to cluster bombs named," *Phnom Penh Post*, 26 May 2011.

⁴⁵ "BLS Statistics by Land Classification," received by email from Eang Kamrang, Database Manager, Cambodia Mine Action and Victim Assistance Authority, Phnom Penh, 4 July 2012.

⁴⁶ MAG, "Libya: Assessment mission shows need for urgent response in Misrata," 1 June 2011.

⁴⁷ MAG, "Libya: Remnants of conflict continue to pose huge threat to civilians," 22 June 2011.

⁴⁸ Email from Stefanie Carmichael, Communications Officer, JMACT, 20 March 2012.

⁴⁹ Statement of Serbia, Mine Ban Treaty Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies, Geneva, 21 June 2011; and interview with Petar Mihajlović, Director, and Sladana Košutić, International Cooperation Advisor, SMAC, Belgrade, 25 March 2011.

⁵⁰ Interview with Sladana Košutić, SMAC, in Geneva, 23 May 2012.

⁵¹ Email from Vanessa Finson, NPA, 16 August 2011.

⁵² Response to Monitor questionnaire by Robert Thompson, Chief of Operations, UNMACC, 13 July 2012.

areas, farmland, pasture, rivers and streams, on hillsides, in desert areas, in and around former military barracks, on roads, in minefields, and in ammunition storage areas.⁵³

- **Vietnam** is contaminated as a result of an estimated 413,130 tons (4.1 million kg) of submunitions used by the US in 1965–1973.⁵⁴ Cluster munitions were used in 55 provinces and cities, including Haiphong, Hanoi, Ho Chi Minh City, Hue, and Vinh. Substantial amounts of cluster munitions were abandoned by the US military, notably at or around old US air bases, including eight underground bunkers found in 2009, one of them covering an area of 4,000m² and containing some 25 tons of munitions.⁵⁵

In 2012, there were credible reports, but as yet unconfirmed, of new use of cluster munitions in Sudan and Syria. This included photographs of cluster munition remnants. Little is known about the precise extent of cluster munition contamination in other non-signatories: Azerbaijan, Georgia (South Ossetia), Russia (Chechnya), and Tajikistan.

Other areas

- **Kosovo** is affected by remnants of cluster munitions used by the Federal Republic of Yugoslavia armed forces in 1998–1999 and by the 1999 NATO air campaign. After a UN coordinated demining operation from June 1999 to December 2001 it was reported that “the problems associated with landmines, cluster munitions and other items of unexploded ordnance in Kosovo have been virtually eliminated.”⁵⁶ However, further investigation subsequently revealed considerably more contamination.⁵⁷ In March 2011, the most recent date for which information is available, the Kosovo Mine Action Centre reported 48 areas with confirmed contamination by unexploded submunitions and a further six suspected areas.⁵⁸
- In **Nagorno-Karabakh**, HALO Trust has reported a significant problem with cluster munition remnants, 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. Cluster munition sites run through villages and contaminate gardens and prime agricultural land. HALO initially conducted emergency surface clearance of cluster munition remnants, but in 2008 concluded there was also a significant subsurface threat and began to re-survey cluster munition strike sites. Subsurface 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.⁵⁹ As of end July 2012, an estimated area of 70.9km² required battle area clearance (BAC). This is an increase on the figure of 69.5km² in March 2011, despite clearance of 8.5km² in 2011.⁶⁰
- **Western Sahara** has a significant but swiftly decreasing problem with cluster munition remnants, although previously unknown contaminated areas have continued to be identified, as recently as June 2012.⁶¹ As of March 2011, a total of 85 cluster munition strike sites remained to be cleared from an estimated area of 32.74km².⁶² By mid-June 2012, following further clearance by Action on Armed Violence (AOAV, formerly Landmine Action), a total of 23 cluster munition strike sites remained to be cleared across an estimated area of 3.88km².⁶³ A survey managed by Landmine Action which concluded at the end of 2008 determined that among the range of explosive ordnance contaminating Western Sahara, unexploded submunitions posed the greatest threat to people and animals.⁶⁴ Western Sahara is expected to be cleared of known cluster munition remnants outside the buffer zone with the Moroccan berm (sand wall) by the end of 2012.

Clearance of Cluster Munition Remnants

Reporting by states and operators on clearance of unexploded submunitions is incomplete and of widely varying quality. Based on available reporting and information gathered directly from programs, in 2011 at least 52,845 unexploded submunitions were destroyed during clearance operations of some 55km² of land contaminated with cluster munitions in 10 states and two other areas, as detailed in the table below. The bulk of the clearance in 2011 was reported in Lao PDR and may include a significant quantity of BAC not directly concerned with destruction of cluster munition remnants.

⁵³ The locations are based on a review of cluster munition sites in the UN Mine Action Office database by the Monitor.

⁵⁴ Vietnam’s Military Engineering Command has recorded finding 15 types of US-made submunitions. “Vietnam mine/ERW (including cluster munitions) contamination, impacts and clearance requirements,” Presentation by Sr. Col. Phan Duc Tuan, People’s Army of Vietnam, in Geneva, 30 June 2011.

⁵⁵ Interview with Sr. Col. Phan Duc Tuan, People’s Army of Vietnam, in Geneva, 30 June 2011.

⁵⁶ “UNMIK Mine Action Programme Annual Report – 2001,” Mine Action Coordination Cell, Pristina, undated but 2002, p. 1.

⁵⁷ HALO Trust, “Failing the Kosovars: The Hidden Impact and Threat from ERW,” 15 December 2006, p. 1.

⁵⁸ Email from Ahmet Sallova, Ministry of the Kosovo Security Force, 3 March 2011.

⁵⁹ Email from Andrew Moore, HALO, 28 April 2010.

⁶⁰ *Ibid.*, 9 March 2011 and 31 July 2012.

⁶¹ Emails from Karl Greenwood, Chief of Operations, AOAV/Mechem Western Sahara programme, AOAV, 20 June and 18 July 2012.

⁶² Email from Ginevra Cucinotta, Program Officer, Mine Action Coordination Center, UN Mission for the Referendum in Western Sahara (MINURSO MACC), 25 March 2011.

⁶³ Email from Karl Greenwood, AOAV, 18 June 2012.

⁶⁴ Email from Melissa Fuerth, Operations Officer, Landmine Action, 20 February 2009.

Clearance of cluster munition remnants in 2011

State/area	Area cleared (km ²)	No. of submunitions destroyed
Afghanistan	0	4,800*
BiH	0	59
Croatia	0.58	314
Iraq**	Not reported	3,596
Lao PDR	40.85	31,302
Lebanon	2.51	4,888
Cambodia	Not reported	57
Libya	Not reported	180
Serbia	1.15	91
Thailand	0.32	76
Vietnam ***	Not reported	3,798
<i>Kosovo</i>	Not reported	Not reported
<i>Nagorno-Karabakh</i>	8.5	500
<i>Western Sahara</i>	1.05	3,148
Total	54.96	52,845

Note: Convention on Cluster Munition States Parties and signatories are indicated by **bold** and other areas by italics. * RONCO found 200 abandoned cluster munitions at Kabul International Airport in 2011. ** Incomplete data. *** Data from international NGOs only as no information on cluster munition clearance was provided by the Engineering Command of the Ministry of Defense

In 2010, at least 59,978 unexploded submunitions were destroyed during clearance operations of some 18.5km² of land contaminated by cluster munitions in 18 states and three other areas.⁶⁵

Clearance obligations

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

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

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

Article 4 clearance deadlines for States Parties

State Party	Clearance deadline
Aganistan	1 March 2022
BiH	1 March 2021
Chile	1 June 2021
Croatia	1 August 2020
Germany	1 August 2020
Lao PDR	1 August 2020
Lebanon	1 May 2021
Mauritania	1 August 2022
Montenegro	1 August 2020
Norway	1 August 2020

Land release

During the first intersessional meetings of the convention in June 2011, the CMC published *Guiding Principles for Land Release of Cluster Munition-Affected Areas*. According to the paper, a baseline assessment of the problem should be the first priority for affected States Parties, which are obliged to “make every effort” to identify cluster munition affected areas under their jurisdiction or control. A key lesson learned regarding implementation of the Mine Ban Treaty is that sufficient resources are needed to properly identify affected areas before clearance begins.

⁶⁵ Afghanistan, Angola, BiH, Cambodia, Croatia, DRC, Guinea-Bissau, Iraq, Lao PDR, Lebanon, Montenegro, Mozambique, Palau, Serbia, Tajikistan, UK, Vietnam, and Zambia. The three other areas were Kosovo, Nagorno-Karabakh, and Western Sahara.

The CMC paper recommends that a desk assessment of available information first be conducted to establish an initial understanding of the contamination problem. Then non-technical survey (NTS)⁶⁶ should be used to better identify the “strike footprint” by gathering information in the field through interviews with the local population, military personnel, and other relevant stakeholders. Information garnered from the desk assessment (on weapon delivery systems, ground conditions, battlefield data, etc.) is compared with evidence collected in the field and duplicate or otherwise invalid initially suspected area records can be cancelled at this point. Technical survey (TS)⁶⁷ more accurately determines the “strike footprint” which is identified by verification of the exact location of the footprint including boundaries of the cluster munition strike.

In addition, the CMC paper notes that clearance of cluster munition remnants is not mine clearance and should not be regarded as such. The CMC has suggested that states use the basic principles laid out in IMAS 09.11 (Battle Area Clearance) to ensure that clearance is done cost-effectively and without excessive layers of measures that limit efficiency without increasing safety. When seeking to release land, however, care must be taken to ensure that certain basic principles are followed. In particular, all areas confirmed to be contaminated with cluster munition remnants must be completely cleared, as required by the convention. In addition, the process of releasing land through NTS and TS must be accountable and follow applicable standards and country-specific standing operating procedures (SOPs).

