



Cluster Munition Monitor 2014

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Monitoring and Research Committee, ICBL-CMC Governance Board
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Mines Action Canada • Norwegian People's Aid
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Landmine and Cluster Munition Monitor provides research and monitoring for the Cluster Munition Coalition (CMC) and the International Campaign to Ban Landmines (ICBL) and is a formal program of the ICBL-CMC. For more information visit www.the-monitor.org or email monitor@icblcmc.org.

Landmine and Cluster Munition Monitor makes an effort to limit the environmental footprint of reports by publishing all of our research reports online. This report is available online.

Cluster Munition Coalition

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

The CMC is committed to the 2008 Convention on Cluster Munitions as the best framework for ending the use, production, stockpiling, and transfer of cluster munitions and for destroying stockpiles, clearing contaminated areas and assisting affected communities.

The CMC calls for universal adherence to the Convention on Cluster Munitions and its full implementation by all, including:

- No more use, production, transfer, and stockpiling of cluster munitions by any actor under any circumstances;
- Rapid destruction of all remaining stockpiles of cluster munitions;
- Accelerated clearance and destruction of all cluster munition remnants in cluster munition-contaminated areas;
- Fulfillment of the rights and needs of all cluster munition and explosive remnants of war (ERW) victims.



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 consist of containers that open and disperse submunitions indiscriminately over a wide area, claiming both civilian and military victims. Many explosive submunitions, also known as 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 2006 aimed at creating a new international treaty. Working in partnership with UN agencies, the International Committee of the Red Cross, 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.

▲ *Cluster submunitions are taken in batches to a demolition site through Moc Dinh village in Vietnam, one of the most heavily cluster munition-contaminated countries in the world.*

Cluster Munition Coalition

Launched by non-governmental organizations (NGOs) in November 2003, the CMC 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 CMC 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 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 Monitoring and Research Committee coordinates the Monitor system and has overall decision-making responsibility for the Monitor's research products, acting as a standing committee of the ICBL-CMC Governance Board. To prepare this report, an Editorial Team gathered information with the aid of a global reporting network comprised of more than four dozen 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 fifth 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 clearance activities, as well as casualties 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 2013, with information included into July 2014 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 Monitoring and Research Committee, a standing committee of the ICBL-CMC Governance Board, which is comprised of research team leaders, ICBL-CMC staff experts, and four NGOs. Members include: Handicap International (Marion Libertucci), Human Rights Watch (Stephen Goose, ban policy team leader), Mines Action Canada (Paul Hannon), Norwegian People's Aid (Atle Karlsen, mine action and support for mine action team leader), Loren Persi Vicentic (casualty and victim assistance team co-coordinator), Tamar Gabelnick (ICBL-CMC policy director), and Jeff Abramson (Monitor program manager). Sylvie Brigot-Vilain (ICBL-CMC executive director) is an *ex-officio* member.

From January to August 2014, the Monitor's Editorial Team undertook research, updated country profiles, and produced thematic overviews for *Cluster Munition Monitor 2014*. The Editorial Team included:

- Ban policy: Mary Wareham, Stephen Goose, Andrew Haag, Katherine Harrison, Mark Hiznay, Yeshua Moser-Puangsuwan;
- Contamination, clearance, and support: Atle Karlsen, Nick Cumming-Bruce, and Kathryn Millett with primary editorial authorship by NPA consultant Stuart Maslen, and research assistance from Marion Loddó and Alberto Serra; and
- Casualties and victim assistance: Megan Burke and Loren Persi Vicentic with research assistance from Clémence Caraux and Hugh Hosman,

Jeff Abramson of ICBL-CMC provided final editing from June to August 2014 with assistance from Vincent Farnsworth and Morgan McKenna (publications consultants), and Emily Glander, Beatriz Muñoz Mallén, and Alberto Serra (Monitor interns). Amelie Chayer (ICBL-CMC Policy Analyst) closely reviewed drafts and contributed many improvements to this edition.

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We also thank the donors who have contributed to the organizational members of the Monitoring and Research Committee and other participating organizations.

Abbreviations and Acronyms

AXO	abandoned explosive ordnance
BLU	bomb live unit
CBU	cluster bomb unit
CCM	2008 Convention on Cluster Munitions
CCW	1980 Convention on Conventional Weapons
CMC	Cluster Munition Coalition
DPICM	dual-purpose improved conventional munition
ERW	explosive remnants of war
HI	Handicap International
HRW	Human Rights Watch
ICBL	International Campaign to Ban Landmines
ICRC	International Committee of the Red Cross
MAG	Mines Advisory Group
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
UNMAS	United Nations Mine Action Service
UXO	unexploded ordnance

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 explosive 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 (CCM) – An international convention adopted in May 2008 and opened for signature in December 2008, which entered into force 1 August 2010. 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 (CCW) – 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 (DPICM) – A type of cluster munition which can be used against both personnel and material targets, including armor.

Explosive remnants of war (ERW) – 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 (NSAGs) – 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.

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 submunitions or unexploded bomblets – Submunitions that have failed to explode as intended, becoming unexploded ordnance.

Unexploded ordnance (UXO) – 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 marginalization or substantial impairment of the realization 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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2008 Convention on Cluster Munitions

Table Key
States Parties: Ratified or acceded as of 15 August 2014
Signatories: Signed, but not yet ratified as of 15 August 2014
States Not Party: Not yet acceded as of 15 August 2014

The Americas

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

East & South Asia & the Pacific

Afghanistan	Australia
Cook Islands	Fiji
Japan	Lao PDR
Nauru	New Zealand
Samoa	Indonesia
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	Andorra	Austria
Belgium	Bosnia & Herzegovina	Bulgaria
Croatia	Czech Republic	Denmark
France	Germany	Holy See
Hungary	Ireland	Italy
Liechtenstein	Lithuania	Luxembourg
Macedonia, FYR	Malta	Moldova
Monaco	Montenegro	Netherlands
Norway	Portugal	San Marino
Slovenia	Spain	Sweden
Switzerland	United Kingdom	Cyprus
Iceland	Armenia	Azerbaijan
Belarus	Estonia	Finland
Georgia	Greece	Kazakhstan
Kyrgyzstan	Latvia	Poland
Romania	Russia	Serbia
Slovakia	Tajikistan	Turkey
Turkmenistan	Ukraine	Uzbekistan

Middle East & North Africa

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

Sub-Saharan Africa

Botswana	Burkina Faso	Burundi
Cameroon	Cape Verde	Chad
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.	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 113 states have signed or acceded to the Convention on Cluster Munitions as of 31 July 2014, of which 84 are States Parties legally bound by all of the convention's provisions.
- Forty-two countries that have used, produced, exported, and/or stockpiled cluster munitions have joined the convention, thereby committing to never engage in those banned 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. Five countries have acceded to date, most recently Saint Kitts and Nevis on 13 September 2013.
- In the second half of 2013 and first half of 2014, none of the 29 remaining signatories ratified the convention. The last ratification was Iraq on 14 May 2013.

Use

- At least 22 governments have used cluster munitions during conflict in 38 countries and four disputed territories since the end of World War II.
- In Syria, government forces have used at least 249 cluster munitions in 10 of Syria's 14 governorates in the period from July 2012 to July 2014. At least seven types of cluster munitions have been used, including air-dropped bombs, dispensers fixed to aircraft, and ground-launched rockets, and at least nine types of explosive submunitions.
- Cluster munitions were used in South Sudan and Ukraine in the first half of 2014, but it is not yet clear which party or parties were responsible.
- There have been no confirmed reports or allegations of new use of cluster munitions by any States Parties since the Convention on Cluster Munitions was adopted on 30 May 2008..

Production and Transfer

- Historically, a total of 34 states have developed or produced more than 200 types of cluster munitions.
- Eighteen states have ceased the production of cluster munitions—16 States Parties and signatories to the Convention on Cluster Munitions, as well as non-signatories Argentina and Slovakia.
- Sixteen countries continue to produce cluster munitions or reserve the right to produce in the future, but only three of these states are known to have used the weapon: Israel, Russia, and the United States.
- In the past, at least 15 countries have transferred more than 50 types of cluster munitions to at least 60 other countries. Six former exporters are now States Parties to the Convention on Cluster Munitions.
- At least three states that have not joined the Convention on Cluster Munitions have enacted an export moratorium: Singapore, Slovakia, and the United States.

Civilian harm in Syria

- In Syria, government forces have used at least 249 cluster munitions in 10 of the country's 14 governorates in the period from July 2012 to July 2014.
- The Monitor reports 1,584 Syrian casualties in 2012 and 2013 due to cluster munition strikes and remnants, including unexploded submunitions. Hundreds more cluster munition casualties have been recorded in 2014. Of those killed in 2012 and 2013, 97% were civilians.
- In 2013 alone, at least 1,000 cluster munition casualties occurred in Syria, by itself higher than any annual global total since Cluster Munition Monitor reporting began in 2009.
- More casualties have been reported in Syria than from the last massive use of cluster munitions—by Israel on Lebanon in 2006—which heightened global outrage and contributed to the establishment of the Convention on Cluster Munitions.
- More than 140 states have condemned Syria's cluster bomb use in statements and resolutions, including 51 states not party to the Convention on Cluster Munitions.

▲
An unexploded AO-1SCh submunition found in South Sudan in 2014. All forces believed capable of delivering cluster munitions have denied using them.

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. Of the remaining 68 states that have cluster munition stockpiles, 14 have committed to destroy their stockpiles as States Parties and another six must refrain from using them as signatories to the ban convention.
- Collectively, prior to any destruction activities, 29 States Parties stockpiled more than 1.4 million cluster munitions containing 177 million submunitions.

Stockpile Destruction

- Under the Convention on Cluster Munitions, 22 States Parties have destroyed 1.16 million cluster munitions and nearly 140 million submunitions. This represents the destruction of 80% of cluster munitions and 78% of submunitions declared as stockpiled by States Parties.
- Four States Parties completed stockpile destruction in the reporting period, all years in advance of the deadline specified by the convention: Chile in July 2013, FYR Macedonia in October 2013, the United Kingdom (UK) in December 2013, and Denmark in March 2014. The UK destroyed a stockpile totaling 190,828 cluster munitions and 38.7 million submunitions.
- During 2013, 10 States Parties including France, Germany, Italy, and Japan destroyed a total of 130,380 cluster munitions and 24 million submunitions. Previously, in 2012, nine States Parties destroyed a total of 173,973 cluster munitions and 27 million submunitions, while in 2011, 10 States Parties destroyed 107,000 cluster munitions and 17.6 million submunitions.
- All 14 States Parties with cluster munitions stockpiles have committed to complete destruction within the eight-year deadline required by the convention. Major stockpilers have indicated they will complete in advance of the deadline, including Sweden in 2014, and Germany and Japan in 2015.
- Most States Parties that have made a formal statement have said that they will not retain any cluster munitions or submunitions for training and development purposes as permitted by the convention.
- Ten States Parties are retaining cluster munitions and/or submunitions for training and development: Belgium, Czech Republic, Denmark, France, Germany, Italy, Peru, Spain, Sweden, and Switzerland.

Contamination

- A total of 23 states and three other areas were contaminated by cluster munition remnants as of 1 July 2014. Ten of these states are party to the Convention on Cluster Munitions, committing to clear their land within 10 years, including Lao PDR and Lebanon, the two most affected states.
- Contamination is also still suspected, but not confirmed, in another 15 states.
- Since the last Monitor report, two states have reported completion of clearance of cluster munition remnants in areas under their jurisdiction or control: Mauritania in September 2013, and Norway in April 2014. Formal declarations of completion are still expected from these two states.
- Six states (Bosnia and Herzegovina, Cambodia, Iraq, Lao PDR, Lebanon, and Vietnam) as well as Nagorno-Karabakh have estimated contamination covering 10km² or more of land.

Clearance

- In 2013, more than 54,000 cluster munition remnants were destroyed during clearance of almost 31km² of contaminated land in 12 states and three other areas.
- Eight contaminated States Parties conducted clearance of cluster munition remnants in 2013: Afghanistan, Bosnia and Herzegovina, Croatia, Iraq, Lao PDR, Lebanon, Mauritania, and Norway. Among these, the greatest number of submunitions were destroyed in Lao PDR and Lebanon.
- Non-signatories Cambodia, Serbia, Vietnam, and Yemen also conducted clearance of cluster munition remnants as did other areas Kosovo, Nagorno-Karabakh, and Western Sahara.

