

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.

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.

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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.

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.

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.

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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.

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- 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.

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