At the Second Meeting of States Parties to the Convention on Cluster Munitions in September 2011, States Parties agreed to encourage the implementation of recommendations submitted by Australia on the use of all appropriate methods to release land that is deemed not to be contaminated.⁶⁸

Clearance by States Parties

- In **Afghanistan**, the Mine Action Coordination Center for Afghanistan did not report any clearance of unexploded submunitions in 2011.⁶⁹ However, the RONCO security firm reported discovering 200 abandoned “barrels” of cluster munitions, each containing 24 submunitions, at Kabul International airport.⁷⁰
- In **Bosnia and Herzegovina (BiH)** no cluster munition clearance task was undertaken in 2011.⁷¹ In the course of demining operations three organizations—FBIH Civil Protection, N&N IVSA, and UXB Balkans—cleared 59 submunitions from areas totaling 85,256m².⁷² In April 2012, BiH stated that of the 12.3km² of area suspected to be contaminated by cluster munitions, the “real area for clearance will be about 4km², while the rest of the area will be returned to local communities through general survey.”⁷³ It also reported that the national mine action center had started developing standards and SOPs for cluster munitions survey and clearance. In 2011, 42 marking signs were placed around areas contaminated by cluster munitions.⁷⁴
- **Chile** has not yet reported the clearance of any cluster munition remnants.
- **Croatia** stated in April 2012 that 0.58km² of area contaminated by cluster munition remnants was cleared in 2011, resulting in the destruction of 314 submunitions.⁷⁵
- **Germany** has not yet reported the clearance of any cluster munition remnants.
- In **Lao PDR** operators cleared 40.85km² of land in 2011, destroying 17,895 unexploded submunitions (called “bombies” locally). Roving clearance by six operators and technical survey by UXO Lao destroyed another 13,407 unexploded submunitions.⁷⁶

⁶⁶ Non-technical survey (NTS) is defined by the relevant IMAS as survey that 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.” UNMAS, “IMAS 08.21: Non-Technical Survey”, First Edition, New York, June 2009, pp. 1–2, www.mineactionstandards.org.

⁶⁷ The current 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.” UNMAS, “IMAS 08.20: Land release,” First Edition, New York, June 2009, p. 2, www.mineactionstandards.org.

⁶⁸ See, Statement of Australia, “Application of all available methods for the efficient implementation of Article 4,” CCM/MSP/2011/WP.4, 15 July 2011.

⁶⁹ Email from Mine Action Coordination Centre of Afghanistan (MACCA), 23 March 2012.

⁷⁰ Interview with Chris North, Country Manager, and Ricky Nelson, RONCO, Kabul, 12 May 2012.

⁷¹ Telephone interview with Ranko Banjac, Head, Quality Control Office, BHMCA, Sarajevo, 18 July 2012.

⁷² BiH, Convention on Cluster Munitions Article 7 Report (for calendar year 2011), Form F, p. 15, 4 May 2012.

⁷³ Statement of BiH, Convention on Cluster Munitions Intersessional Working Group on Clearance and Risk Reduction, Geneva, 17 April 2012.

⁷⁴ *Ibid.*

⁷⁵ Statement of Croatia, Convention on Cluster Munitions Intersessional Working Group on Clearance and Risk Reduction, Geneva, 17 April 2012.

⁷⁶ Email from Nigel Orr, Consultant, National Regulatory Authority, Vientiane, 25 July 2012. Lao PDR’s Article 7 Report provides different figures, especially for area cleared (50.8km² cleared and 32,505 unexploded submunitions destroyed), albeit for the period November 2010 to November 2011. Lao PDR, Convention on Cluster Munitions Article 7 Report (for the period 30 November 2010 to 30 November 2011), Form F, 22 March 2012.

- In **Lebanon**, a total of 2.51km² of contaminated land was cleared in 2011 by international and national NGOs, resulting in the destruction of 4,888 unexploded submunitions.⁷⁷ This is lower than the clearance in 2010 of 3.14km². The Lebanon Mine Action Center (LMAC) did not provide clearance results from the Lebanese Armed Forces. Lebanon plans to clear all cluster munitions by the end of 2016, five years in advance of its Article 4 deadline under the Convention on Cluster Munitions. This target date is based on the deployment of 30 explosive ordnance disposal (EOD) teams per year. In 2011, the NGOs deployed 25 teams.⁷⁸ During a Cluster Munition Monitor field mission to Lebanon in May 2012, all stakeholders believed the 2016 target date was reasonable if funding and the number of teams stabilized or increased and the contamination estimates prove accurate.
- **Mauritania** did not report any clearance of area contaminated by cluster munition remnants in 2011. In April 2012, it announced plans to survey the five affected areas by July 2013 in cooperation with NPA.⁷⁹
- **Montenegro** did not report any clearance of area contaminated by cluster munition remnants in 2011. In April 2012, Montenegro announced plans to survey contaminated areas “in the coming period.”⁸⁰
- **Norway** reported in April 2012 that clearance of the Hjerkin firing range was ongoing.⁸¹ It said the Ministry of Defense estimates that clearance will be completed no later than 2013.⁸²

Clearance by signatories

- In **Congo**, Ministry of Defense personnel with technical assistance from MAG destroyed 63 submunitions in 2011, and another 38 submunitions were cleared in 2012 from the area around a former ammunition storage area. This is believed to complete clearance of all areas contaminated by cluster munitions in Congo.

⁷⁷ Email from Col. Rolly Fares, Head, Information Technology Section, LMAC, 11 July 2012.

⁷⁸ Presentation by LMAC to the National Directors and UN Advisors Meeting, Geneva, 28 March 2012.

⁷⁹ Statement of Mauritania, Convention on Cluster Munitions Intersessional Working Group on Clearance and Risk Reduction, Geneva, 17 April 2012.

⁸⁰ Statement of Montenegro, Convention on Cluster Munitions Intersessional Working Group on Clearance and Risk Reduction, Geneva, 17 April 2012.

⁸¹ Norway, Convention on Cluster Munitions Article 7 Report, Form F, 30 April 2012.

⁸² Statement of Norway, Convention on Cluster Munitions Intersessional Meetings, Session on Clearance and Risk Reduction, Geneva, 28 June 2011. Notes by the CMC.



Casualties and Victim Assistance

The rationale behind the Convention on Cluster Munitions is found in its preamble, which affirms that States Parties are “[d]etermined to put an end for all time to the suffering and casualties caused by cluster munitions.” This landmark humanitarian disarmament agreement is the first and so far the only international treaty to make the provision of assistance to victims of the weapons a formal requirement for all States Parties.

Documentation of casualties from cluster munition strikes as well as from cluster munition remnants remains inadequate.¹ There are no comprehensive, reliable statistics and both civilian and military casualties are underreported. The Monitor has managed to identify a total of 17,194 cluster munition casualties in 30 countries through the end of 2011, yet a better indicator of the number of cluster munition casualties globally is the estimated total of between 20,000 and 54,000 casualties. However, the number of casualties that occurred during cluster munition strikes is known to be grossly underrepresented in both recorded casualties and estimates.

Afghanistan, Iraq, Lao PDR, Lebanon, Cambodia, and Vietnam are considered to be the “worst affected” countries with significant numbers of cluster munition victims.² While all states are encouraged to provide victim assistance resources and support, the convention places ultimate responsibility for the provision of victim assistance on the countries with cluster munition victims because it is their duty to protect and care for their own people.

Under Article 5 of the convention, States Parties have a legal obligation to ensure that the rights are met for members of their population whose lives have been impacted by cluster munitions. In order to make a difference in affected communities, there must be a clear understanding of the needs of victims and victim assistance responses must be coordinated, focused, and measurable.

In the two years since the convention entered into force on 1 August 2010, States Parties have reported making more efforts than ever before to improve the lives of cluster munition victims, demonstrating that the convention is making a difference particularly in those countries most affected. While there has been progress on victim assistance during the reporting period, it remains generally uneven due to lack of funding to the NGOs which deliver most services, and due to inadequate infrastructure, conflict, and other challenges.

Cluster Munition Casualties

Global casualties

Casualties from cluster munition remnants have been recorded by at least 30 states and three other areas where cluster munitions have been used, as listed in the following table. There have been unconfirmed casualties in several more states.³

▲
A football match between cluster bomb survivors, campaigners and diplomats during the Second Meeting of States Parties to the Convention on Cluster Munitions in Beirut, Lebanon.

¹ The term “cluster munition remnants” includes explosive bomblets and unexploded submunitions, which account for the vast majority of casualties. Unexploded submunitions are submunitions that have been dispersed and have landed, but failed to explode as intended, while “explosive bomblets” have been dropped from a fixed-wing aircraft dispenser, but have failed to explode as intended.

² “Draft Beirut Progress Report,” CCM/MSP/2011/WP.5, 25 August 2011, pp. 10-11. <http://www.clusterconvention.org/files/2011/05/Beirut-Progress-Report-ODS-upload4.pdf>.

³ Cluster munition casualties have been reported in Angola, Chad, Guinea-Bissau, Libya, Mozambique, and Yemen, but no definite data on numbers of casualties is currently available. It is possible that cluster munition casualties have gone unrecorded in other countries where cluster munitions were used, abandoned, or stored in the past, such as Azerbaijan, Colombia, Iran, Mauritania, Saudi Arabia, and Zambia, as well as the Falkland Islands/Malvinas.