Casualties

- In 2013, at least 1,000 cluster munition casualties occurred in Syria, by itself higher than any annual global casualty total since Cluster Munition Monitor reporting began in 2009. In 2013, the only casualties recorded globally during cluster munition strikes occurred in Syria.
- Casualties from cluster munition remnants occurred in nine states and one other area in 2013, based on data available, which is improving but still incomplete. These casualties were recorded in four States Parties (Croatia, Iraq, Lao PDR, and Lebanon), five non-signatories (Cambodia, South Sudan, Sudan, Syria, and Vietnam), as well as Western Sahara.
- Over the past five decades and as of 31 July 2014, the Monitor reported cluster munition casualties in 31 states, including 12 States Parties and four signatories to the Convention on Cluster Munitions, as well as in three other areas. Through the end of 2013, 19,419 cluster munition casualties have been documented

globally; but a better indicator of the all-time number of cluster munition casualties is the total of country estimates, coming to more than 55,000.

- Civilians accounted for the vast majority of casualties over all time, 94% where the status was recorded. In Syria during 2012–2013, 97% of the people killed were civilians.

Victim Assistance

- The Convention on Cluster Munitions continues to set the highest standards for victim assistance in international humanitarian law; in 2013, even the two non-signatory states with the most cluster munitions victims (Cambodia and Vietnam) continued reporting their efforts according to this emerging norm.
- Conflict and displacement increased dangers and hampered availability of services to victims and survivors in 2013. Refugees from the crisis in Syria increased the demand for basic services in countries to which they fled, notably Iraq and Lebanon, often overwhelming current capacity. In Afghanistan, obtaining medical treatment in conflict-affected areas remained difficult. Attacks on medical personnel and facilities further impeded services.
- All States Parties with cluster munition victims provided some victim assistance services and nearly all States Parties have acted in accordance with the time-bound actions of the convention's victim assistance plan agreed at the convention's First Meeting of States Parties in 2010.
- There were measurable improvements in the accessibility of services in many States Parties. However, services remain a far cry from being adequately available, particularly for survivors in remote and rural areas. In the face of declining funding for the NGOs who provide most direct, measurable assistance to survivors, overall, States Parties were yet to replace services and programs that were reduced or closed.

National Legislation and Transparency

- A total of 22 States Parties have enacted national legislation to implement the convention, but none in the second half of 2013 or first half of 2014. Another 19 States Parties are in the process of drafting, considering, or adopting national legislation. Twenty-six States Parties view existing legislation as sufficient to enforce the convention's provisions.
- A total of 65 States Parties have submitted an initial transparency report as required by Article 7 of the convention, which represents three-quarters of all of States Parties.

Interpretation of the Convention on Cluster Munitions

- At least 38 States Parties and signatories to the convention have expressed a view that even during joint military operations with states not party, any intentional or deliberate assistance with activities banned by the convention is prohibited. Four States Parties 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.
- 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. Five States Parties have asserted that transit and foreign stockpiling are not prohibited by the convention.
- States Parties Norway and the UK have both confirmed that the US has removed its stockpiled cluster munitions from their respective territories. The US has stockpiled and may continue to be storing cluster munitions in States Parties Afghanistan, Germany, Italy, Japan, and Spain.
- Nine States Parties have enacted legislation that explicitly prohibits investment in cluster munitions: including Liechtenstein in 2013. At least 26 States Parties and signatories to the convention have provided their view that investment in cluster munitions production is a form of assistance that is prohibited by the convention.



Cluster Munition Monitor Ban Policy

Introduction

The past six years since the Convention on Cluster Munitions was adopted by 107 states in Dublin on 30 May 2008 have seen remarkable progress in the eradication of these weapons.¹ A total of 113 states have signed, ratified, or acceded to the convention, of which 84 are States Parties legally bound by its provisions.²

These countries are adhering to the convention's comprehensive prohibition on the use, production, transfer, and stockpiling of cluster munitions. There have been no reports or allegations of any States Parties engaging in banned activities since the convention entered into force on 1 August 2010, therefore becoming binding international law. More than half of all States Parties have enacted legislation to enforce the convention's provisions or have declared that existing laws will be adequate to ensure their adherence.

As of July 2014, a total of 22 States Parties have destroyed more than 1.16 million stockpiled cluster munitions containing nearly 140 million submunitions, which represents the destruction of 80% of all cluster munitions and 78% of all submunitions declared stockpiled. At the end of 2013, the United Kingdom (UK) announced the completion of destruction of its once massive stockpile of 190,828 cluster munitions and 38.7 million submunitions, while Denmark completed its stockpile destruction in March 2014. In 2013 alone, more than 130,000 cluster munitions and 24 million submunitions were destroyed by these and eight other States Parties, including France, Germany, Italy, Japan, the Former Yugoslav Republic of (FYR) Macedonia, and Sweden.

Approximately three-quarters of States Parties have provided initial transparency reports as required under Article 7 of the convention detailing these and other actions taken to implement and promote the convention. The community of States Parties and signatories continues to collaborate closely with representatives from the United Nations (UN), International Committee of the Red Cross (ICRC), and the Cluster Munition Coalition (CMC) to promote universalization and ensure that the convention's provisions are respected and implemented by all.

Yet, major challenges remain if the convention's objective of putting an end to the human suffering caused by cluster munitions is to be realized. In Syria, the government's use of cluster munitions continued into its third year as *Cluster Munition Monitor 2014* went to print, with no end in sight. Worrying reports emerged of new cluster munition use in South Sudan and Ukraine in the first half of 2014, but it is not yet clear which armed forces are responsible.

These states remain outside the Convention on Cluster Munitions and Syria is by no means representative of the vast majority of non-signatories that largely adhere to the convention's provisions, despite not joining. More than 50 states not party to the convention are among the 140-plus countries that have condemned the Syrian government's use of cluster munitions since 2012 in statements and resolutions, including major past users such as Israel and the United States (US). While it has not criticized cluster munition use in Syria, non-signatory Russia was swift to criticize the use of cluster munitions against civilian populations in eastern Ukraine on several occasions in July 2014. The use of cluster bombs in South Sudan was met with protest by a UN Security Council resolution in May 2014.³

▲ Members of the Iraqi Alliance of Disability Organizations celebrate the fourth anniversary of the entry into force of the Convention on Cluster Munitions outside their headquarters in Baghdad.

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. Eighteen states adopted the Convention on Cluster Munitions in Dublin on 30 May 2008 but never signed or acceded: Argentina, Bahrain, Belize, Brunei, Cambodia, Estonia, Finland, Kyrgyzstan, Malaysia, Morocco, Papua New Guinea, Qatar, Serbia, Slovakia, Sudan, Timor-Leste, Vanuatu, and Venezuela. Six other states that adopted the convention did not sign during the Oslo Signing Conference in December 2008, but joined later at a later date: Cameroon, Democratic Republic of the Congo (DRC), Jamaica, Nigeria, Seychelles, and Swaziland.

² Accession and ratification are the most common ways to become a State Party. "States not party" to the convention are those that have signed but not ratified, and those that have not bound themselves as States Parties through accession, ratification, or other mechanisms such as acceptance or approval.

³ UN Security Council press statement, "Security Council, Adopting Resolution 2155 (2014), extends mandate of mission in South Sudan," 27 May 2014, bit.ly/MonitorCMM14BanF3.

Such actions contribute to the strong stigma against any use of cluster munitions. They show how most non-signatories acknowledge the civilian harm caused by cluster munitions, while many profess to accept the humanitarian rationale for a ban as provided by the Convention on Cluster Munitions, yet few have made measurable progress toward accession. Despite participating as observers in meetings of the convention, several countries where cluster munitions were once used such as Cambodia, Serbia, Sudan, Tajikistan, and Vietnam continue to disappoint survivors of the weapons by failing to heed calls to join the ban convention.

One example of progress is seen in Slovakia, where the government concluded an extensive review of the convention in January 2014 with the adoption of an action plan that should result in Slovakia's accession to the convention by July 2015. This former producer and exporter of cluster munitions was one of a group of countries that deferred the ban on cluster munitions as they pursued another legal instrument on cluster munitions in the 1980 Convention on Conventional Weapons (CCW).⁴

The 2011 failure of the CCW's Fourth Review Conference to conclude a new protocol on cluster munitions effectively ended its years-long deliberations on cluster munitions, which has left the Convention on Cluster Munitions as the sole multilateral instrument to provide a comprehensive framework to specifically address the weapons.⁵ It was also an affirmation that the Convention on Cluster Munitions and its sister instrument, the 1997 Mine Ban Treaty, represent the alternative humanitarian disarmament path, where humanitarian considerations and the protection of civilians are put ahead of narrow, perceived national security interests.⁶

But, if further progress is to be made under the Convention on Cluster Munitions by its First Review Conference in 2015, all of its supporters must redouble their efforts to promote its universalization, contribute to its implementation, and not hesitate to defend the norm that it is establishing against any use of cluster munitions by anyone under any circumstance.

This overview covers activities during the second half of 2013 and the first half of 2014, where data is available. All findings are drawn from detailed country profiles available from the Monitor website.⁷

Universalization

"Universalization" refers to the process of non-signatory countries acceding or otherwise joining the Convention on Cluster Munitions, as well as ratifications by countries that signed the convention prior to its entry into force on 1 August 2010. Both processes usually require some form of parliamentary approval, often in the form of legislation.

One hundred and thirteen states from all corners of the world have signed, ratified, or acceded to the convention since it was opened for signature in Oslo on 3 December 2008.⁸ However, only one country acceded and no signatories ratified the convention in the second half of 2013 and first half of 2014.

As the following regional summaries show, many of the 29 remaining signatories are in the process of either consulting on ratification or engaging in parliamentary approval of ratification. Some states must complete national implementation legislation before they can ratify.

In the second half of 2013 and the first half of 2014, several key meetings and activities related to the Convention on Cluster Munitions took place that provided opportunities for promoting universalization of the convention. These are also detailed below.⁹

⁴ Among the states that said they preferred to wait for an outcome before deciding on the Convention on Cluster Munitions are Estonia, Finland, Greece, Latvia, Romania, Slovakia, and Turkey.

⁵ All but 40 of the 117 high contracting parties to the Convention on Conventional Weapons have joined the Convention on Cluster Munitions. The CCW states that have yet to ban cluster munitions are: Argentina, Bangladesh, Belarus, Brazil, Cambodia, China, Cuba, Estonia, Finland, Gabon, Georgia, Greece, India, Israel, Jordan, Kazakhstan, Kuwait, South Korea, Latvia, Maldives, Mauritius, Mongolia, Morocco, Pakistan, Poland, Qatar, Romania, Russia, Saudi Arabia, Serbia, Slovakia, Sri Lanka, Tajikistan, Turkey, Turkmenistan, Ukraine, United Arab Emirates (UAE), US, Uzbekistan, and Venezuela. See the full list of CCW states at bit.ly/MonitorCMM14Ban5.

⁶ All States Parties to the Convention on Cluster Munitions have joined the Mine Ban Treaty except Lao PDR and Lebanon, while 49 Mine Ban Treaty States Parties have yet to accede to the Convention on Cluster Munitions: Algeria, 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 Lucia, Serbia, Slovakia, Solomon Islands, South Sudan, Sudan, Suriname, Tajikistan, Thailand, Timor-Leste, Turkey, Turkmenistan, Tuvalu, Ukraine, Vanuatu, Venezuela, Yemen, and Zimbabwe. As of 31 July 2013, there were 161 States Parties to the Mine Ban Treaty and one signatory (Marshall Islands).

⁷ See www.the-monitor.org.

⁸ Forty-one from Sub-Saharan Africa, 34 from Europe, 23 from the Americas, 12 from Asia-Pacific, and three from the Middle East and North Africa.

⁹ Starting in 2013, *Cluster Munition Monitor* no longer includes section reporting on activities at the Convention on Conventional Weapons as the CCW has done no work on cluster munitions since November 2011 when the Fourth Review Conference failed to conclude a protocol on cluster munitions. See *Cluster Munition Monitor 2012*, www.the-monitor.org/cmm/2012/.

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 2010.¹⁰

As of 31 July 2014, 79 signatories have ratified, becoming States Parties to the convention, and 29 signatories still need to ratify.¹¹ 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.¹²

Since the convention took effect, states can no longer sign, but must instead accede (essentially a process that combines signature and ratification into a single step).¹³

Accession

Five countries have acceded to the Convention on Cluster Munitions since it entered into force four years ago on 1 August 2010: three in 2011 (Grenada, Swaziland, and Trinidad and Tobago) and two in 2013 (Andorra and Saint Kitts and Nevis).

There was one accession globally during the reporting period by Saint Kitts and Nevis on 13 September 2013, which is the third Caribbean nation to accede to the convention.¹⁴

Non-signatory Slovakia—a past producer and exporter of cluster munitions—adopted an action plan on 15 January 2014 to prepare for its accession to the Convention on Cluster Munitions by 30 June 2015.¹⁵ Slovakia gave its commitment to join the Convention on Cluster Munitions after concluding that it is now “the only valid international instrument” to address cluster munitions following the 2011 failure by the Convention on Conventional Weapons (CCW) to conclude a new protocol on the weapon.

Aside from Slovakia, there was little if any progress toward accession in 2013 or the first half of 2014 by states that previously supported the creation of another legal instrument on cluster munitions in the CCW.¹⁶

Ratification

A total of 79 signatories had ratified the Convention on Cluster Munitions as of 31 July 2014. More than half of the 29 signatories still to ratify the Convention on Cluster Munitions are from Sub-Saharan Africa, while five are from the Americas, three are from Asia-Pacific, and two are from Europe.

There were no ratifications by the remaining signatories in the second half of 2013 or first half of 2014. The last ratification was Iraq on 14 May 2013 during the reporting period of the previous report, *Cluster Munition Monitor 2013*.

The lack of ratifications reflects the fact that there are fewer signatories left to ratify than in the years that immediately followed the December 2008 signing conference. But the slow progress on ratification coupled with the low level of accessions is disappointing given the efforts made by States Parties, international organizations, and the CMC.

Regional universalization developments

Africa

A total of 21 of the 49 states of sub-Saharan Africa have ratified and one (Swaziland) has acceded to the Convention on Cluster Munitions, making a total of 22 States Parties from the region. A total of 19 states from the region have signed but not yet ratified the convention.¹⁷ Eight states from Sub-Saharan Africa remain outside the Convention on Cluster Munitions.¹⁸

From Africa, signatories the Democratic Republic of the Congo (DRC) and the Republic of Congo appear closest to ratifying, having completed their respective legislative processes approving ratification.

¹⁰ 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.

¹¹ The 29 signatories yet to ratify are: Angola, Benin, Canada, CAR, Colombia, Cyprus, DRC, Republic of Congo, Djibouti, Gambia, Guinea, Haiti, Iceland, Indonesia, Jamaica, Kenya, Liberia, Madagascar, Namibia, Nigeria, Palau, Paraguay, Philippines, Rwanda, São Tomé e Príncipe, Somalia, South Africa, Tanzania, and Uganda.

¹² The Vienna Convention is considered customary international law binding on all countries.

¹³ 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.

¹⁴ CMC web post, “Saint Kitts and Nevis joins global cluster bomb ban,” 14 September 2014, bit.ly/MonitorCMM14Ban14.

¹⁵ Explanatory note, “Draft Action Plan for the Implementation of the Commitments of the Slovak Republic under the Convention on Cluster Munitions,” bit.ly/MonitorCMM2014Ban15. Attached in letter No.590.736/2014-OKOZ from Miroslav Lajčák, Deputy Prime Minister and Minister of Foreign and European Affairs to Sarah Blakemore, Director, CMC, 25 April 2014.

¹⁶ 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.

¹⁷ Angola, Benin, Central African Republic, DRC, Republic of Congo, Djibouti, Gambia, Guinea, Kenya, Liberia, Madagascar, Namibia, Nigeria, Rwanda, São Tomé and Príncipe, Somalia, and South Africa, Tanzania, and Uganda.

¹⁸ Equatorial Guinea, Eritrea, Ethiopia, Gabon, Mauritius, South Sudan, Sudan, and Zimbabwe.

Legislative processes to ratify the convention are underway in other signatories from Africa, including South Africa, where the cabinet announced its decision on 4 September 2013 to send the convention to parliament for ratification.¹⁹ In Benin, Djibouti, and Rwanda, draft ratification laws are believed to have been introduced for parliamentary approval, but as of 31 July 2014 the exact legislative status was not clear.

As the updated Monitor country profiles show, more than five years after signing the Convention on Cluster Munitions, 13 African states still have not introduced ratification measures to their national parliaments for consideration and adoption: Angola, Central African Republic, Gambia, Guinea, Kenya, Liberia, Madagascar, Namibia, Nigeria, São Tomé and Príncipe, Somalia, Tanzania, and Uganda.

There were few signs in 2013 and the first half of 2014 that accession is being actively considered by any of the African non-signatories. At the convention's Fourth Meeting of States Parties in September 2013, Gabon again pledged that its accession to the convention "is not far away."²⁰

Americas

Of the 35 states from the Americas, 15 past signatories have ratified and Grenada, Saint Kitts and Nevis, and Trinidad and Tobago have acceded to the convention, making a total of 18 States Parties.²¹ Of the five signatories from the region, Colombia appears closest to completing its ratification after adopting ratification legislation in 2012 that was reviewed by the constitutional court in 2013.²²

Legislative processes to approve ratification are underway in the other signatory countries from the Americas. Canada's Senate adopted legislation to implement and ratify the convention on 4 December 2012, which was then adopted by the House of Commons with an amendment on 19 June 2014.²³ The amended draft legislation was referred back to the Senate, where it will be reviewed when parliament resumes in September 2014.²⁴ An official from Paraguay told a regional meeting in December 2013 that a Senate committee still has to approve the ratification legislation, before it can be sent to the lower house of for approval.²⁵

The 12 non-signatories from the region are a mix of those with long-standing objections to the convention (Argentina, Brazil, Cuba, US, and Venezuela) and smaller states favorable to the convention, but with limited capacity or interest to join (Bahamas, Barbados, Belize, Dominica, Guyana, Saint Lucia, and Suriname). Only two of these countries participated as observers at the convention's Fourth Meeting of States Parties in September 2013: Argentina and Saint Kitts and Nevis. On the final day of the meeting, Saint Kitts and Nevis deposited its instrument of accession.

Asia-Pacific

Only 12 of the 40 states that comprise the Asia-Pacific region have joined the Convention on Cluster Munitions.²⁶ There have been no accessions from the Asia-Pacific region; the nine States Parties all signed and ratified the convention.²⁷

Asia-Pacific signatories Indonesia, Palau, and the Philippines have all said that they are pursuing ratification, but none have introduced ratification legislation into their respective parliaments for consideration and approval. Indonesia and the Philippines still do not appear to have concluded stakeholder consultations on ratification of the convention that began after it was signed in 2008.

Non-signatories Cambodia, China, Mongolia, Thailand, and Vietnam have continued to actively engage in the work of the Convention on Cluster Munitions, making statements at the Fourth Meeting of States Parties in September 2013. Yet none of these states have adopted plans to accede or provided timeframes for when they might do so. Half of the

¹⁹ Republic of South Africa government press release, "Statement on the Cabinet meeting of 4 September," 5 September 2013, bit.ly/MonitorCMM14Banf19.

²⁰ Statement of Gabon, Convention on Cluster Munitions Fourth Meeting of States Parties, Zambia, 11 September 2013, bit.ly/MonitorCMM14Banf20.

²¹ There are 18 States Parties from the Americas: Antigua and Barbuda, Bolivia, Chile, Costa Rica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru, Saint Vincent and the Grenadines, Saint Kitts and Nevis, Trinidad and Tobago, and Uruguay.

²² In April 2014, Colombia stated that "inter-ministerial consultations" were taking place on the convention, which is believed to be the final phase of the domestic process before the instrument of accession can be deposited. Statement of Colombia, Convention on Cluster Munitions Intersessional Meetings, Geneva, 7 April 2014, bit.ly/MonitorCMM14Banf22.

²³ Debates of the Senate (Hansard) Volume 148, Issue 125, 4 December 2012, bit.ly/MonitorCMM14Banf23.

²⁴ House of Commons of Canada, "Bill C-6: An Act to Implement the Convention on Cluster Munitions," bit.ly/MonitorCMM14Banf24. After the draft legislation is passed, it will be given royal assent and enter into force, thus enabling Canada to deposit its instrument of ratification of the Convention on Cluster Munitions.

²⁵ Statement of Paraguay, Santiago Regional Workshop on Cluster Munitions, 12 December 2013. Notes by the CMC.

²⁶ 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) and nine non-signatories from the Pacific (Kiribati, Marshall Islands, Micronesia, Niue, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, and Vanuatu). Six Asia-Pacific non-signatories 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.

²⁷ The nine States Parties from the Asia-Pacific are Afghanistan, Australia, Cook Islands, Fiji, Japan, Lao PDR, Nauru, New Zealand, and Samoa.

non-signatories from the Asia-Pacific region still have not made a public statement articulating their position on joining the convention.²⁸

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 31 have ratified. Andorra has acceded, making a total of 32 States Parties.²⁹ All except eight of the 28 European Union (EU) member states are States Parties to the Convention on Cluster Munitions.³⁰ Russia and all eight states from the Caucasus and Central Asia remain outside the ban convention and have made little, if any, progress toward joining it in the reporting period.³¹

As the last signatories from Europe left to ratify the Convention on Cluster Munitions, Cyprus and Iceland unfortunately made little progress toward that objective in 2013 and the first half of 2014. In Cyprus, there has been no effort to adopt ratification legislation that was introduced to parliament in 2011 and officials see no prospect for immediate action.³² Despite promises by Icelandic officials since 2010, the ratification package for the convention still had not been introduced to parliament for approval as of 1 July 2014.³³

The government of Slovakia approved an action plan on 15 January 2014, which instructs relevant ministries to begin the process of its accession to the convention in 2014 so that the instrument can be deposited by 30 June 2015.³⁴ Slovakia's Deputy Prime Minister and Minister of Foreign and European Affairs, Miroslav Lajčák, has informed the CMC that the plan represents "a serious political commitment and significant step towards...accession to the Convention on Cluster Munitions in a realistic timeframe."³⁵

Middle East and North Africa

There are just three States Parties to the Convention on Cluster Munitions from the Middle East and North Africa: Iraq, Lebanon, and Tunisia.³⁶ A total of 16 countries from the region have not signed the convention.³⁷

Several non-signatories from the Middle East and North Africa have continued to participate in the convention's meetings, but few made any statements in 2013 or the first half of 2014.

According to the CMC, in June 2014 a government representative confirmed that Palestine intends to join the Convention on Cluster Munitions.³⁸ Previously, officials had indicated that Palestine would like to join the convention once it achieved legal status with the UN.

Meetings and actions on cluster munitions

Zambia hosted the Fourth Meeting of States Parties to the Convention on Cluster Munitions in Lusaka from 9–13 September 2013. Approximately 800 delegates attended from 106 states (58 States Parties, 18 signatories, and 30 observers/non-signatories), as well as from UN agencies, the ICRC, and the CMC.³⁹ The CMC delegation was comprised

²⁸ Bangladesh, Bhutan, Brunei Darussalam, North Korea, Maldives, Myanmar, Nepal, Sri Lanka, Timor-Leste, Marshall Islands, Micronesia, Tonga, and Tuvalu.

²⁹ There are 32 States Parties from Europe: Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina (BiH), Bulgaria, Croatia, Czech Republic, Denmark, France, Germany, Holy See, Hungary, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, FYR Macedonia, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Portugal, San Marino, Slovenia, Spain, Sweden, Switzerland, and the UK.

³⁰ Estonia, Finland, Greece, Latvia, Poland, Romania, and Slovakia. EU member state Cyprus has signed but not yet ratified the convention.

³¹ The 13 other European and Central Asian non-signatories are: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Russia, Serbia, Tajikistan, Turkey, Turkmenistan, Ukraine, 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.

³² In April 2014, a Cypriot representative informed the CMC that the ratification process has been put on hold for the next three years because of the country's financial situation and International Monetary Fund (IMF) restrictions that inhibit Cyprus from spending funds to meet its anticipated stockpile destruction obligations. CMC meeting with Georgios S. Yiangou, Counsellor, Deputy Permanent Representative, Permanent Mission of Cyprus to the UN in Geneva, Convention on Cluster Munitions Intersessional Meetings, Geneva, 10 April 2014.

³³ In May 2014, a government representative informed the CMC that proposed amendments to the country's existing penal law would be submitted in parliament in the third quarter of 2014 and could be approved by the end of the year, permitting Iceland to ratify. Icelandic officials have made similar promises every year since 2010 concerning the ratification legislation package.

³⁴ Explanatory note, "Draft Action Plan for the Implementation of the Commitments of the Slovak Republic under the Convention on Cluster Munitions," bit.ly/MonitorCMM2014Banf15. Attached in Letter No.590.736/2014-OKOZ from Miroslav Lajčák, Deputy Prime Minister and Minister of Foreign and European Affairs to Sarah Blakemore, Director, CMC, 25 April 2014.

³⁵ Letter No.590.736/2014-OKOZ from Miroslav Lajčák, Deputy Prime Minister and Minister of Foreign and European Affairs to Sarah Blakemore, Director, CMC, 25 April 2014.

³⁶ 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.