States/areas with cluster munition casualties (as of 31 July 2012)

Africa	Americas	Asia	Europe, Caucasus, and Central Asia	Middle East and North Africa
Angola	Columbia	Afghanistan	Albania	Iraq
Chad		Cambodia	Bosnia and Herzegovina	Israel
DRC		Lao PDR	Croatia	Kuwait
Eritrea		Vietnam	Georgia	Lebanon
Ethiopia			Montenegro	Libya
Guinea-Bissau			Russia	Syria
Mozambique			Serbia	<i>Western Sahara</i>
Sierra Leone			Tajikistan	
South Sudan			<i>Kosovo</i>	
Sudan			<i>Nagorno-Karabakh</i>	
Uganda				

Note: Convention on Cluster Munition States Parties and signatories in **bold**; non-signatories in plain text; other areas in italics

Of the 30 states with casualties that therefore have responsibility for cluster munition victims, ten are States Parties to the Convention on Cluster Munitions (Afghanistan, Albania, Bosnia and Herzegovina, Croatia, Guinea-Bissau, Lao PDR, Lebanon, Montenegro, Mozambique, and Sierra Leone) and six have signed, but not yet ratified the convention (Angola, Chad, Colombia, Democratic Republic of the Congo [DRC], Iraq, and Uganda). Compared to 29 states with casualties reported in 2011, this is an increase of one country (Colombia).⁴

According to the convention, 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.⁵ The definition of a “victim” encompasses the individuals, their families, and affected communities, yet little is known about the number of families and communities of survivors affected by cluster munitions; methods for collecting data on this subject remain largely undefined. The needs of families and communities are likely to be extensive.

There are no comprehensive, reliable statistics on cluster munition casualties, the people who were killed or injured by cluster munitions, and there has been inadequate reporting and massive underreporting of both civilian and military casualties.⁶ In 2011, no affected states attempted to report the total or estimated number of cluster munition victims living in their territory and most States Parties have not attempted to provide data on the number of cluster munition survivors who are still alive and in need of assistance. However, Albania, Iraq, Lao PDR, and Lebanon reported efforts to disaggregate this information.

At least 17,194 cluster munition casualties have been reported globally through the end of 2011, as listed in the following table by region. Yet a far greater, and probably a better indicator of the number of cluster munition casualties, is the estimated total of between 20,000 and 54,000. Other projections range from 58,000 to 85,000 casualties or more, but some country totals are based on extrapolations and data may be inflated.⁷

⁴ The addition of Colombia follows the Inter-American Commission’s investigation into the use of a cluster munition in Santo Domingo, Colombia in 1998, which made more details available on cluster munition casualties. Inter-American Commission on Human Rights, Case No. 12.416, *Santo Domingo Massacre v. Republic of Colombia*, 8 July 2011.

⁵ Cluster munitions victims include survivors (people who were injured by cluster munitions or their explosive remnants and lived), other persons directly impacted by cluster munitions, as well as their affected families and communities. As a result of their injuries, most cluster munition survivors are also persons with disabilities. In the Monitor, the term “cluster munition casualties” is used to refer both to people killed and people injured as a result of cluster munition use or cluster munition remnants, mostly explosive submunitions.

⁶ In most countries, when identified, casualties from unexploded submunitions have been recorded as casualties from explosive remnants of war (ERW) without differentiating from other types of ERW.

⁷ HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, 2007).

Cluster munition casualties by region

Region	Casualties during use of cluster munitions	Casualties from cluster munition remnants	Total confirmed casualties	Total estimated casualties
Asia	25 (unknown)	10,654	10,679	10,654–42,568
Middle East and North Africa	417	3,527	3,944	6,449–8,949
Europe, Caucasus, and Central Asia	1,176	528	1,704	1,704
Africa	479	344	823	823
Americas	44	N/A	44	44
Total	2,141	15,053	17,169	19,674–54,063

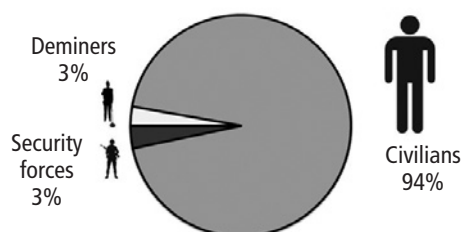
The vast majority (15,053) of reported casualties occurred after cluster munition use and were caused by cluster munition remnants, including explosive submunitions, that failed to detonate during strikes. Data on casualties due to cluster munition strikes is more difficult to systematically collect and is often not included in casualty reporting. The other 2,141 casualties were recorded from cluster munition strikes. The casualties at the time of use are grossly underreported; therefore the actual number of casualties, both known and estimated, is massively underrepresented.⁸

Civilian status

In the cases where the status was recorded, civilians accounted for the majority (94%) of casualties (10,447), while humanitarian deminers (clearance personnel) accounted for 3% and security forces (military, police, and other security forces) accounted for another 3%. However, for 6,076 casualties (more than a third of all cluster munition casualties), the civilian status was not indicated or recorded.⁹ See the following table and chart.

Recorded cluster munition casualties:
Civilian status

Civilian	10,447	60.7%
Deminer	361	2%
Security Forces	310	1.8%
Unknown	6,076	35%
Total	17,194	100%

*Age status*

In cases where the age was known, the majority (60%) of recorded civilian casualties were adults aged 18 and above (9,708 casualties) and a significant proportion (40%) were children. The age was not recorded for 739 civilian casualties. See the following table and chart.

Recorded civilian cluster munition
casualties: Adults/children

Adult	5,866	57%
Child	3,842	37%
Unknown	739	6%
Total	10,447	100%

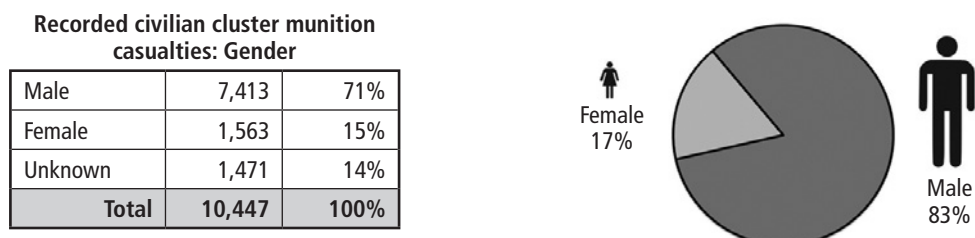


⁸ See CMC, Cluster Munition Monitor 2011 (Ottawa: Mines Action Canada, October 2011), www.the-monitor.org/index.php/publications/display?url=cmm/2011/CMM_Casualties_Victim_Assistance_2011.html. Globally, states have done little public reporting of military casualties from cluster munitions, even when they were likely to have been significant, such as in the 1991 Gulf War.

⁹ See also, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007).

Gender status

Where the gender was recorded (8,976 casualties), the majority of civilian casualties were male (83%) and significant proportion were female (17%). For 1,471 civilian casualties, the gender was not recorded. See the following table and chart.



Worst-affected states

According to the Beirut Progress Report issued by the Second Meeting of States Parties in September 2011, States Parties Afghanistan,¹⁰ Lao PDR, and Lebanon, signatory Iraq and non-signatories Cambodia and Vietnam “are considered to be the worst affected with responsibility for the care of several thousands of victims.”¹¹ Three-quarters of all cluster munition casualties have been recorded in States Parties (Afghanistan, Bosnia and Herzegovina (BiH), Lao PDR, and Lebanon) and signatories (DRC, and Iraq) to the Convention on Cluster Munitions, as detailed in the following table.

In 2011, as in past years, information available to the Monitor shows that no state has reported or provided any estimates of the total number of its cluster munition victims. Similarly, no states have provided information in their reports about the families and other directly-affected members of communities living in their jurisdiction.

Cluster munition casualties in 2011

In 2011, based on incomplete data, at least 55 new cluster munition casualties were confirmed in five countries and one other area: States Parties Lao PDR (13) and Lebanon (3); signatory Iraq (16); non-signatories Cambodia (16) and Sudan (6); and Western Sahara (1).

However, data remains inadequate and/or irregular in most contaminated countries. Most likely, there were significantly more casualties from cluster munition remnants among the other hundreds of casualties from explosive remnants in the countries that did not separate cluster munitions and/or submunitions in their data, or were unable to do so adequately. For example, throughout most of Iraq there is still no effective and functioning data-collection mechanism and the Monitor remains reliant on media reporting that usually fails to distinguish between the various types of explosive devices causing casualties. Only two of Vietnam’s 58 provinces have some form of data collection on casualties. Data collected in Lao PDR also continues to lack detailed information.

In Libya, media reports identified four casualties from unexploded submunitions between April and June 2011.¹² However, it was not possible to distinguish whether these or other casualties were caused by explosive remnants of war that were not cluster munition remnants.¹³

States and areas with more than 100 recorded cluster munition casualties

States/areas	Recorded casualties
Lao PDR	7,592
Iraq	3,011
<i>Vietnam</i>	2,111
Afghanistan	774
Lebanon	707
BiH	231
DRC	207
<i>Kosovo</i>	203
<i>Cambodia</i>	202
<i>Kuwait</i>	198

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

¹⁰ At the time of Beirut Progress Report, Afghanistan was a signatory.

¹¹ “Draft Beirut Progress Report,” CCM/MSP/2011/WP.5, 25 August 2011, pp. 10-11. <http://www.clusterconvention.org/files/2011/05/Beirut-Progress-Report-ODS-upload4.pdf>.

¹² UNICEF, “Libya: Protecting children from unexploded ordnance,” Misrata, 6 June 2011. <http://bit.ly/jyrPzi>; Ruth Sherlock, “Unlucky camel finds Libya’s largest minefield,” *Al Jazeera*, 28 June 2011. <http://aje.me/iWMTQP>; email from James Wheeler, Photographer, 10 August 2011; and UNICEF, “UNICEF Situation Report # 19 - Sub-regional Libya crisis,” 29 June 2011. <http://bit.ly/PfEUvx>.

¹³ Two of the four reported submunition casualties, boys of 15 and 10 years old who were injured in Ajdabiya, were also later reported to have been injured by a hand grenade. UNICEF, “Libya: Protecting children from unexploded ordnance,” Misrata, 6 June 2011. <http://bit.ly/jyrPzi>. The explosive item type of the remaining two casualties could not be confirmed and they were recorded as ERW casualties by the Libyan Mine Action Center (LMAC). Casualty data provided via emails from Abdulmonem Alaiwan, Director, LMAC, 17 June 2012; and Jennifer Reeves, Weapons Contamination Coordinator, ICRC, 16 July 2012.

Evidence, as yet unconfirmed, of cluster munition use in Sudan and Syria emerged in the first half of 2012, but no casualties from recent use had been verified in either state as of 31 July 2012.¹⁴ Both Sudan and Syria had cluster munition casualties from past use.

Victim Assistance

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

- Collect relevant data and assess the needs of cluster munition victims;
- Coordinate victim assistance programs, including by designating a government focal point;
- Develop a national plan, budget, and time frames for implementation;
- Report and monitor obligations regarding implementation;
- Consult with and actively involve cluster munition victims;
- Provide adequate assistance, including medical care, rehabilitation, psychological support, and social and economic inclusion for victims;
- Implement national legislation according to the principles of international law; and
- Provide assistance that is gender- and age-sensitive as well as non-discriminatory.

At meetings of the Convention on Cluster Munitions in 2011 and the first half of 2012, the co-coordinators on victim assistance, Austria and BiH, continued to focus attention on concrete steps necessary to implement the Vientiane Action Plan issued by the First Meeting of States Parties in November 2010. The Vientiane Action Plan provides a guide for prioritizing implementation of victim assistance in all its key aspects.¹⁵ The co-coordinators explored synergies between the Convention on Cluster Munitions and other relevant international treaties, as well as cooperation between governments and NGOs.¹⁶ There was also discussion on the question of how to identify and respond to the needs of families and communities affected by cluster munitions.

The Beirut Progress Report adopted by the Second Meeting of States Parties in September 2011 reports on progress made in implementation of the Vientiane Action Plan.¹⁷ According to the report, the majority of States Parties and signatories with victim assistance obligations had implemented “some or all” of the relevant Vientiane action points by August 2011.¹⁸ Monitor reporting confirms that almost all States Parties and signatories with cluster munition victims have taken steps to implement at least some of the victim assistance action points contained in the Vientiane Action Plan, but none have implemented all their obligations, and implementation of some actions remains inadequate.¹⁹ States Parties are doing more than ever before to improve the lives of cluster munition victims, but far greater effort is needed by all.

Assessing needs

States Parties must make “every effort to collect reliable relevant data” and assess the needs of cluster munition victims. According to the Vientiane Action Plan, within one year of the convention’s entry into force for each State Party, all necessary data should have been collected and disaggregated by sex and age, and the needs and priorities of cluster munition victims should have been assessed.²⁰

In 2011 and the first half of 2012, efforts to assess and address the needs of victims remained focused on survivors, with some inclusion of the family members of survivors and those people who were killed. Little attention was given to surveying the needs of cluster munition-contaminated communities and/or to determining the appropriate way to address their needs through data collection.

¹⁴ HRW press release, “Sudan: Cluster Bomb Found in Conflict Zone,” 25 May 2012. <http://bit.ly/LtKyBr>; and Aris Roussinos, “In a Sudanese field, cluster bomb evidence proves just how deadly this war has become,” *The Independent*, 24 May 2012. <http://ind.pn/MJnSmm>; HRW, “Syria: Evidence of Cluster Munitions Use by Syrian Forces,” 12 July 2012. <http://bit.ly/NnjQP2>.

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

¹⁶ In the States Parties and signatories with the most cluster munition victims (Afghanistan, Iraq, Lao PDR and Lebanon), victim assistance services or supplies continued to be provided primarily by NGOs and international organizations while government authorities undertook coordination and some limited implementation.

¹⁷ “Draft Beirut Progress Report,” CCM/MSP/2011/WP.5, 25 August 2011. <http://www.clusterconvention.org/files/2011/05/Beirut-Progress-Report-ODS-upload4.pdf>.

¹⁸ Draft Beirut Progress Report,” CCM/MSP/2011/WP.5, 25 August 2011, p. 2. <http://www.clusterconvention.org/files/2011/05/Beirut-Progress-Report-ODS-upload4.pdf>.

¹⁹ For example, with respect to improving the availability of services in remote and rural areas (immediately), designating a focal point for victim assistance coordination (within six months), collecting all necessary data to assess needs, using existing coordination mechanisms for victim assistance or developing new ones, and reviewing national laws and policies (within one year).

²⁰ Such data should be made available to all relevant stakeholders and contribute to national injury surveillance and other relevant data collection systems for use in program planning.

States Parties have taken steps to improve casualty data collection and/or needs assessments. Since entry into force of the Convention on Cluster Munitions, most have attempted to compile the information necessary to assist cluster munition victims, yet all failed to do so within the one-year target proposed by the Vientiane Action Plan except Albania, which already had the information in place. Afghanistan still did not have a needs assessment or data collection system in place as of mid-2012. In June 2011, BiH stated that it had identified previously unrecorded cluster munition casualties and in May 2012 it reported more casualties, but the data lacked specific details and was not fully disaggregated.²¹ Croatia continued efforts to compile data from several sources. The Lao PDR government recognized the poor quality of the data available in early 2012 and authorities introduced a “survivor tracking system” which made good progress in collecting information on needs by mid-2012.²² The Lebanon Mine Action Center completed the first phase of a national victim survey and needs assessment in 2010, but data still had not been consolidated within a single national database by mid-2012. In September 2011, Mozambique said that it required international assistance to identify and survey cluster munition victims. Guinea-Bissau, Montenegro, and Sierra Leone have made no, or extremely limited, efforts to survey and assess the needs of cluster munitions victims.

Some signatory states made progress in assessing the needs of cluster munition victims in 2011 and the first half of 2012. By mid-2012, Angola had completed needs assessments in four of its 18 provinces through a survey that began in October 2010.²³ In DRC, efforts to assess survivor needs continued in 2011 and 2012.²⁴ Iraq launched a needs assessment during 2011 that is to cover the 15 provinces of central and southern Iraq by February 2015.²⁵ In Colombia, no comprehensive needs assessment was conducted during the year but efforts were made to include new sources of information and to improve verification of data in the national victim database.²⁶ Uganda, however, appeared to have made no efforts toward the goal of conducting a needs assessment in 2011.

In non-signatory countries and other areas, little or no progress was recorded in 2011 with respect to assessing the needs of cluster munition victims. There was ongoing data collection in Cambodia and Georgia, but no progress was reported in assessing the needs of survivors, as in the past. A very limited survey pilot was conducted in South Sudan. In Western Sahara, a needs assessment was carried out in coordination with the local government in early 2012.

Coordination

The convention requires that States Parties with cluster munition casualties designate a focal point within the government to take responsibility for ensuring that victim assistance efforts are coordinated and that work is implemented. The focal point should be announced within six months of the convention’s entry into force for that State Party and should have the authority, expertise, and adequate resources to carry out its task.

All States Parties with known cluster munition victims have designated a focal point for victim assistance activities as of 31 July 2012, except Afghanistan and Sierra Leone, which have no known cluster munition survivors but where many people have been disabled from conflict. In Montenegro, the Ministry of Foreign Affairs is the *de facto* focal point and has reported on victim assistance activities.²⁷ The Albanian Mine Action Center was transformed into the Albanian Mine and Munitions Coordination Office in 2011, which retains coordination responsibilities for victim assistance.²⁸ The BiH Ministry of Foreign Affairs was declared to be the victim assistance focal point for the convention in 2011.²⁹ In Mozambique, the chief of the Department for Persons with Disabilities within the Ministry of Women and Social Affairs was listed as focal point for the convention rather than the National Demining Institute.³⁰

Afghanistan, Albania, BiH, Croatia, Lao PDR and Lebanon have victim assistance coordination structures in place which either met regularly or effectively coordinated assistance, often in response to a particular issue or need. No improvements were identified in the coordination of victim assistance in Guinea-Bissau, Montenegro, Mozambique, or Sierra Leone.

All signatory states with cluster munition victims had a designated victim assistance focal point in 2011, though of the six, only the Colombian focal point—Mine Action Program (PAICMA)—could be described as effective. Victim assistance coordination throughout Iraq improved in 2011.³¹

²¹ Statement of BiH, Convention on Cluster Munitions Working Group on Victim Assistance, Geneva, 16 April 2012; and Statement of BiH, Convention on Cluster Munitions Intersessional Meeting, Session on Victim Assistance, Geneva, 28 June 2011.

²² “Deputy PM calls for more detailed register of UXO victims,” 2 February 2012. laovoices.com/deputy-pm-calls-for-more-detailed-register-of-uxo-victims/.

²³ CNIDAH, “Relatório Anual de Actividades de 2011,” (“Annual Activity Report 2011”), Luanda, March 2012, p. 13.

²⁴ Response to Monitor questionnaire by Louis Ibonge Numbi, Victim Assistance Focal Point, Ministry of Social Affairs, Kinshasa, 25 May 2012; “Mapping of Mine Action VA Project in DRC,” UNMACC, 24 March 2011.

²⁵ Statement of Iraq, Mine Ban Treaty Standing Committee on Victim Assistance and Socio-economic Reintegration, Geneva, 23 May 2012.

²⁶ Response to Monitor questionnaire by Sonia Matilde Eljach Polo, Director, Multilateral Policy Issues, Ministry of Foreign Affairs, 19 April 2012.