³⁷ Algeria, Bahrain, Egypt, Iran, Israel, Jordan, Kuwait, Libya, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Syria, United Arab Emirates, and Yemen.

³⁸ CMC web post, "Palestine announces intention to join cluster bomb ban," 6 June 2014, bit.ly/MonitorCMM14Banf38.

³⁹ See the official website for the Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 11–14 September 2012, www.3msp.clusterconvention.org/. The list of participants is available at bit.ly/MonitorCMM14Banf39.

of 150 campaigners including cluster munition survivors and youth campaigners. The meeting was opened by the President of Zambia, Michael Chilufya Sata, who stated that cluster munitions “have no place in the modern era.”⁴⁰

The meeting adopted the “Lusaka Progress Report” detailing progress made on the convention’s implementation and universalization since 2010 and especially since the Third Meeting of States Parties in September 2012.⁴¹ It also agreed to establish an “implementation support unit” in Geneva to replace the ad hoc assistance that the UN Development Programme (UNDP) has provided since 2010 to support successive presidents of the Meetings of States Parties, as well as all States Parties.

Chile hosted a regional workshop on cluster munitions in Santiago on 12–13 December 2013, attended by representatives from 24 Latin American and Caribbean states, including non-signatories Argentina, Belize, Cuba, and Saint Lucia.⁴² The participating states adopted the “Santiago Declaration” calling for “joint action to ensure the protection of civilians through the prohibition and total eradication of cluster munitions.”⁴³

Representatives from 11 African signatory states attended workshops on the universalization of the Convention on Cluster Munitions held in Geneva on 20 and 24 February 2014.⁴⁴ Representatives of non-signatory states from the Middle East and North Africa attended a similar workshop on the convention’s universalization in Geneva on 27 May 2014.

The fourth round of intersessional meetings of the Convention on Cluster Munitions took place in Geneva on 7–9 April 2014, with participation from representatives of 101 countries in addition to a CMC delegation.

The Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC) at the Centre for Security Cooperation held its sixth annual workshop on the implementation of the Convention on Cluster Munitions during a wider symposium on mine action in Zadar, Croatia from 22–26 April 2014. The workshop was attended by six governments from the region.⁴⁵

As President of the Fourth Meeting of States Parties, Zambia has placed special emphasis on promoting universalization of the Convention on Cluster Munitions. In June 2014, its Minister of Foreign Affairs Henry Kalaba promoted the convention in his capacity as President of the Fourth Meeting of States Parties, discussing accession with his counterpart in Mauritius during a visit and also raising it with the Minister of Foreign Affairs and Minister of Defence of Zimbabwe during a visit.⁴⁶

Since 2012, several Pacific workshops on the clearance of explosive remnants of war dating from World War II have featured the need for universalization of the Convention on Cluster Munitions, including a workshop convened by the Geneva International Centre for Humanitarian Demining (GICHD) in Palau in November 2013 and a workshop hosted by the Pacific Islands Forum Secretariat and ICBL-CMC member organisation SafeGround (formerly the Australian Network to Ban Landmines and Cluster Munitions) in Brisbane, Australia in June 2013.

Costa Rica will host the convention’s Fifth Meeting of States Parties in San Jose on 2–5 September 2014.⁴⁷

Use of Cluster Munitions

Overview of cluster munitions use

Cluster munitions have been used during armed conflict in 38 countries and four disputed territories by at least 22 governments since the end of World War II (as detailed in the following table and the *Timeline of cluster munition use* found at the end of this chapter). 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.

⁴⁰ Statement by Michael Chilufya Sata, President of Zambia, Convention on Cluster Munitions Fourth Meeting of States Parties, Lusaka, 9 September 2013, bit.ly/MonitorCMM14Banf40.

⁴¹ Convention on Cluster Munitions Lusaka Progress Report, 13 September 2013, bit.ly/MonitorCMMBan14f41.

⁴² Members of the CMC from Chile, Argentina, Brazil, El Salvador, Mexico, and Venezuela also participated in the meeting. See CMC web post, “Santiago conference commits to a cluster munition-free zone in Latin America and the Caribbean,” 14 December 2013, bit.ly/MonitorCMM14Banf42.

⁴³ Santiago Declaration and Elements of an Action Plan, presentation by M. Christian Guillermet, Deputy Permanent Representative, Mission Costa Rica to UNOG, Santiago, 13 December 2013, bit.ly/MonitorCMMBanf43.

⁴⁴ Benin, Congo, DRC, Djibouti, Guinea, Madagascar, Namibia, Nigeria, South Africa, Tanzania, and Uganda.

⁴⁵ Albania, Bosnia and Herzegovina, Croatia, FYR Macedonia, Montenegro, and Serbia attended. The meeting was supported by Germany, the government of Croatia’s Office for Demining, and the Croatian Mine Action Centre (CROMAC). RACVIAC, “Symposium on Mine Action,” 22–26 April 2014, www.raeviac.org/downloads/2014/CSE-01_report.pdf.

⁴⁶ Alick Banda, “Kalaba lobbies Mauritius to accede to Convention on Cluster Munitions,” *The Independent Observer* (Zambia), 6 June 2014, bit.ly/MonitorCMM14Banf46; and “Sign convention on cluster bombs – Kalaba,” *Zambia Daily Mail*, 6 June 2014, bit.ly/MonitorCMM14Banf46a.

⁴⁷ See the website of the Convention on Cluster Munitions Fifth Meeting of States Parties, www.5msp.clusterconvention.org/.

Summary of states using cluster munitions and locations used⁴⁸

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
Morocco	Western Sahara, Mauritania
Netherlands	Former Yugoslavia (Kosovo, Montenegro, Serbia)
Nigeria	Sierra Leone
Russia	Chechnya, Afghanistan (as USSR), Georgia
Saudi Arabia	Saudi Arabia, Yemen
South Africa	Has admitted past use, location unknown
Sudan	Sudan
Syria	Syria
Thailand	Cambodia
UK	Falklands/Malvinas, Iraq, Kuwait, former Yugoslavia (Kosovo, Montenegro, Serbia)
US	Afghanistan, Albania, Bosnia and Herzegovina, 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, Bosnia and Herzegovina, Croatia, Kosovo

The United States, Israel, and Syria—all non-signatories to the Convention on Cluster Munitions—have been among the most prolific users of cluster munitions, but the vast majority of states outside the convention have never used the weapon.⁴⁹ Only three non-signatories are considered major users *and* producers of cluster munitions: Israel, Russia, and the US.⁵⁰

Many countries that used cluster munitions in the past are now either States Parties (France, Iraq, the Netherlands, and the UK) or signatories (Colombia, Nigeria, and South Africa) to the Convention on Cluster Munitions, and have relinquished use of cluster munitions. Article 4 of the convention is not retroactive, but 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.

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 to the ban convention since it entered into force on 1 August 2010.⁵¹

⁴⁸ This accounting of states using cluster munitions is incomplete as cluster munitions have been used in other countries, but the party responsible for the use is not clear. This includes in Angola, Azerbaijan, Democratic Republic of the Congo (DRC), Mozambique, Myanmar (Burma), Somalia, South Sudan, Tajikistan, Uganda, Ukraine, Yemen, and Zambia, as well as Nagorno-Karabakh.

⁴⁹ Four non-signatories that stockpile cluster munitions have stated that they have never used the weapons: Estonia, Finland, Turkey, and the United Arab Emirates; while another 13 non-signatories with stockpiles are not known to have ever used cluster munitions: Algeria, Argentina, Bahrain, Belarus, Cuba, Jordan, Kazakhstan, Kuwait, Mongolia, Oman, Qatar, Turkmenistan, and Uzbekistan.

⁵⁰ Nine of the 16 non-signatories known to produce cluster munitions have stated that they have never used cluster munitions (Brazil, China, Egypt, Greece, South Korea, Pakistan, Poland, Romania, and Turkey), while the Monitor has not verified any use of cluster munitions by four other producer states: India, Iran, North Korea, and Singapore. This leaves Israel, Russia, and the US as the only countries that both produce and use cluster munitions.

⁵¹ In addition to the new use documented by *Cluster Munition Monitor 2014* in South Sudan, Syria, and Ukraine, since the Convention on Cluster Munitions took effect in August 2010 new cluster munition use has been recorded in Cambodia and Libya in 2011, in Sudan in 2012, and in Myanmar in 2013, as shown in the *Timeline of cluster munition use*. None of these states are party to the Convention on Cluster Munitions.

New use

Since 1 July 2013, cluster munitions have continued to be used in Syria, while evidence of cluster munition attacks was recorded in South Sudan and Ukraine in the first half of 2014. None of these states are party to the Convention on Cluster Munitions.

The three conflicts are entirely separate, but it is notable that the same kind of cluster munitions have been used in more than one of these countries.⁵² The Monitor has also recorded the first use of self-destruct cluster munitions in Syria as well as Ukraine.⁵³

Use in Syria

At least 249 cluster munitions were used by government forces in 10 of Syria's 14 governorates in the two-year period from July 2012 to July 2014, according to Human Rights Watch (HRW).⁵⁴ The true extent of use in Syria is likely more widespread as the data is incomplete and not all remnants have been recorded. At least seven types of cluster munitions have been used in Syria, including air-dropped bombs, dispensers fixed to aircraft, and ground-launched rockets, and at least nine types of explosive submunitions.⁵⁵

Initial reports of cluster munition use emerged in mid-2012, then increased sharply in October 2012 as the government intensified its air campaign on rebel-held areas with the use of RBK-series air-dropped cluster bombs containing AO-1SCh and PTAB-2.5M bomblets.⁵⁶ The Syrian government continued to use air-dropped cluster bombs in 2013 and 2014, including RBK-500 cluster bombs containing ShOAB-0.5 submunitions. Use of AO-2.5RT and PTAB-2.5KO submunitions was also recorded, but the delivery system was not clear.⁵⁷

At the end of 2012, the first use of ground-launched cluster munitions was recorded when Syrian government forces used multi-barrel rocket launchers to deliver Egyptian-made 122mm SAKR cluster munition rockets containing DPICM-like submunitions with distinctive white ribbons.⁵⁸ In early 2014, the use of 9M55K and 9M27K-series surface-to-surface rockets containing 9N235 submunitions fitted with self-destruct mechanisms was first documented.⁵⁹ HRW attributed the use to the Syrian government.⁶⁰

Video footage of another DPICM-like submunition with a red ribbon was reportedly filmed in the village of Maliha in rural Damascus in early April 2014 and again in the town of al-Waziyeh southeast of Homs on 22 July 2014.⁶¹ From its markings, arms experts have identified the weapon as a "ZP-39" submunition, but it is of unknown origin and the

⁵² The use of air-dropped RBK-250-275 cluster bombs and AO-1SCh submunitions has been recorded in both South Sudan and Syria, while the use of 9M55K surface-to-surface rockets containing 9N235 submunitions equipped with self-destruct mechanisms was documented in both Syria and Ukraine in the first half of 2014.

⁵³ The 9M55K 330mm cluster munition rocket was designed and initially manufactured by the Soviet Union in the late 1980s and then manufactured and exported by the Russian Federal State Unitary Enterprise "SPLAV State Research And Production Association" from 1991 onward. The mass (weight) of the fragments contained in the 9N235 submunitions makes them more powerful and deadly than other types of submunitions. While designed to detonate on impact, each submunition has a back-up pyrotechnic self-destruct feature designed to destroy it two minutes after being ejected from the rocket, but the self-destruct feature appears to have failed to function in some cases documented in Syria. HRW press release, "Syria: New Deadly Cluster Munition Attacks," 19 February 2014, bit.ly/MonitorCMM14MAf23. A photograph of the submunitions founded with the remnants of 9M55K-series cluster munition rockets used in Ukraine shows that some failed to self-destruct. See Armament Research Services blog, "9M55K cargo rockets and 9N235 submunitions in Ukraine," 3 July 2104, bit.ly/MonitorCMM14Banf53.

⁵⁴ Since 2012, HRW has systematically researched, recorded, and documented the use of cluster munitions in Syria. This Monitor report updates information provided in HRW's April 2014 research product. See HRW, "Technical Briefing Note: Use of Cluster Munitions in Syria," 4 April 2014, bit.ly/MonitorCMM14Banf54.

⁵⁵ Additionally, ZAB incendiary submunitions delivered by RBK bombs have been used by government forces. However, this type is not accounted for by the Monitor as this type is not considered to be an explosive submunition since the ZAB submunitions ignite after release from its container instead of detonating on, before, or after impact. Therefore they are not covered by the Convention on Cluster Munitions. For further information on Syria's use of incendiary weapons, see, bit.ly/MonitorCMM14Banf55.