²⁷ See Statement of Montenegro, Convention on Cluster Munitions Working Group on Victim Assistance, Geneva, 16 April 2012. Various government ministries have responsibilities for protecting the rights of persons with disabilities. US Department of State, “2011 Country Reports on Human Rights Practices: Montenegro,” Washington, DC, 24 May 2012.

²⁸ Interview with Veri Dogjani, Albanian Mine and Munitions Coordination Office (AMMCO), Geneva, 24 May 2012.

²⁹ BiH, Convention on Cluster Munitions Article 7 report, (for Calendar year 2011) Form H, April 2012.

³⁰ Mozambique, Convention on Cluster Munitions Article 7 report (for the period 1 September 2011 to 31 May 2012), Form H, July 2012.

³¹ Statement of Iraq, Mine Ban Treaty Standing Committee on Victim Assistance and Socio-economic Reintegration, Geneva, 23 May 2012; interviews with Maythem Obead, Head of Community Liaison Department, DMA; Bakshan Asaad, Head of Rehabilitation Department, Kurdistan Ministry of Health; and Soran Majeed, Mine Victim Assistance Officer, General Directorate of Mine Action (GDMA) for Iraqi Kurdistan, Geneva, 21 May 2012.

National plans

The Vientiane Action Plan reiterates the Convention on Cluster Munitions obligation to adapt or develop a comprehensive national plan of action, including time frames and budget to carry out victim assistance activities, but no specific time limit was set for this to be achieved.

Among the States Parties, Afghanistan's victim assistance plan ended in 2011 and had not yet been renewed or replaced as of mid-2012.³² Lebanon developed a basic strategy for victim assistance in 2011. A complex victim assistance plan was still under development in Lao PDR (as it has been since 2008), but the plan and related policy papers had not been completed by mid-2012. BiH adopted a ten-year victim assistance plan in 2009, but it has not been adapted to address its new obligations under the Convention on Cluster Munitions and the objectives are not measurable.³³ Albania³⁴ and Croatia³⁵ have victim assistance plans in place, which have been revised to take into account the Convention on Cluster Munitions. Mozambique's national plan for persons with disabilities explicitly includes cluster munition victims; as of mid-2012, the plan had been completed but not yet approved.³⁶

All victim assistance plans lacked dedicated funding, although plans for BiH, Croatia, Lao PDR, Lebanon and Mozambique included budgets or estimated costs. No victim assistance plan has been developed by Guinea-Bissau, Montenegro, or Sierra Leone.

Among signatories, Angola's existing plan ended in 2011.³⁷ A victim assistance plan for Chad was approved in May 2012.³⁸ Colombia lacked a national victim assistance plan, but legislation passed in June 2011 dedicating significant government resources for conflict victims was expected to improve access to victim assistance.³⁹ The DRC developed a new plan in 2011.⁴⁰ Iraq has developed some national action points instead of a victim assistance plan.⁴¹ Uganda was working from a victim assistance plan that was comprehensively revised in 2010.⁴²

Reporting and monitoring

Under Article 7 of the convention, States Parties are required to submit reports on the status and progress of implementation of all victim assistance.⁴³ In their Article 7 reports, Lao PDR reported on international funding to victim assistance NGOs, while Lebanon reported on victim assistance activities that were supported with national funds and those for which international assistance was needed. Mozambique reported on progress to develop the second National Plan of Action on Disability, which includes cluster munition victims, and indicated the need for national and international funds for its implementation. Albania, BiH, and Croatia also included victim assistance reporting in the appropriate form of their transparency reports.

Several States Parties with few casualties have yet to submit their Article 7 reports (Guinea-Bissau, Montenegro, and Sierra Leone), while Afghanistan's initial report is due by 28 August 2012. The DRC submitted a voluntary Article 7 report for 2011, but included only brief information on victim assistance.

Role of survivors

Cluster munition victims were key in the development and adoption of the Convention on Cluster Munitions and the convention calls on States Parties to "closely consult with and actively involve cluster munition victims and their representative organisations" to fulfill victim assistance obligations. The Vientiane Action Plan states that States Parties must actively involve cluster munitions victims and their representative organizations in the work of the convention,

³² Response to Monitor questionnaire by Suraya Paikan, Deputy Minister, Ministry of Labour, Social Affairs, Martyrs and Disabled (MoLSAMD), Kabul, 9 April 2012.

³³ See, BHMAL, "Victim Assistance Sub-Strategy in BiH: 2009–2019," ("Podstrategija za pomoć žrtvama mina u Bosni i Hercegovini: 2009–2019"), Sarajevo, (undated but 2010).

³⁴ Statement of Albania, Mine Ban Treaty Standing Committee on Victim Assistance and Socio-economic Reintegration, Geneva, 23 May 2012.

³⁵ Croatia, Convention on Cluster Munitions Article 7 Report, Form H, 10 April 2012; and Statement of Croatia, Convention on Cluster Munitions Intersessional Meeting, Working Group on Victim Assistance, Geneva, 16 April 2012.

³⁶ Email from Macario Dubalelane, Head of Department for Persons with Disabilities, Ministry of Women and Social Action (Ministério da Mulher e da Acção Social, MMAS), 24 June 2012.

³⁷ CNIDAH, "Draft relatório do workshop de avaliação do pniavm 2007 – 2011," ("Draft Report of the Workshop to Evaluate the PNIAVM 2007-2011"), Luanda, 13 April 2012.

³⁸ Statement of Chad, Mine Ban Treaty Standing Committee on Victim Assistance and Socioeconomic Reintegration, Geneva, 23 May 2012.

³⁹ Regulations to implement the law were approved in December 2011 and it had not yet had an impact on the lives of survivors as of April 2012. Responses to Monitor questionnaire by Johana Huertas, National Mine Action Coordinator, Handicap International (HI), 30 March 2012; and by Sonia Matilde Eljach Polo, Director, Multilateral Policy Issues, Ministry of Foreign Affairs, 19 April 2012; and Statement of Colombia, Mine Ban Treaty Standing Committee on Victim Assistance and Socio-economic Reintegration, Geneva, 22 June 2011.

⁴⁰ Statement of DRC, Mine Ban Treaty Standing Committee on Victim Assistance and Socio-economic Reintegration, Geneva, 22 June 2011; and interview with Jean Marie Kiadi Ntoto, UN Mine Action Coordination Center (UNMACC), Kinshasa, 17 April 2011.

⁴¹ Interviews with Maythem Obead, Head of Community Liaison Department, Directorate of Mine Action (DMA); Bakshan Asaad, Head of Rehabilitation Department, Kurdistan Ministry of Health; and Soran Majeed, Mine Victim Assistance Officer, GDMA for Iraqi Kurdistan, in Geneva, 21 May 2012.

⁴² Statement of Uganda, Mine Ban Treaty Eleventh Meeting of States Parties, Phnom Penh, 29 November 2011.

⁴³ Victim assistance reporting under the Convention on Cluster Munitions is obligatory, unlike the Mine Ban Treaty's voluntary reporting on victim assistance.

placing responsibility on all States Parties, and not just those with cluster munition victims, for promoting the participation of cluster munition victims.

Of the seven States Parties with victim assistance coordination structures in place, six involve survivors or their representative organizations in victim assistance or disability coordination mechanisms.⁴⁴

Among signatory states, only in DRC did survivors participate actively in regular coordination mechanisms. In Colombia, survivor participation was extremely limited within the ongoing coordination. Both coordination and survivor participation were limited in the other four signatories: Angola, Chad, Iraq, and Uganda.

In 13 of the 16 States Parties and signatories with known cluster munition victims, survivors were involved in ongoing victim assistance activities.⁴⁵ Survivors implemented, and in some cases helped to design, physical rehabilitation and social and economic inclusion initiatives. Survivors provided peer support and referrals to help other survivors to access services in many countries with cluster munition victims, including in Afghanistan, Albania, Angola, BiH, Croatia, Ethiopia, Mozambique, Uganda, and Vietnam. In almost all identified cases, survivor involvement in the implementation of victim assistance activities was through NGO programs and most often these were countries where survivor networks also existed.⁴⁶

As highlighted by the Vientiane Action Plan, survivors and cluster munition victims should be considered as experts in victim assistance and included on government delegations to international meetings and in all activities related to the convention. BiH was the only State Party known to have included a survivor as a member of its delegation to an international meeting of the convention in 2011 and the first half of 2012. By contrast, many cluster munition victims have participated in international meetings as part of the Cluster Munition Coalition delegation.

Providing adequate assistance: key indicators and challenges

States and areas with cluster munition victims continue to face significant challenges in providing holistic and accessible care to affected individuals, families, and communities. Each State Party should take immediate action to increase availability and accessibility of services, particularly in remote and rural areas where they are most often absent. Economic and psychological needs remain the least fulfilled by existing services and the Monitor has not identified any recent efforts by States Parties to address the gaps in these areas.

All States Parties continue to provide some form of victim assistance services despite reliance on international funding and the poor global economic outlook. However, in the two years since the convention entered into force on 1 August 2010, few significant or readily measurable improvements in the accessibility of services have been recorded in States Parties or signatories with cluster munition victims.

Some accomplishments were identified in States Parties during 2011:

- In Afghanistan, physical accessibility continued to improve due to the work of NGOs with the cooperation of local authorities.⁴⁷
- In Albania, the national victim assistance NGO provided some sustained economic reintegration assistance to survivors throughout the year, while international financial support decreased significantly following the completion of clearance activities.⁴⁸
- In BiH, the national survivor NGO was able to provide support to all new mine/ERW casualties, while state authorities continued to provide economic reintegration support; a new victim assistance fund was in its first year.⁴⁹
- In Croatia, psychosocial support increased through the work of NGOs as planned in the national victim assistance strategy.⁵⁰
- In Guinea-Bissau, the national rehabilitation center reopened following a renovation completed with the support of the Economic Community of West African States (ECOWAS) and the ICRC.⁵¹
- In Lao PDR, access to medical care and prosthetics services also improved in remote areas through outreach programs.⁵²

⁴⁴ No survivor involvement was identified in Guinea-Bissau's planning and coordination mechanisms.