⁵⁶ Brown Moses Blog, "Evidence of cluster bombs being deployed in Syria," 10 July 2012, bit.ly/MonitorCMM14Banf56; HRW press release, "Syria: Evidence of Cluster Munitions Use by Syrian Forces," New York, 12 July 2012, bit.ly/MonitorCMM14Banf56a.

⁵⁷ AO-2.5RT and PTAB-2.5KO submunitions are capable of being loaded into BKF cartridges and dispersed by KMG-U dispensers. The AO-2.5RT submunition can also be delivered by the RBK-500 cluster bomb.

⁵⁸ It is not known if the 122mm rockets are SAKR-18 or SAKR-36 variants, which contain 72 and 98 submunitions respectively. The design of the fuze system in this type of submunition makes it very sensitive and submunitions that fail to explode on initial impact are liable to detonate if disturbed. HRW press release, "Syria: Army Using New Type of Cluster Munition," New York, 14 January 2013, bit.ly/MonitorCMM14Banf58.

⁵⁹ Armament Research Services, "9M27K Series Cargo Rockets in Syria," 22 February 2014, bit.ly/MonitorCMM14Banf59.

⁶⁰ HRW stated, "It is highly unlikely that rebel forces could acquire the eight-wheeled, 43,700 kilogram launch vehicle or operate its sophisticated fire control system without significant training or time to conduct practice drills. There is no video evidence or written claims that any rebel group controls any BM-30 launchers, its similarly sized re-supply vehicle, or any 300mm surface-to-surface rockets like the 9M55K rocket." HRW press release, "Syria: New Deadly Cluster Munition Attacks," 19 February 2014, bit.ly/MonitorCMMMAf18.

⁶¹ Collective Awareness to UXO blog, "AP-39 Syria Unidentified Submunition," undated, bit.ly/MonitorCMM14Banf61. See also videos posted by Syrian activists at youtu.be/rRGRVM4qaC8 and youtu.be/kdpgLV5FKCE.

delivery system is not known. Markings on the submunitions indicate they were manufactured in 1993, making them more recently produced than the RBK-series cluster bombs, but still old stock at more than 20 years of age.⁶²

The Syrian military initially denied possessing or using cluster munitions and the government has continued to deny its use of the weapons.⁶³ As of July 2014, it does not appear that cluster munitions have been used by opposition rebel groups, but there is some evidence of unexploded submunitions being used as improvised explosive devices (IEDs) by some rebel groups.⁶⁴

The civilian harm caused by the use of cluster munitions in Syria has attracted widespread media coverage and public outcry. By 1 July 2014, a total of 142 states had condemned the Syrian government's use of cluster munitions through national statements, UN resolutions, and communiques including 51 non-signatories.⁶⁵ During 2013, the UN General Assembly (UNGA) adopted two resolutions on the situation in the Syrian Arab Republic that included specific references criticizing the use of cluster munitions in Syria.⁶⁶

Use in South Sudan

In early 2014, evidence emerged showing that cluster munitions had been used recently during the conflict between the opposition forces loyal to South Sudan's former Vice President Riek Machar and Sudan People's Liberation Army (SPLA) government forces, with air-support for the SPLA provided by Uganda, a signatory to the Convention on Cluster Munitions. In the week of 7 February 2014, UN mine action experts found the remnants of at least eight RBK-250-275 cluster bombs and an unknown quantity of intact AO-1SCh submunitions by a stretch of road 16 kilometers south of Bor, the capital of Jonglei State, in an area not known to be contaminated by cluster munition remnants prior to mid-December 2013.⁶⁷

Both South Sudanese and the Ugandan People's Defence Force (UPDF) forces are believed to possess the types of aircraft capable of delivering this type of cluster munition, which can be dropped by fixed wing aircraft or helicopters. The opposition forces are not believed to possess these means of delivery.

South Sudan has denied using cluster munitions in the conflict and also denied Ugandan use of the weapons.⁶⁸ The commander of the Ugandan forces in South Sudan, Brig. Muhanga Kayanja, acknowledged that UPDF forces used helicopters to provide close support to ground troops, but denied the use of cluster bombs.⁶⁹ A UPDF spokesman reportedly

⁶² See Brown Moses Blog, "The markings on what's assumed to be a Sakr submunition suggests the designation is ZP39, made in 1993," 4 April 2014, bit.ly/MonitorCMM14Banf62; and Wareham, Mary (@marywareham), "Meanwhile cluster munitions still used in #Syria - unexploded submunition filmed near Homs: <http://t.co/Q6yhCeW70x> <http://t.co/U28bYPCHxr>" 22 Jul 2014, 21:21 UTC, tweet, bit.ly/MonitorCMM14Banf62a.

⁶³ According to the state-run Syrian Arab News Agency (SANA), "the General Command of the Army and the Armed Forces stressed on [15 October 2012] that the misleading media outlets have recently published untrue news claiming the Syrian Arab Army has been using cluster bombs against terrorists." According to SANA, "the General Command said the Syrian Army does not possess such bombs." "Syria denies using cluster bombs," *CNN*, 16 October 2012, bit.ly/MonitorCMM14Banf63. In March 2013, Syrian diplomatic representatives denied the evidence of Syrian cluster bomb use. Letter from Firas al Rashidi, Charge d'affair ad interim, Embassy of the Syrian Arab Republic to Japan, to the Japanese Campaign to Ban Landmines, 7 March 2013.

⁶⁴ A video uploaded to YouTube on 26 March 2014 reportedly of arms captured by government forces from rebel groups shows submunitions prepared for use as IEDs: youtu.be/UTwbnoRQode.

⁶⁵ Countries that have expressed concern at the use of cluster munitions in Syria are from 91 States Parties and signatories (Afghanistan, Albania, Andorra, Australia, Austria, Belgium, Benin, BiH, Botswana, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Central African Republic, Chad, Chile, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, DRC, Denmark, Djibouti, Dominican Republic, Ecuador, France, Gambia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Lao PDR, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Macedonia FYR, Madagascar, Malawi, Malta, Mauritania, Mexico, Moldova, Monaco, Montenegro, Mozambique, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Peru, Portugal, Qatar, Samoa, San Marino, São Tomé e Príncipe, Senegal, Seychelles, Sierra Leone, Slovenia, Somalia, South Africa, Spain, Swaziland, Sweden, Switzerland, Togo, Trinidad and Tobago, Tunisia, UK, and Uruguay) and 51 non-signatories (Argentina, Azerbaijan, Bahamas, Bahrain, Barbados, Belize, Brazil, Brunei Darussalam, Cambodia, Dominica, Egypt, Estonia, Finland, Gabon, Georgia, Greece, Israel, Jordan, Kiribati, Kuwait, Latvia, Libya, Malaysia, Maldives, Marshall Islands, Mauritius, Micronesia FS, Mongolia, Morocco, Myanmar, Oman, Pakistan, Papua New Guinea, Poland, Qatar, Romania, Saudi Arabia, Serbia, Slovakia, Solomon Islands, South Korea, Thailand, Timor-Leste, Tonga, Turkey, Tuvalu, Ukraine, UAE, US, Vanuatu, and Yemen). The Monitor does not count signatories to the Lome regional meeting declaration of May 2013, which expressed concern at the use of cluster munitions in general and was endorsed by 36 African states including Angola, Congo Rep, Eritrea, Mali, Namibia, Niger, South Sudan, Tanzania, Uganda, Zambia, and Zimbabwe.

⁶⁶ On 18 December 2013, a total of 127 states voted in favor of UNGA Resolution 68/182 that expressed "outrage" at the Syrian government's "continued widespread and systematic gross violations of human rights...including those involving the use of...cluster munitions." "The situation in the Syrian Arab Republic," UNGA Resolution A/RES/68/182, 18 December 2013, bit.ly/MonitorCMM14Banf66. On 15 May 2013, a total of 107 states voted in favor of UNGA Resolution 67/262 that included a strong condemnation of "the use by the Syrian authorities of...cluster munitions." "The situation in the Syrian Arab Republic," UNGA Resolution A/67/L.63, 15 May 2013, bit.ly/MonitorCMM14Banf66a.

⁶⁷ United Nations Mission in the Republic of South Sudan (UNMISS), "Conflict in South Sudan: A Human Rights Report," 8 May 2014, pp. 26–27, bit.ly/MonitorCMM14Banf67.

⁶⁸ "South Sudan has no capacity to use or stockpile cluster bombs; neither do the Ugandan forces who have been assisting with security in South Sudan," South Sudan government army spokesman Philip Aguer told *IBTimes*. "The war is not intensive enough to require the use of cluster bombs." See Jacey Fortin, "The Bad Bomb: Cluster Munitions, Cold Cases And A Case of Blame Game in South Sudan," *International Business Times*, 12 March 2014, bit.ly/MonitorCMM14Banf68.

⁶⁹ HRW press release, "South Sudan: Investigate New Cluster Bomb Use," 15 February 2014, bit.ly/MonitorCMM14Banf69.

said that the Ugandan army would not take part in any investigation into the incident as that responsibility rests with the South Sudanese government and international experts.⁷⁰ UN Secretary-General Ban Ki-moon drew attention to the UN's discovery of the cluster munition remnants near Bor and condemned the use of cluster bombs in the South Sudan conflict, but did not indicate who the UN believed was responsible or if an investigation would be undertaken.⁷¹

The CMC condemned the cluster munition use in South Sudan and called for an immediate investigation.⁷² By 31 July 2014, twenty countries had expressed concern at the use of cluster munitions in South Sudan, including Zambia's Minister of Foreign Affairs Wylbur C. Simuusa—in its capacity as the President of the Convention on Cluster Munitions—and Norway's Minister of Foreign Affairs Børge Brende.⁷³ During the April 2014 intersessional meetings of the convention, Cambodia, the Netherlands and New Zealand made interventions expressing concern at the reported cluster bomb use in South Sudan, while 15 other states unanimously endorsed a UN Security Council on 27 May 2014 that noted “with serious concern reports of the indiscriminate use of cluster munitions” in Jonglei state and urged “all parties to refrain from similar such use in the future.”⁷⁴

Use in Ukraine

In early July 2014, evidence emerged that strongly indicates ground-launched cluster munitions were used in recent weeks in two separate locations in eastern Ukraine during fighting between Ukrainian government forces and armed insurgents.⁷⁵

On 3 July, the remnants of a 300mm 9M55K cluster munition rocket and a 9N235 fragmentation submunition were identified from photographs reportedly taken at Kramatorsk in eastern Ukraine.⁷⁶ A total of 72 individual 9N235 submunitions are contained in each 9M55K rocket, which is fired from the 9K58 Smerch multiple-barrel rocket launcher over a maximum range of 90 kilometers.

On 11 July, photographs taken by the *Associated Press* at an insurgent base at Slavyansk, which was abandoned during the Ukrainian government's early July take-back of the town, show the remnants of at least eight 220mm 9M27K-series cluster munition rockets and at least three fragmentation submunitions that are all either 9N210 or 9N235.⁷⁷ These rockets are fired from the 9K57 Uragan multi-barrel rocket launcher, which has a maximum range of 35 kilometers. According to the *Associated Press*, the remnants at Slavyansk were collected and destroyed by Ukrainian government explosive ordnance disposal teams.

Both Ukraine and Russia have large stockpiles of cluster munitions, including the types used in eastern Ukraine. The government of Ukraine has neither confirmed nor denied using cluster munitions in eastern Ukraine.⁷⁸ On 4 July 2014, Russia's Ministry of Foreign Affairs accused the government of Ukraine of using cluster munitions against civilians.⁷⁹ On 25 July 2014, a senior commander of the Russian General Staff expressed concern that Ukrainian forces were using cluster munitions in civilian areas.⁸⁰

⁷⁰ “Ugandan army won't take part in cluster bomb investigation,” *Sudan Tribune*, 19 February 2014, www.sudantribune.com/spip.php?article50027.

⁷¹ Statement of UN Secretary-General on South Sudan, New York, 12 February 2014, www.un.org/sg/statements/index.asp?mid=7455. In May 2014, the UNMAS director informed the CMC that while cluster munitions had been used in South Sudan, it was not possible to determine who was responsible for the use. Email from UNMAS, 13 May 2014.

⁷² CMC web page, “Cluster munition use in South Sudan,” undated, but 2014, bit.ly/MonitorCMM14Banf72.

⁷³ Royal Norwegian Ministry of Foreign Affairs statement, “Norway condemns use of cluster bombs in South Sudan,” 22 February 2014, bit.ly/MonitorCMM14Banf73b; statement by Zambia's Minister of Foreign Affairs, Wylbur C. Simuusa, President of the Fourth Meeting of States Parties of the Convention on Cluster Munitions, 14 February 2014, bit.ly/MonitorCMM14Banf73

⁷⁴ Argentina, Australia, Chad, Chile, Jordan, Lithuania, Luxembourg, Nigeria, Republic of Korea, and Rwanda. See UN Security Council press statement, “Security Council, Adopting Resolution 2155 (2014), extends mandate of mission in South Sudan,” 27 May 2014, www.un.org/News/Press/docs/2014/sc11414.doc.htm.

⁷⁵ Violence erupted in eastern Ukraine following the February 21, 2014 ousting of President Viktor Yanukovich. By mid-March, armed groups initially calling themselves “self-defense units” seized and occupied administrative buildings in several cities, towns, and villages in the Luhansk and Donetsk regions. Their demands ranged from making Ukraine a federation, to separation of their regions from the rest of Ukraine, to joining Russia. The Ukrainian government's counter-insurgency operations in these regions has intensified since the country's 25 May presidential elections and were continuing as *Cluster Munition Monitor 2014* went to print.

⁷⁶ Armament Research Services blog, “9M55K cargo rockets and 9N235 submunitions in Ukraine,” 3 July 2014, bit.ly/MonitorCMM14Banf53.

⁷⁷ 9M27K-series rockets have different submunitions payloads depending on the configuration. The 9M27K contains the 9N210 submunitions, while the 9M27K-1 contains the 9N235 submunition. Visually, the 9N210 and 9N235 look the same and weigh almost the same, but internally the size of the fragments is different as is the timing on the self-destruct feature. See Szlanko, Balint (@balintszlanko), “Cargo rockets, 220mm 9M27K or 300mm 9M55K. Abandoned rebel base in #Slavyansk, prob. fired by Ukrainians. #Ukraine. <http://t.co/r7xjG4gwgg>” 11 Jul 2014, 07:39 UTC, tweet, bit.ly/MonitorCMM14Banf77; and Armament Research Services blog, “9M27K series cargo rockets used in Ukraine,” 11 July 2014, bit.ly/MonitorCMM14Banf77a.

⁷⁸ In 2010, a Ministry of Foreign Affairs official told CMC representatives that Ukraine would not use cluster munitions except to defend itself from outside aggression. CMC meeting with Ruslan Nimchynskyi, Ministry of Foreign Affairs, in Vientiane, 11 November 2010. Notes by the CMC.

⁷⁹ David McHugh, “Troops in Ukraine strike back at rebels; Putin pushes truce,” *Associated Press*, 5 July 2014, bit.ly/MonitorCMM14Banf79.

⁸⁰ “Ukraine used phosphorous incendiaries, cluster bombs against cities – Russian military,” *RT*, 25 July 2014, bit.ly/MonitorCMM14Banf80.

The CMC has expressed concern at the “worrying” evidence of cluster munition use in eastern Ukraine and urged the government of Ukraine to confirm or deny the use allegations.⁸¹

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.

In an April 2014 letter, the Deputy Prime Minister of Slovakia stated “the Ministry of Defence of Slovakia has already banned the use of cluster munitions by the Slovak army.”⁸² Previously, in 2009 and 2010, Slovakia 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.”⁸³

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 and Finland 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 institute the commitments they made at the CCW as national policy.

Non-State Armed Groups

Due to the relative sophistication of cluster munitions and their delivery systems, very few non-state armed groups (NSAGs) have used these weapons and none have done so since 2006. In the past, cluster munitions use by NSAGs has been recorded in Afghanistan (by the Northern Alliance), Bosnia and Herzegovina (by a Serb militia), Croatia (by a Serb militia), and Israel (by Hezbollah). Cluster munitions have also been employed in conflicts against NSAGs, including in Libya, South Sudan, and Syria, as well as in Abkhazia, Nagorno-Karabakh, and Western Sahara.⁸⁴

Production of Cluster Munitions

A total of 34 states have developed or produced⁸⁵ more than 200 types of cluster munitions.⁸⁶ Half of these producers ceased manufacturing cluster munitions prior to or as a result of joining the Convention on Cluster Munitions.

Producers

Sixteen countries are believed to produce cluster munitions or reserve the right to do so.⁸⁷ None of these states have joined the Convention on Cluster Munitions. Asia and Europe account for the majority of producer states, with six and five producers respectively, while the Middle East and North Africa has three producer states and two producers are from the Americas.

⁸¹ CMC web post, “Worrying evidence of cluster munition use in Ukraine,” 3 July 2014, bit.ly/MonitorCMM14Banf81; and letter from Sarah Blakemore, Director, CMC to Pavlo Klimkin, Minister of Foreign Affairs of Ukraine, 16 July 2014.

⁸² Letter No.590.736/2014-OKOZ from Miroslav Lajčák, Deputy Prime Minister and Minister of Foreign and European Affairs to Sarah Blakemore, Director, CMC, 25 April 2014.

⁸³ Letter from Miroslav Lajčák, Minister of Foreign and European Affairs, 1 October 2009; and Slovakia, “Position paper on the Cluster Munitions,” provided to the CMC by the Embassy of the Slovak Republic to the UK, London, 25 May 2010.

⁸⁴ Use of cluster munitions against rebel forces in Syria has been ongoing since 2012. In 2011, Libyan forces of the Gaddafi regime used cluster munitions against rebel forces in Misrata. 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 Saguia el Hamra and Río de Oro (Polisario) in Western Sahara during their conflict from 1975 to 1988.

⁸⁵ 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.

⁸⁶ The list of producers has changed over time as new information has become available. In May 2002, HRW identified a total of 33 states that had produced at least 208 different types of cluster munitions. HRW, “Memorandum to CCW Delegates: A Global Overview of Explosive Submunitions,” 20 May 2002, www.hrw.org/node/66890.

⁸⁷ In April 2011, Romania’s Deputy Minister for Foreign Affairs stated, “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.

The Monitor has removed Slovakia from its list of cluster munition producers after its Deputy Prime Minister declared in April 2014 that “Slovakia has already stopped producing cluster munitions” and the government adopted an action plan committing Slovakia to accede to the Convention on Cluster Munitions by 30 June 2015.⁸⁸

It is not known if cluster munitions were produced in all 16 producer countries during 2013 and/or the first half of 2014 due to lack of transparency and available data. Previously, Greece informed the Monitor that its last production of cluster munitions was in 2001.⁸⁹ India stated that it did not produce any cluster munitions in 2011.⁹⁰

At least three of the countries still producing cluster munitions have established reliability standards for submunitions:

- The **US** in 2001 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%.⁹¹
- **Poland** stated in 2005, “The Ministry of Defense requires during acceptance tests less than 2.5% failure rate for the purchased submunitions.”⁹²
- **South Korea** in 2008 issued a directive requiring that in the future it would only acquire cluster munitions with self-destruct mechanisms and a 1% or lower failure rate.⁹³

Former producers

Under Article 1(b) of the Convention on Cluster Munitions, States Parties undertake to never develop or produce cluster munitions. Since the 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.

Eighteen states have ceased the production of cluster munitions, as shown by the following table. All are States Parties to the Convention on Cluster Munitions except signatory South Africa, and non-signatories Argentina and Slovakia, which have both indicated they do not intend to produce cluster munitions in future.

A number of States Parties have provided information in their Article 7 transparency reports on the conversion or decommissioning of production facilities, including France, Japan, Sweden, and Switzerland.⁹⁴

Cluster munition producers

Brazil	Korea, South
China	Pakistan
Egypt	Poland
Greece	Romania
India	Russia
Iran	Singapore
Israel	Turkey
Korea, North	US

Former producers of cluster munitions

Argentina	Italy
Australia	Japan
Belgium	Netherlands
BiH	Slovakia
Chile	South Africa
Croatia	Spain
France	Sweden
Germany	Switzerland
Iraq	UK

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.⁹⁵

⁸⁸ Letter No.590.736/2014-OKOZ from Miroslav Lajčák, Deputy Prime Minister and Minister of Foreign and European Affairs to Sarah Blakemore, Director, CMC, 25 April 2014; and explanatory note, “Draft Action Plan for the Implementation of the Commitments of the Slovak Republic under the Convention on Cluster Munitions,” bit.ly/MonitorCMM2014Banf15. Attached in Letter No.590.736/2014-OKOZ from Miroslav Lajčák, Deputy Prime Minister and Minister of Foreign and European Affairs to Sarah Blakemore, Director, CMC, 25 April 2014.

⁸⁹ Email from Yannis Mallikourtis, Permanent Mission of Greece to the UN 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.

⁹⁰ 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 Defence, 6 June 2012.

⁹¹ 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. It appears that since the 2001 Cohen policy, a waiver was granted in an Operational Requirements Document approved by the Pentagon’s Joint Requirements Oversight Committee that established a new, higher, hazardous dud requirement for M30 GMLRS rocket DPICM submunitions. This higher dud rate requirement sets a “less than 2% dud rate between ranges of 20–60 kilometers” and “less than 4% dud rate under 20 kilometers and over 60 kilometers.” See Office of the US Army Product Manager, Precision Fires Rocket and Missile Systems, “Briefing on Precision Guided Missiles and Rockets; Self Destruct Fuze Efforts,” February 2007, Slide 2.

⁹² Communication from the Ministry of National Defence of Poland to Pax Christi Netherlands, 14 February 2005.

⁹³ Statement of the Republic of Korea, CCW Meeting of High Contracting Parties, Geneva, 13 November 2008.

⁹⁴ Belgium, Croatia, Germany, Italy, the Netherlands, Spain, and the UK did not report on the conversion or decommissioning of production facilities, most likely because production of cluster munitions ceased before they became States Parties to the convention. BiH, which inherited the production capacity of former Yugoslavia, has declared, “There are no production facilities for [cluster munitions] in Bosnia and Herzegovina.” BiH, Convention on Cluster Munitions Article 7 Report, Form E, 20 August 2011, bit.ly/MonitorCMM14Banf94.

⁹⁵ 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 and other areas.⁹⁶ Cluster munitions of Russian/Soviet origin are reported to be in the stockpiles of 36 states, including many that inherited stocks after the dissolution of the USSR.⁹⁷ 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.

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

At least three states that have not joined the Convention on Cluster Munitions have enacted an export moratorium: Singapore, Slovakia, and the US.

New transfer information arising from recent use

It is not known who supplied or transferred the Soviet-era cluster munitions used in South Sudan, Syria, and Ukraine in 2014. All three states are known stockpilers of cluster munitions and the munitions appear to have been manufactured more than two decades ago. Cluster munition rockets used by the Syrian armed forces were likely produced by two Egyptian companies.

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 one billion submunitions, as shown in the following table.⁹⁸ At least 23 of these states have destroyed their stockpiled cluster munitions, while 13 States Parties are in the process of destruction.

Stockpiles possessed by non-signatories

It is not possible to make a valid global estimate of quantities in stockpiles as most non-signatories to the Convention on Cluster Munitions that have stockpiled cluster munitions have not disclosed detailed information on the types and quantities they hold.

One exception in the reporting period was Slovakia, which publicly disclosed a stockpile totaling 899 cluster munitions of various types in its January 2014 action plan for accession to the Convention on Cluster Munitions.⁹⁹ Georgia once possessed a significant stockpile of 844 RBK-series cluster bombs containing 320,375 submunitions according to information released on the destruction of obsolete weapons in 2013.¹⁰⁰

Previously, only the US had disclosed the size of its stockpile, when it said it had "more than 6 million cluster munitions" in 2011.¹⁰¹ Greece and the Ukraine have disclosed partial figures.¹⁰²

⁹⁶ 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, UAE, and the UK, as well as Taiwan.

⁹⁷ Algeria, Angola, Azerbaijan, Belarus, Bulgaria, Republic of the Congo, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Egypt, Hungary, Georgia, Guinea, Guinea-Bissau, India, Iran, Iraq, Kazakhstan, North Korea, Kuwait, Libya, FYR Macedonia, Moldova, Mongolia, Mozambique, Peru, Poland, Romania, Slovakia, Syria, Turkmenistan, Uganda, Ukraine, Uzbekistan, and Yemen. In addition, Soviet cluster munition remnants have been identified in South Sudan and Sudan.

⁹⁸ 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, HRW identified a total of 56 states that have stockpiled cluster munitions. HRW, "Memorandum to CCW Delegates: A Global Overview of Explosive Submunitions," 20 May 2002, www.hrw.org/node/66890.

⁹⁹ 602 122mm AGAT rockets, 67 M26 rockets, 95 RBK cluster bombs and 3,303 submunitions, and 135 KMG-U dispensers. Explanatory note, "Draft Action Plan for the Implementation of the Commitments of the Slovak Republic under the Convention on Cluster Munitions," bit.ly/MonitorCMM2014Banf15. Attached in letter No.590.736/2014-OKOZ from Miroslav Lajčák, Deputy Prime Minister and Minister of Foreign and European Affairs to Sarah Blakemore, Director, CMC, 25 April 2014.