⁴⁵ No survivor involvement in victim assistance activities was identified in Guinea-Bissau, Montenegro or Sierra Leone.

⁴⁶ See Monitor victim assistance country profiles, www.the-monitor.org.

⁴⁷ Email from Chris Fidler, Afghanistan Country Director, Clear Path International – Kabul, 30 May 2012.

⁴⁸ Email from Jonuz Kola, Executive Director, Albanian Assistance for Integration and Development (ALB-AID), 19 July 2012; Statement of Albania, Convention on Cluster Munitions Working Group on Victim Assistance, Geneva, 16 April 2012.

⁴⁹ Statement of BiH, Mine Ban Treaty Standing Committee on Victim Assistance and Socio-Economic Reintegration, Geneva, 22 June 2011; and Anes Alic, "BiH disabled needs lack initiative," *SETimes*, 28 January 2012. <http://bit.ly/Oyc701>.

⁵⁰ ITF, "Annual Report 2011," Ljubljana, 2012; email from Marija Breber, MineAid, 2 June 2011; Croatia, Convention on Cluster Munitions Article 7 Report, (for the calendar year 2011), Form H; and Croatia, Mine Ban Treaty Article 7 Report, Form J, 10 April 2012.

⁵¹ Email from César de Carvalho, General Director, National Mine Action Authority (CAAMI), 3 August 2011.

⁵² Interview with Bountao Chanthavongsa, Victim Assistance Officer, National Regulatory Authority for the UXO/Mine Action Sector in the Lao PDR (NRA), Vientiane, 23 March 2012; email from Courtney Innes, UXO Victim Assistance Technical Advisor, NRA, 9 July 2012; and Email from Kerry Clarke, Project Coordinator, COPE, Vientiane, 3 July 2012.

- In Lebanon, quality physical rehabilitation was provided despite a decrease in funding that resulted in fewer actual services.⁵³
- In Montenegro, the government's recognition of cluster munition victims has allowed them to register for national insurance, increasing their ability to receive medical care and physical rehabilitation.⁵⁴
- In Mozambique, availability of information on services for survivors increased with the development of new support services through the cooperation of an international NGO and the national survivor organization.⁵⁵
- Although no specific progress was reported in Sierra Leone, it has ongoing services for persons with disabilities, including survivors and victims of war.⁵⁶

The Monitor unfortunately identified a range of implementation inadequacies and resource challenges in the provision of victim assistance by States Parties in 2011 and the first half of 2012.

Decreased funding reduced the availability of victim assistance services in Albania, BiH and Lebanon, where service providers struggled to make the most of limited resources and to identify new sources of funding. The cost of some medical services increased in Lebanon, affecting the affordability for mine/ERW victims. During the same period, the government raised awareness about the right for persons with disabilities to receive free medical attention, though some survivors reported being rejected despite being eligible. Increased awareness about the availability of free medical and rehabilitation services in Mozambique, without any corresponding increase in number of medical professionals or medical and rehabilitative supplies available, lengthened waiting lists for care. In Lebanon and Montenegro, ineffective implementation or regulation of national insurance systems led to survivors and other persons with disabilities being refused medical care to which they were entitled.

Physical rehabilitation was generally more available and received greater focus and resources as compared to the other core victim assistance services, such as economic inclusion and psychological support. In Albania, prosthetics centers faced a lack of funding, although the rehabilitation sector was strengthened through training. In BiH and Croatia, no change or improvement was reported and the quality of prosthetic devices was variable. The number of survivors receiving physical rehabilitation services in Lebanon decreased due to reduced international funding; some organizations postponed physical rehabilitation projects planned for 2011 until 2012 due to their involvement in Lebanon's hosting of the convention's Second Meeting of States Parties, in September 2011.

Psychosocial support remained one of the most neglected areas of victim assistance; States Parties supporting such services reported little or no progress. In Afghanistan and BiH, funding decreased for peer-to-peer support provided by NGOs.

Economic inclusion services were lacking; the services that did exist were generally provided by NGOs. State quotas for the employment of persons with disabilities were often reported but never fulfilled, as in Croatia and Lebanon.

Regulations requiring physical accessibility for persons with disabilities were not adequately enforced in any State Party.

Many ongoing victim assistance challenges were faced in Guinea-Bissau, which for years had no victim assistance program due to poverty and lack of infrastructure, and in Sierra Leone, which has many victims of conflict (including amputees) but which has limited rehabilitation services.⁵⁷

Signatories to the convention continued to face numerous victim assistance challenges. In Angola and Uganda, availability of physical rehabilitation and other victim assistance services continued to decrease as international organizations closed their programs. No significant changes were identified in Chad, where a lack of resources and infrastructure has interfered with the provision of adequate services.⁵⁸ In DRC, new targeted funding for victim assistance has increased the availability of, and access to, medical and physical rehabilitation services, though the programs remain limited.⁵⁹ Iraq is decreasing its dependence on the ICRC for emergency medical care supplies, and access to physical rehabilitation increased as a new rehabilitation center opened; three more are under construction.⁶⁰ In Colombia, the availability of rehabilitation services decreased in 2011 following a decline in international funding for victim assistance.⁶¹

Countries with cluster munition victims that have not joined the convention (Cambodia, Eritrea, Ethiopia, Georgia, Serbia, Sudan, Tajikistan, and Vietnam) generally achieved less progress and faced greater challenges in providing victim assistance. In Libya, the 2011 conflict disrupted the delivery of victim assistance, but by the end of the year national

⁵³ Response to Monitor questionnaire from Habbouba Aoun, Coordinator, Landmines Resource Center in Lebanon (LMRC), 8 March 2012; and Response to Monitor questionnaire from Khaled Yamout, NPA, 17 June 2012.

⁵⁴ Statement of Montenegro, Convention on Cluster Munitions Working Group on Victim Assistance, Geneva, 16 April 2012.

⁵⁵ Response to Monitor questionnaire by Luis Silvestre Wamusse, RAVIM, 7 June 2012; interview with Macario Dubalelane, Head of Department for Persons with Disabilities, MMAS, in Geneva, 21 May 2012.

⁵⁶ HI, "Where we work – Africa: Sierra Leone, A nation of amputees" (undated but 2012). <http://bit.ly/MXGGwi>.

⁵⁷ HI, "Where we work – Africa: Sierra Leone, A nation of amputees" (undated but 2012). <http://bit.ly/MXGGwi>; Statement of Guinea-Bissau, Mine Ban Treaty, Eleventh Meeting of States Parties, Phnom Penh, 29 November 2011.

⁵⁸ ICRC, Physical Rehabilitation Programme, "Annual Report 2010," May 2011, Geneva, p. 25.

⁵⁹ Response to Monitor questionnaire by Louis Ibonge Numbi, Victim Assistance Focal Point, Ministry of Social Affairs, Kinshasa, 25 May 2012.

⁶⁰ ICRC, "Annual Report 2011," Geneva, May 2012, pp. 379-383.

⁶¹ Response to Monitor questionnaire by Johana Huertas, National Mine Action Coordinator, Handicap International, 30 March 2012.

and international organizations had begun to rebuild infrastructure, including national physical rehabilitation capacity.⁶² There was little to no progress in the three areas with cluster munition victims (Kosovo, Nagorno-Karabakh and Western Sahara). More information about victim assistance in these countries and areas is available in the Landmine Monitor report and through their Monitor country profiles.

National and international laws

States Parties to the Convention on Cluster Munitions are legally bound to provide adequate assistance to cluster munition victims; according to the convention, victim assistance should be implemented in accordance with applicable international humanitarian and human rights law. Applicable international law includes the Convention on the Rights of Persons with Disabilities and the Mine Ban Treaty. Other instruments with relevant provisions that could support the implementation of the victim assistance obligations of the Convention on Cluster Munitions include the Convention on Conventional Weapons (CCW), the Convention on the Rights of the Child, the Convention on the Elimination of all Forms of Discrimination against Women, and the International Covenant on Civil and Political Rights.

Of the ten States Parties to the Convention on Cluster Munitions with cluster munition victims, six are party to the Convention on the Rights of Persons with Disabilities (BiH, Croatia, Lao PDR, Mozambique, Montenegro, and Sierra Leone) and two have signed but not yet ratified (Albania and Lebanon) while Afghanistan and Guinea-Bissau have not yet joined.

Under the Vientiane Action Plan, Convention on Cluster Munitions States Parties are supposed to review their national laws and policies within one year of entry into force to ensure that they are consistent with their victim assistance obligations under the convention. National legislation should ensure “the full realisation of the rights of all cluster munition victims,” as called for by the convention.

Most states with cluster munition victims have taken steps to develop and implement national laws and policies relevant to persons with disabilities, often as a result of their implementation of the Convention on the Rights of Persons with Disabilities. However, overall legislation remains inadequate and weak, and is poorly enforced in most countries.