¹⁰⁰ "Time schedule for cluster bomb disposal: Attachment 1.4," undated but provided by the Press Office of the OSCE Secretariat, 7 May 2014.

¹⁰¹ Statement of the US, Fourth Review Conference, CCW, Geneva, 14 November 2011, bit.ly/MonitorCMM14Banf101. Previously, in 2004, the US reported the 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."

¹⁰² Email from Yannis Mallikouris, Permanent Mission of Greece in Geneva, 14 June 2011; and presentation of the Ukraine, "Impact of the CCW Draft Protocol VI (current version) on Ukraine's Defense Capability," Geneva, 1 April 2011, Slide 2.

Countries that have stockpiled cluster munitions

States Parties	Signatories	Non-Signatories	
<i>Afghanistan</i>	Angola	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
Botswana	<i>Congo, Rep. of</i>	Belarus	Poland
Bulgaria	Guinea	Brazil	Qatar
<i>Chile</i>	Indonesia	Cambodia	Romania
<i>Côte d'Ivoire</i>	Nigeria	China	Russia
Croatia	South Africa	Cuba	Saudi Arabia
<i>Czech Republic</i>		Egypt	Serbia
<i>Denmark</i>		Eritrea	Singapore
<i>Ecuador</i>		Estonia	Slovakia
France		Ethiopia	Sudan
Germany		Finland	Syria
Guinea-Bissau		Georgia	Thailand
<i>Honduras</i>		Greece	Turkey
<i>Hungary</i>		India	Turkmenistan
<i>Iraq</i>		Iran	Ukraine
Italy		Israel	United Arab Emirates
Japan		Jordan	United States
<i>Macedonia FYR</i>		Kazakhstan	Uzbekistan
<i>Moldova</i>		North Korea	Venezuela
<i>Montenegro</i>		South Korea	Yemen
Mozambique		Kuwait	Zimbabwe
<i>Netherlands</i>		Libya	
<i>Norway</i>			
Peru			
<i>Portugal</i>			
<i>Slovenia</i>			
Spain			
Sweden			
Switzerland			
UK			
33 (14 current)	9 (6 current)	49 (48 current)	

Note: Countries in italics report no longer possessing stockpiles.

Stockpiles possessed by States Parties

A total of 33 States Parties have stockpiled cluster munitions at some point in time, of which 19 have already destroyed their stockpiles. Fourteen States Parties are preparing to begin, or are in the process of, stockpile destruction: BiH, Botswana, Bulgaria, Croatia, France, Germany, Guinea-Bissau, Italy, Japan, Mozambique, Peru, Spain, Sweden, and Switzerland.

According to available information, at one point 29 States Parties stockpiled more than 1.4 million cluster munitions containing 177 million submunitions, as shown in the following table.

Cluster munitions and explosive submunitions declared by States Parties¹⁰³

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	445	148,059
Botswana	510	12,900
Bulgaria	6,909	173,161
<i>Chile</i>	249	25,896
<i>Côte d'Ivoire</i>	68	10,200
Croatia	7,235	178,785
<i>Czech Rep.</i>	480	16,400
<i>Denmark</i>	42,176	2,440,940
<i>Ecuador</i>	117	17,199
France	34,856	14,923,621
Germany	552,608	63,297,553
<i>Hungary</i>	289	4,000
Italy	5,113	2,849,979
Japan	14,011	2,029,469
<i>Macedonia FYR</i>	2,426	39,980
<i>Moldova</i>	1,385	27,050
<i>Montenegro</i>	353	51,891
Mozambique	290	22,656
<i>Netherlands</i>	191,471	25,867,510
<i>Norway</i>	52,190	3,087,910
Peru	675	86,200
<i>Portugal</i>	11	1,617
<i>Slovenia</i>	1,080	52,920
Spain	8,362	308,245
Sweden	370	20,595
Switzerland	205,894	12,203,035
UK	190,828	38,758,898
Total	1,448,283	177,593,485

Note: *Italics indicate states that no longer possess stockpiles.*

Stockpiles possessed by signatories

Three signatories have completed destruction or have stated they no longer stockpile cluster munitions:

- **Colombia** destroyed its stockpile of 72 cluster munitions containing 10,832 submunitions during 2009.¹⁰⁴
- The **Central African Republic** stated in 2011 that it had voluntarily destroyed a “considerable” stockpile of cluster munitions and now has no stockpiles on its territory.¹⁰⁵
- The **Republic of Congo** declared in September 2011 that it had no stockpiles of cluster munitions on its territory.¹⁰⁶

¹⁰³ Other stockpilers Guinea-Bissau and Honduras have not submitted their initial Article 7 reports as of 28 July 2014, although Honduras has indicated it no longer stockpiles cluster munitions. Afghanistan and Iraq have completed destruction, but are not listed in the table due to lack of clarity on their reporting of destroyed cluster munitions. (See *Stockpile destruction* section.)

¹⁰⁴ Letter from Sonia Matilde Eljach Polo, Director of Multilateral Affairs, Ministry of External Relations, 19 April 2012; and 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.

¹⁰⁵ Statement of the Central African Republic, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 14 September 2011, bit.ly/MonitorCMM14Banfl05.

¹⁰⁶ Statement of Republic of Congo, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 15 September 2011, www.clusterconvention.org/files/2011/09/cl1_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 UK-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.

In 2012, Canada reported a stockpile of 12,597 cluster munitions containing 1.1 million explosive submunitions.¹⁰⁷ In April 2014, it said that stockpile destruction was due to commence the following week and be completed by September 2014.¹⁰⁸

Five signatories have acknowledged stockpiling cluster munitions but have not provided information on their stocks or plans for their destruction:

- **Angola** has yet to make an official declaration that all stocks of cluster munitions have been identified and destroyed, but in 2010 stated that its entire stockpile had been destroyed and its armed forces no longer possessed cluster munitions.¹⁰⁹
- **Guinea**'s stockpile status and plans for its destruction were not known as of 31 July 2014.
- **Indonesia** has acknowledged having a stockpile of cluster munitions, but the size and precise content is not known.
- A Nigerian official confirmed in April 2012 that **Nigeria** has a stockpile of BL-755 cluster bombs.¹¹⁰
- **South Africa** has stated that its "relatively small stockpile of obsolete cluster munitions" has been earmarked for destruction.¹¹¹

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. A total of 35 States Parties have confirmed never stockpiling the weapon, most critically through a direct statement included in its transparency report.¹¹² Since August 2013, Andorra, Australia, Iraq, Liechtenstein, and Swaziland have made such a declaration in the reporting period.

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.

A total of 22 States Parties have declared the destruction of more than 1.16 million cluster munitions containing nearly 140 million submunitions as of July 2014, as shown in the following table.¹¹³ This represents the destruction of 80% of the total stockpiles of cluster munitions and 78% of the total number of explosive submunitions declared by States Parties.

Cluster munitions destroyed by States Parties

State Party (year completed)	Cluster Munitions	Explosive Submunitions
<i>Austria (2010)</i>	12,672	798,336
<i>Belgium (2010)</i>	115,210	10,138,480
BiH	441	147,967
<i>Chile (2013)</i>	249	25,896
<i>Côte d'Ivoire (2013)</i>	68	10,200
Croatia	159	13,830
<i>Czech Republic (2010)</i>	400	16,400
<i>Denmark (2014)</i>	42,176	2,440,940
<i>Ecuador (2004)</i>	117	17,199
France	20,659	8,055,708
Germany	513,770	52,748,768
<i>Hungary (2011)</i>	289	4,000
Italy	4,604	2,482,896
Japan	8,718	999,682
<i>Macedonia FYR (2013)</i>	2,426	39,980
<i>Moldova (2010)</i>	1,385	27,050
<i>Montenegro (2010)</i>	353	51,891
<i>Netherlands (2012)</i>	191,543	25,862,158
<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
Sweden	291	0
<i>UK (2013)</i>	190,828	32,275,586
Total	1,164,401	139,532,061

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

¹⁰⁷ 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.

¹⁰⁸ Statement of Canada, Convention on Cluster Munitions Intersessional Meetings, April 2014. Notes by the CMC.

¹⁰⁹ CMC meetings with Maria Madalena Neto, Victim Assistance Coordinator, Intersectoral Commission on Demining and Humanitarian Assistance (Comissão Nacional Intersectorial de Desminagem e Assistência Humanitária, CNIDAH, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010. Notes by the CMC/HRW. Neto later confirmed this statement, noting that the Air Force led a task force responsible for the program. Email from Maria Madalena Neto, CNIDAH, 13 August 2010.

¹¹⁰ Statement of Nigeria, Convention on Cluster Munitions Intersessional Meetings, Geneva, 18 April 2012, bit.ly/MonitorCMM14Banf110. 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.

¹¹¹ 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.

¹¹² Albania, Burkina Faso, Burundi, Grenada, Guatemala, Ireland, Holy See, Lao PDR, Lebanon, Lesotho, Lithuania, Luxembourg, Malawi, Malta, Mexico, Monaco, New Zealand, Nicaragua, Saint Vincent and the Grenadines, San Marino, Uruguay, and Zambia have made definitive statements, either in transparency reports or in interventions at official meetings. However, some States Parties 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."

¹¹³ This includes the information submitted by States Parties on a voluntary basis for those cluster munitions and explosive submunitions destroyed before entry into force.

Prior to the convention's entry into force for States Parties, a total of 712,977 cluster munitions containing just more than 78 million submunitions were destroyed by Belgium, Germany, Netherlands, Switzerland, and the UK.¹¹⁴

Destruction completed

Nineteen States Parties have declared that they no longer stockpile cluster munitions, of which 16 have provided information on the number and/or types of munitions destroyed, as detailed in the previous table. Three States Parties that have completed stockpile destruction are not listed in the table due to lack of information:

- **Honduras** stated in December 2007 that it does not possess cluster munitions and officials said that a stockpile of air-dropped Rockeye cluster bombs and an unidentified type of artillery-delivered cluster munitions were destroyed in previous years.¹¹⁵ It has yet to provide its Article 7 report formally declaring no stocks.
- **Afghanistan** again stated in April 2014 that all its stockpiles of cluster munitions were destroyed before the convention entered into force for Afghanistan.¹¹⁶ But it has declared numbers of munitions under the stockpile destruction section of its Article 7 reports, indicating that significant destruction occurred in 2005–2011 and in 2012 and 2013.¹¹⁷ The destroyed munitions do not appear to be stockpiled weapons under the jurisdiction and control of the Afghan government, but rather a combination of cluster munitions that had been abandoned by other combatants in the past and recently discovered, failed cluster munitions, and unexploded submunitions. These are all considered cluster munition remnants under the Convention on Cluster Munitions and not stockpiled cluster munitions.
- **Iraq** has similarly declared that it does not stockpile any cluster munitions, but at the same time it has used the stockpiling section of its Article 7 reports to list 92,092 munitions destroyed from 2003–2013 (prior to the convention's entry into force) and 6,489 munitions destroyed in 2013, but these are likely weapons or remnants destroyed in the course of clearance.¹¹⁸

Four States Parties completed stockpile destruction in the reporting period, all years in advance of their treaty-mandated deadlines:

- On 12 July 2013, **Chile** completed its stockpile destruction six years in advance of its 1 June 2019 deadline;
- On 25 October 2013, **FYR Macedonia** completed its stockpile destruction five years in advance of its 1 August 2018 deadline;
- On 17 December 2013, the **UK** completed its stockpile destruction five years in advance of its 1 November 2018 deadline; and
- On 20 March 2014, **Denmark** completed its stockpile destruction more than four years in advance of its 1 August 2018 deadline.

Destruction underway

In 2013, 10 States Parties destroyed more than 130,000 cluster munitions and 24 million submunitions, as detailed in the following table.

Germany and the UK again accounted for the majority of cluster munitions destroyed in 2013, as they did in 2012 and 2011. France placed in a close third as its destruction program reached a greater capacity. Japan and Switzerland began physical destruction of their stocks in 2013.

At the Fourth Meeting of States Parties in September 2013, several States Parties reaffirmed that they will complete destruction well in advance of their treaty mandated deadlines. Germany confirmed it is on track to complete the destruction of its remaining stocks in 2015.¹¹⁹ Italy stated that the destruction processes would be completed “as soon as possible” and “well in advance” of the treaty's deadline, but did not indicate if the objective would be met before 2015.¹²⁰

¹¹⁴ These numbers of munitions reported destroyed by these nations prior to entry into force are included in this table and more information is available in the Monitor country profiles. Switzerland is not listed in the table as it has yet to report on munitions destroyed under the ban convention, but it has declared the destruction prior to entry into force—between 1997 and 2000—of 3,999 cluster bombs and 587,853 submunitions. Switzerland, Convention on Cluster Munitions Article 7 Report, Form B, 30 June 2013, bit.ly/MonitorCMM14Banf114; and email from François Garraux, Arms Control and Disarmament Policy, Federal Department of Defense, 23 August 2011.