Developments in 2011 and the first half of 2012 with respect to national legislation included:

- In BiH, legislation was adopted to improve the economic inclusion of persons with disabilities, including survivors.⁶³
- In Croatia, the position of Ombudsperson for Persons with Disabilities was strengthened in order to monitor implementation of legislation. There was extensive legislation relevant to the rights of persons with disabilities, but it remained fragmented.⁶⁴
- In Lao PDR, a law on the rights of persons with disabilities prepared in 2008 was under still being considered and other relevant regulations were adopted, including on physical accessibility.⁶⁵
- Mozambique ratified the Convention on the Rights of Persons with Disabilities in January 2012, but lacks adequate legislation.⁶⁶
- Montenegro adopted a new disability law that clarified which discriminatory actions were illegal.⁶⁷

At the Convention on Cluster Munitions intersessional meetings in April 2012, states discussed how to improve integration of the implementation of victim assistance provisions of the Convention on Cluster Munitions into other existing national coordination mechanisms, such as those of the Convention on the Rights of Persons with Disabilities. At the Second Meeting of States Parties in September 2011, the Cluster Munition Coalition called on States Parties to use existing designated victim assistance focal points within governments to strengthen the connections between the Convention on the Rights of Persons with Disabilities and the Convention on Cluster Munitions.⁶⁸ In 2011, the ICBL-CMC produced a guidance document to enhance victim assistance by emphasizing accessibility, employment, and education for survivors and persons with disabilities.⁶⁹

⁶² “Overstretched health service needs sustained support,” IRIN News (Benghazi), 1 September 2011. <http://bit.ly/OgHCeq>; and WHO, “Libya Crisis Update,” August 2011.

⁶³ Statement of BiH, Mine Ban Treaty Standing Committee on Victim Assistance and Socio-Economic Reintegration, Geneva, 22 June 2011; European Commission (EC), “Bosnia and Herzegovina 2011 Progress Report: Enlargement Strategy and Main Challenges 2011–2012,” Brussels, 10 October 2011, p. 40.

⁶⁴ Croatia, CCW Protocol V Article 10 Report, Form C (for calendar year 2010), 31 March 2012; Association for the Promotion of Equal Opportunities, “Hrvatska dvadeset godina poslije - žrtve mina gdje su, što rade i što trebaju” (“Croatia Twenty years later – victims of landmines: where they are, what they are doing and what they need”), 2011, pp. 21–22 & 42; and EC, “Croatia 2011 Progress Report,” Commission staff working document, Brussels, 12 October 2011, pp. 10 & 51.

⁶⁵ Lao PDR, Convention on Cluster Munitions Article 7 Report (for the period of 1 December 2010 to 31 December 2011), Form H, Page 11, 22 March 2012.

⁶⁶ Response to Monitor questionnaire by Luis Silvestre Wamusse, National Coordinator, Network for Mine Victims (RAVIM), 7 June 2012.

⁶⁷ US Department of State, “2011 Country Reports on Human Rights Practices: Montenegro,” Washington, DC, 24 May 2012.

⁶⁸ The CMC also urged governments to ensure that focal points have authority, credibility and adequate capacity to champion the inclusion of survivors in existing national disability councils, disability registers and plans; CMC also urged them to coordinate with disability actors who are working on the implementation of the Convention on the Rights of Persons with Disabilities. Statement of the Cluster Munition Coalition, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 15 September 2011.

⁶⁹ The Guide looks at victim assistance in the frameworks of the Convention on Cluster Munitions, the Convention on the Rights of Persons with Disabilities, and the Mine Ban Treaty, including its Cartagena Action Plan (2009–2014). ICBL-CMC, “Connecting the Dots: Detailed Guidance,” April 2011.

Gender- and age-sensitive assistance and non-discrimination

States Parties to the Convention on Cluster Munitions commit to adequately providing age- and gender-sensitive assistance to cluster munition victims.⁷⁰ Yet both age- and gender-sensitive assistance remain the least reported aspects of the convention's victim assistance provisions. Almost all reported efforts were limited to disaggregating data on casualties, rather than the needs indicated by assessments and any services provided to address them. For most States Parties and signatories, little information was available about the availability of age- and gender-sensitive assistance.

In 2011 and the first half of 2012, few activities were reported that were designed to increase services appropriate to the needs of women, men, girls, and boys. In Afghanistan, programs sought to provide female medical practitioners and therapists for women. In Lebanon, affirmative action efforts by NGOs prioritized the inclusion of women and children in their programs.⁷¹ In Uganda, a signatory state, gender-appropriate services still are not available to all survivors at health centers and it was difficult for children to access services when needed.⁷²

According to the Convention on Cluster Munitions, States Parties cannot discriminate against or among cluster munition victims, or between cluster munition victims and those who have suffered from other causes. In signatory Iraq, the Kurdistan regional government and victim assistance service providers in that region indicated that differences in treatment were based only on survivors' needs. Montenegro reported the same. However, the obligation for States Parties to provide assistance without discrimination between persons with disabilities remains largely unaddressed.

For 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 based on the cause of disability or the type of weapon that caused injury. For example, disabled war veterans are often given a privileged status above that of civilian war survivors and other persons with disabilities. Few plans or efforts were reported to address this in the provision of services to civilians and military survivors.

⁷⁰ Children require specific and more frequent assistance than adults. Women and girls often need specific services depending on their personal and cultural circumstances. Women face multiple forms of discrimination, both as survivors themselves or as those who survive the loss of family members, often the husband and head of household.

⁷¹ Response to Monitor questionnaire from Khaled Yamout, MRE/MVA Program Coordinator, NPA, 17 June 2012.

⁷² Interview with Herbert Baryayebwa, Commissioner for Disability and Elderly, Ministry of Gender, Labour and Social Development (MGLSD), in Geneva, 17 April 2012; and response to Monitor questionnaire by Margaret Orech, Director, Uganda Landmine Survivors Association, 4 May 2012.



Funding Support

Under Article 6 of the Convention on Cluster Munitions, each State Party “has the right to seek and receive assistance” to ensure implementation of the convention’s obligations, including those to destroy stockpiled cluster munitions within eight years, clear areas contaminated by cluster munition remnants within 10 years, and provide victim assistance. States Parties “in a position to do so” are obligated to provide technical, material, and financial assistance to implement these measures.

From a survey of donor activities by 32 governments and the European Commission (EC), the Monitor has verified that 21 states and the EC reported supporting one or more of the following activities related to cluster munitions in 2011: clearance of cluster munition remnants, victim assistance, risk education, stockpile destruction, and advocacy in support of the Convention on Cluster Munitions. In 2011, these donors provided the equivalent of US\$60 million to support these activities in 13 states contaminated by cluster munition remnants, including countries recognized as among the most affected by cluster munitions: Lao PDR, Lebanon, and Vietnam.¹ Previously, the Monitor recorded a total of \$20.52 million of support provided by 11 states and the EC in 2010.

While more funding data was made available from a greater number of donor states in 2011 and the first half of 2012 than in the past, this information must still be treated with caution; it is incomplete and clearly not a comprehensive accounting of resources devoted to the global effort to address the humanitarian problems caused by cluster munitions. Very few donor states disaggregate expenditure specifically for activities related to cluster munitions.² Some have reported funding for activities related to cluster munitions when the expenditure was ultimately used for clearance of mines or unexploded ordnance.³ Victim assistance funding is also difficult to trace because the activities encompass multiple government agencies and programs that benefit people who are not cluster munition casualties. Limited data is available on stockpile destruction funding. (See *stockpile destruction* section below.)

▲
A community-based UXO risk education session at a school in Soran, Iraq.

¹ Australia response to Monitor questionnaire by Christine Pahlman, Mine Action Coordinator, AusAID, 24 April 2012; Austria response to Monitor questionnaire by Wolfgang Bányai, Unit for Arms Control and Disarmament in the framework of the UN, Federal Ministry for European and International Affairs, 1 March 2012; Belgium Convention on Conventional Weapons Amended Protocol II, Form E, 31 March 2012, and Convention on Cluster Munitions Article 7 Report, Form I, 30 April 2012; Canada Mine Ban Treaty Article 7 Report, Form J, 30 April 2012; Denmark response to Monitor questionnaire by Katrine Joensen, Head of Section, Security Policy Department, Ministry of Foreign Affairs, 1 May 2012; France Convention on Cluster Munitions Article 7 Report, Form I, 30 April 2012; Germany response to Monitor questionnaire by Lt.-Col. Klaus Koppetsch, Desk Officer Mine Action, Federal Foreign Office, 20 April 2012; Ireland Convention on Cluster Munitions Article 7 Report, Form I, 30 April 2012; Italy response to Monitor questionnaire by Alessandro Pirrone, Emergency Response Desk Officer, Demining Advisor, Ministry of Foreign Affairs – Emergency Office, 21 March 2012; Japan Mine Ban Treaty Article 7, Form J, 12 May 2012; Luxembourg Response to Monitor questionnaire by Ministry of Foreign Affairs, 15 March 2012; Netherlands Response to Monitor questionnaire by Douwe Buzeman, Policy Officer Security and Development, Peace Building and Stabilisation Unit, Ministry of Foreign Affairs, 16 April 2012; New Zealand Convention on Conventional Weapons Amended Protocol II, Form B, 16 April 2012; Norway response to Monitor questionnaire by Ingunn Vatne, Senior Advisor, Department for Human Rights, Democracy and Humanitarian Assistance, Ministry of Foreign Affairs, 15 March 2012; Spain Convention on Conventional Weapons Article 7 Report, Form I, March 2012; Sweden Response to Monitor questionnaire by Maria Linderyd Linder, Deputy Director, Head of Section, Department for Disarmament and Non-Proliferation, Ministry for Foreign Affairs, 24 April 2012; Switzerland response to Monitor questionnaire by Claudia Moser, Section for Multilateral Peace Policy, Federal Department of Foreign Affairs, 19 June 2012; United Kingdom (UK) response to Monitor questionnaire by Hannah Binci, Security and Justice Team, Conflict, Humanitarian and Security Department, Department for International Development (DfID), 9 May 2012; telephone interview with Jamie Franklin, Representative to the Americas, Mines Advisory Group (MAG), Washington DC, 23 July 2012; and email from Claus Nielsen, Programme Manager, DanChurchAid (DCA), 23 July 2012.

² Compared to 2010, more states responded to the Monitor’s funding questionnaire on their 2011 activities by specifying their support for cluster munitions-related projects. Denmark, Iran, Italy, Japan, South Korea, Luxembourg, the Netherlands, Sweden, and Taiwan all responded for the first time. Yet the majority of reporting by donor states does not disaggregate cluster munitions, and not all funds that were designated for specific country activities were spent on cluster munitions-related projects. None of the 93 projects that were designated as providing support for cluster munitions-related activities in 2011 included “cluster munitions” in their title.

³ For example, clearance of cluster munition remnants is often undertaken within the same operations as landmine clearance, battle area clearance, and explosive ordnance disposal.

At the intersessional meetings in April 2012, Norway expressed caution against focusing too narrowly on financial support for the implementation of the Convention on Cluster Munitions as opposed to “important non-fiscal aspects” of support. Norway said an overemphasis on fiscal matters can give a “false picture” of actual funding levels.⁴ Australia reiterated its view that “it is difficult, in many circumstances, to distinguish between the provision and utilisation of our funding for work in relation to mines, cluster munitions and other explosive remnants of war.”⁵

Contributions

In 2011, 21 countries and the EC reported contributions toward cluster munition-related activities valued at almost US\$60 million, as detailed in the following table.

International cluster munition-related contributions (2011)⁶

Donor	Amount in national currency	US\$ equivalent	Sector(s)
Germany	€7,034,414	\$9,799,642	Advocacy, clearance, victim assistance
Norway	NOK53,687,000	\$9,583,199	Advocacy, clearance, victim assistance
US	US\$8,329,000	\$8,329,000	Clearance, risk education, victim assistance
Australia	A\$7,450,000	\$7,697,340	Advocacy, clearance
UK	£3,829,426	\$6,143,548	Clearance
Switzerland	CHF2,421,400	\$2,732,340	Advocacy, clearance
Iran *	\$2,520,000	\$2,520,000	Clearance
Italy	€1,770,000	\$2,465,787	Clearance
Japan	¥176,698,327	\$2,217,043	Clearance, risk education
European Commission	€1,470,000	\$2,047,857	Clearance
Netherlands	€940,000	\$1,309,514	Clearance
Ireland	€805,000	\$1,121,446	Clearance, advocacy
New Zealand	NZ\$1,100,000	\$871,200	Clearance
Denmark	DKK4,000,000	\$747,175	Clearance
Spain	€450,000	\$626,895	Clearance
Luxembourg	€412,528	\$574,692	Clearance, advocacy, risk education
Austria	€405,000	\$564,206	Advocacy, victim assistance
Belgium	€400,000	\$557,240	Clearance, advocacy
Taiwan	US\$200,000	\$200,000	Victim assistance
Sweden	SEK1,200,000	\$184,963	Clearance
South Korea	\$40,000	\$40,000	Clearance
France	€20,000	\$27,862	Advocacy
Total		\$60,360,949	

* The Islamic Republic of Iran is the sole donor for seven explosive ordnance disposal teams of the national NGO, Peace Generation (POD), in south Lebanon.

Note: **Bold** indicates States Parties or signatories to the Convention on Cluster Munitions.

⁴ Statement of Norway, Convention on Cluster Munitions Intersessional Meetings, Working Group on Cooperation and Assistance, Geneva, 23 April 2012. <http://www.clusterconvention.org/files/2012/04/Coop-and-assist-Statement-Norway.pdf>.

⁵ Statement of Australia, Convention on Cluster Munitions Intersessional Meetings, Working Group on Cooperation and Assistance, Geneva, 23 April 2012. http://www.clusterconvention.org/files/2012/04/Australia_CoopAss.pdf. Australia made a similar statement in 2011.

⁶ Australia average exchange rate for 2011: A\$1 = US\$1.0332; Canada average exchange rate for 2011: C\$1 = US\$0.9887; Denmark average exchange rate for 2011: DKK5.3535 = US\$1; European Union (Eurozone) average exchange rate for 2011: €1 = US\$1.3931; Japan average exchange rate for 2011: ¥79.7 = US\$1; New Zealand average exchange rate for 2011: NZ\$0.792 = US\$1; Norway average exchange rate for 2011: NOK5.6022 = US\$1; Sweden average exchange rate for 2011: SEK6.4878 = US\$1; Switzerland average exchange rate for 2011: CHF0.8862 = US\$1; United Kingdom average exchange rate for 2011: £1 = US\$1.6043. US Federal Reserve, “List of Exchange Rates (Annual),” 3 January 2012.

Of the 21 donor states, 16 are States Parties to the Convention on Cluster Munitions and one is a signatory (Australia) while the rest have not joined the convention: Iran, South Korea, and the United States (US) as well as Taiwan.

Five donors—Australia, Germany, Norway, the United Kingdom (UK), and the US—contributed more than \$6 million each in 2011.

Approximately one-third of all mine action donors in 2011 did not appear to target any funding to states contaminated by cluster munitions.⁷

Almost 90% of total recorded international funding related to cluster munitions in 2011 went toward clearance activities, as detailed in the following table.

International cluster munition-related contributions by activity (2011)

Activity	Amount in US \$	% of total
Clearance	52,198,639	86
Advocacy	4,285,377	7
Victim assistance	2,984,015	5
Risk Education	707,955	1
Stockpile destruction	184,963	0.3
Total	60,360,949	100

Eight donors reported more than US\$4.2 million for advocacy activities aimed at promoting the universalization and implementation of the Convention on Cluster Munitions, including support to the Cluster Munition Coalition and for the convention's Second Meeting of States Parties held in Beirut, Lebanon in September 2011.⁸

Recipients

Funding support was provided to cluster munition-related activities in 13 states as well as globally in 2011, as detailed in the following table.

Recipients of international cluster munition-related contributions (2011)

Recipient	US\$ equivalent	Donors
Lao PDR	19,381,415	Austria, Australia, Belgium, Germany, Ireland, Japan, Luxembourg, New Zealand, Norway, Switzerland, UK, US
Libya	10,464,191	Australia, Denmark, EC, Germany, Netherlands, Switzerland, UK, US
Lebanon	8,848,800	Austria, Australia, Germany, Italy, Iran, Norway, Spain, South Korea, US
Vietnam	6,983,057	Australia, EC, Germany, Ireland, Japan, Norway, Taiwan, UK, US
Global	4,181,799	Austria, Australia, Belgium, France, Germany, Ireland, Norway, Switzerland
Afghanistan	3,871,938	Austria, Germany, Ireland, Netherlands, UK
Bosnia and Herzegovina (BiH)	2,041,733	Germany, Italy
South Sudan	1,443,318	Germany, Luxembourg
Democratic Republic of Congo (DRC)	1,294,808	UK
Croatia	668,862	Germany
Sudan	557,240	Italy
Mauritania	208,965	Germany
Serbia	208,965	Germany, Ireland
Georgia	205,858	Austria, Sweden
Total	60,360,949	

Note: **Bold** indicates States Parties or signatories to the Convention on Cluster Munitions.

⁷ Those that did not provide specific funding include significant donors Canada and Finland, as well as smaller donors Andorra, Czech Republic, Estonia, Liechtenstein, Monaco, Oman, Romania, Slovenia, and the United Arab Emirates.

⁸ States Parties Austria, Belgium, France, Germany, Norway, Switzerland and signatory Australia provided funds toward the costs of holding the convention's Second Meeting of States Parties.

The recipient states included seven States Parties and signatories to the Convention on Cluster Munitions (Afghanistan, Bosnia and Herzegovina, Croatia, the Democratic Republic of Congo (DRC), Lao PDR, Lebanon, and Mauritania) and six non-signatories (Georgia, Libya, Serbia, South Sudan, Sudan, and Vietnam). The Monitor recorded eight more recipient states receiving cluster-munition specific funding support in 2011, compared to 2010, mostly due to better provision of data.⁹

Lao PDR, Lebanon, and Libya received 65% of all contributions related to cluster munitions. Libya received \$10.46 million in the course of just a few months in 2011 as part of the emergency response.

All recorded contributions were made through international and national NGOs and UN agencies. No bilateral or direct contributions were reported.

⁹ Afghanistan, BiH, Croatia, DRC, Libya, Mauritania, South Sudan, and Sudan.



Convention on Cluster Munitions

DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A CONVENTION ON CLUSTER MUNITIONS

DUBLIN 19-30 MAY 2008

CCM/77

▲ Campaigners protest South Korea's continued production of cluster munitions and urge it to support the Convention on Cluster Munitions.

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 2012

Cluster Munition Monitor 2012 provides a global overview of efforts to eliminate cluster munitions with a focus on developments in 2011 and the first half of 2012. It covers global developments in ban policy, survey and clearance of cluster munition remnants, casualties and victim assistance, and funding support. The online report includes profiles for every country in the world with updates on the use, production, stockpiling, and transfer of cluster munitions, and focuses on the universalization and implementation of the 2008 Convention on Cluster Munitions.

This report was prepared by the 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 © Kassim Ghossein/Norwegian People's Aid Lebanon, October 2011

A Norwegian People's Aid Lebanon Quality Assurance officer Hisham Delbani with cluster munition remnants including explosive submunitions cleared in October 2011. Three 155mm artillery projectiles containing 88 submunitions (64 M42 and 24 M46) were found near a mosque and a busy regional road by the village of Majdal Selem.

www.the-monitor.org

Landmine and Cluster Munition Monitor is coordinated by an Editorial Board of five organizations:
Action on Armed Violence, Handicap International, Human Rights Watch, Mines Action Canada and Norwegian People's Aid.



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