¹¹⁵ Statement of Honduras, Vienna Conference on Cluster Munitions, 5 December 2007. Notes by the CMC/Women's International League for Peace and Freedom (WILPF); HRW meetings with Honduran officials, San José, 5 September 2007, and Vienna, 3–5 December 2007.

¹¹⁶ Statement of Afghanistan, Convention on Cluster Munitions Intersessional Meetings, Geneva, 8 April 2014. Notes by the CMC.

¹¹⁷ The initial Article 7 report details the destruction between 2005 and 2011 of over 271,000 submunitions of various types. Afghanistan, Convention on Cluster Munitions, Article 7 Report, Form B, 30 August 2012. The May 2013 Article 7 report details the destruction of 724 munitions and submunitions discovered during 2012 and provides a more thorough accounting of the destruction of the various submunitions between 2005 and 2011, listing five types of munitions that were not included in the initial report. The report states that Afghanistan “has not officially announced completion of stockpiled Cluster Munitions programme however the Ministry of Defence verbally confirms that there is not any stockpile of cluster munitions left with Afghan National Forces.” This would appear to indicate that while there are not any stocks under the jurisdiction and control of national forces, the government anticipates that it may discover additional stocks abandoned by other combatants in the past. Afghanistan, Convention on Cluster Munitions Article 7 Report, Form B Part II, 19 May 2013, bit.ly/MonitorCMM14Banf117.

¹¹⁸ Iraq, Convention on Cluster Munitions Article 7 Report, Form B, 27 June 2014, bit.ly/MonitorCMM14Banf118.

¹¹⁹ Statement of Germany, Convention on Cluster Munitions Fourth Meeting of States Parties, Lusaka, 10 September 2013, bit.ly/MonitorCMM14Banf119a.

¹²⁰ Statement of Italy, Convention on Cluster Munitions Fourth Meeting of States Parties, Lusaka, 11 September 2013, bit.ly/MonitorCMM14f120.

Japan said that its stockpile should be destroyed by the end of 2015.¹²¹ France said it is working to complete stockpile destruction by 2018, if not in advance of the deadline.¹²²

Sweden has said previously that it intends to complete destruction of the stockpile by the end of 2014.¹²³

All other States Parties with cluster munitions stockpiles have committed to complete destruction within the eight-year deadline required by the convention and several provided updates on their destruction efforts in the reporting period.

Destruction costs

More than US\$15 million has been spent on stockpile destruction by States Parties BiH, Croatia, Denmark, Moldova, Norway, and Spain.

Historically, at least \$216 million has been allocated or estimated as necessary for the destruction of stockpiled cluster munitions by States Parties France (€20.2 or \$26.8 million), Germany (€41.4 million or \$55.0 million), Japan (JPY ¥2.8 billion or \$28.7 million), Switzerland (CHF40 million or \$43.2 million), and the UK (£40 million or \$62.6 million).¹²⁴

In April 2014, Peru requested international cooperation and assistance to destroy its stockpiled cluster munitions by the deadline provided by the convention.¹²⁵ Guinea-Bissau has also requested technical and financial assistance for its stockpile destruction.

Cluster munitions destroyed by States Parties in 2013

State Party	Cluster Munitions Destroyed	Explosive Submunitions Destroyed
<i>Chile</i>	249	25,896
<i>Côte d'Ivoire</i>	68	10,200
<i>Denmark</i>	22,271	1,395,309
<i>France</i>	14,525	5,792,049
<i>Germany</i>	69,334	7,858,532
<i>Italy</i>	2,328	1,460,592
<i>Japan</i>	8,718	999,682
<i>Macedonia FYR</i>	2,414	39,584
<i>Sweden</i>	291	0
<i>UK</i>	10,632	6,483,312
Total	130,830	24,065,156

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

Retention

Article 3 of the Convention on Cluster Munitions permits the retention of cluster munitions and submunitions for the development of and training in detection, clearance, and destruction techniques, and for the development of counter-measures such as armor to protect troops and equipment from the weapons.

The CMC and at least three dozen States Parties believe that no compelling reason exists to retain live cluster munitions and explosive submunitions for these purposes.

Retention by States Parties

As of July 2014, 10 States Parties—all from Europe—retained cluster munitions for training and research purposes. It is not clear if their holdings constitute the “minimum number absolutely necessary” as required by the convention for the permitted purposes. The initial quantity of cluster munitions (and submunitions) retained, the quantity retained at the end of calendar year 2013, the quantity used or “consumed” for permitted purposes, and types are listed in the following table.

Germany still retains the largest number of submunitions of any State Party. The CMC has expressed concern at the retention of such high numbers of cluster munitions and submunitions and asked if Germany’s training program is large enough to require the consumption of so many submunitions. In April 2014, Germany reported that “a review on consumption of retained [cluster munitions] with the aim of reduction is ongoing.”¹²⁶

¹²¹ Statement of Japan, Convention on Cluster Munitions Fourth Meeting of States Parties, Lusaka, 11 September 2013, bit.ly/MonitorCMM14Banf121. The 2011 announcement by Nammo stated that the stockpile destruction program would conclude by February 2015 at the latest. Nammo press release, “Nammo Awarded Contract to Demilitarize Cluster Munitions for Japan,” August 2011, bit.ly/MonitorCMM14banf121a.

¹²² Statement of France, Convention on Cluster Munitions, Fourth Meeting of States Parties, Lusaka, 10 September 2013, bit.ly/MonitorCMM14Banf122.

¹²³ Utrikesutskottets bettkesuts 2011/12:UU7, eNedrustning, icke-spridning och konventionell rustningskontroll samt Sveriges tilltrrs till konventionen om klusterammunition”Utrikesutskottets bettkesuts 20ort 2011/12:UU7, “Disarmament, non-proliferation and conventional arms control and Sweden’s accession to the Convention on Cluster Munitions”), 23 February 2012, bit.ly/MonitorCMM14Banf123; statement of Sweden, Convention on Cluster Munitions Intersessional Meetings, Geneva, 16 June 2011; and FMV document 10FMV1726-7:1, dated 10 February 2011.

¹²⁴ Average exchange rate for 2013. US Federal Reserve, “List of Exchange Rates (Annual),” 2 January 2014, www.federalreserve.gov/releases/g5a/current/default.htm.

¹²⁵ Statement of Peru, Convention on Cluster Munitions Intersessional Meetings, Geneva, 7 April 2014, www.clusterconvention.org/files/2014/04/Peru.pdf.

¹²⁶ Germany, Convention on Cluster Munitions Article 7 Report, Form C, 30 April 2014, bit.ly/MonitorCMM14Banf127.

Cluster munitions retained for training¹²⁷

State Party	Quantity of cluster munitions (submunitions)			Types of cluster munitions (individual submunitions)
	Retained Initially	Retained in 2013	Consumed in 2013	
Germany (2011)	685 (62,580)	657 (59,555)	28 (3,025)	Projectiles: DM602, DM632, DM642/DM642A1, DM602. (MUSA, KB44, STABO, MIFF, MUSPA, BLU-3/B, DM1383, M77, Mk.1)
Spain (2011)	711 (16,652)	354 (8,380)	302 (6,342)	MAT-120, ESPIN-21 projectiles BME-330, CBU-100 bombs
Netherlands (2011)	272 (23,545)	276 (24,347)	0 (0)	CBU-87 bomb, Mk.-20 Rockeye bomb, M261 rocket, M483 projectiles. (Mk.-1)
Belgium (2011)	276 (24,288)	226 (19,888)	7 (616)	M483A1 projectile
Switzerland (2013)	138 (7,346)	138 (7,346)	—	Projectiles KaG-88, KaG-90, KaG-88/99, MP-98
France (2011)	55 (10,284)	9 (4,095)	0 (858)	(KB-1, SAKR, M93, 9N22)
Italy (2012)	3 (641)	3 (641)	—	Bombs RBL-755, Mk.-20 Rockeye
Denmark (2011)	170 (-)	0 (3,634)	—	(DM1383, DM1385)
Czech Rep. (2011)	0 (796)	0 (100)	0 (193)	(AO-2.5, AO-10, PTAB-25)
Sweden (2013)	0 (125)	0 (125)	—	(MJ-1, MJ-2)

Note: The quantity totals may include individual submunitions retained, which are not contained in a delivery container.

Use of retained cluster munitions

The Convention on Cluster Munitions requires that States Parties maintain detailed annual reporting on past use of retained cluster munitions to ensure they are being kept only for permitted purposes. In the reporting period, five States Parties reduced the number of cluster munitions in the course of training Explosive Ordnance Disposal (EOD) personnel and other research:

- **Belgium** consumed seven M483A1 artillery projectiles and 616 submunitions in explosive ordnance disposal training and research in 2013.¹²⁸
- **The Czech Republic** reported using 193 submunitions for the training of its armed forces in cluster munitions detection and clearance techniques in 2013.¹²⁹ In April 2014, it declared the retention of 100 submunitions, which is a small fraction of the 796 submunitions initially retained in 2010.
- **France** destroyed 288 KB-1 and KB-2 submunitions, 568 submunitions from SAKR rockets, and two individual 74mm 9N22 submunitions were consumed over the course of 2013.¹³⁰
- **Germany** consumed a total of 28 cluster munitions and 3,125 submunitions during EOD training in 2013.¹³¹
- **Spain** consumed 302 ESPIN-21 cluster munitions and 6,342 submunitions in the course of EOD training and research in 2013.¹³² It has decreased the initial amount of cluster munitions retained by more than half since 2011.

Denmark, Italy, the Netherlands, Sweden, and Switzerland did not consume any cluster munitions in training or research during 2013.

Denmark, Czech Republic, and Sweden have indicated that they are retaining individual submunitions only.

¹²⁷ Please see the individual 2013 ban policy country profiles online for more information on retention, including specific quantities for each type retained.

¹²⁸ Belgium, Convention on Cluster Munitions Article 7 Report, Form C, 30 April 2014, bit.ly/MonitoCMM14Banf128.

¹²⁹ The 193 submunitions comprised of 94 AO-2.5, 57 AO-10, 40 PTAB-2.5, and 2 ZAB-2.5T. Czech Republic, Convention on Cluster Munitions Article 7 Report, Form C, 30 April 2014, bit.ly/MonitorCMM14Banf129.

¹³⁰ France, Convention on Cluster Munitions Article 7 Report, Form C, 30 April 2014, pp. 62–64, bit.ly/MonitorCMM14Banf130.

¹³¹ Germany, Convention on Cluster Munitions Article 7 Report, Form C, 30 April 2014, bit.ly/MonitorCMM14Banf127.

¹³² Spain, Convention on Cluster Munitions Article 7 Reports, Form C, 5 June 2014, bit.ly/MonitorCMM14Banf132.

No retention

Two States Parties that initially retained cluster munitions have since destroyed those retained stocks and not replaced them as of July 2014:

- **Australia** declared the retention of two cluster munitions and 276 explosive submunitions from the former Soviet Union in its initial Article 7 report provided in September 2013.¹³³ In the updated annual report provided in April 2014, Australia declared the destruction of both cluster munitions and the 276 explosive submunitions in September 2013.¹³⁴
- The **UK** destroyed its retained submunitions by demolition in 2012 due to “concerns over condition, packaging and storage.”¹³⁵ In April 2014, the UK affirmed that in the future it may retain “a small number” of submunitions for permitted purposes.¹³⁶ Its 2013 and 2014 Article 7 reports state that the “UK has no immediate plans to acquire and retain sub-munitions for permitted purposes, but reserves the right to do so.”¹³⁷

Three States Parties that have stockpiled cluster munitions—Chile, Croatia, and Moldova—have declared the retention of inert items that have been rendered free from explosives and no longer qualify as cluster munitions or submunitions under the convention.

In their transparency reports, in statements and letters, and in their national implementation legislation, most States Parties have expressed the view that there is no need to retain any live cluster munitions or explosive submunitions for training in detection, clearance and destruction techniques, or for the development of counter-measures. This includes 17 States Parties that have stockpiled cluster munitions in the past.¹³⁸

Most signatories have indicated they are not retaining any cluster munitions for training or research purposes, including Canada and Colombia.

Transparency Reporting

Under Article 7 of the Convention on Cluster Munitions, States Parties are obliged to submit an initial transparency measures report no later than 180 days after the convention’s entry into force for that State Party and an updated report by 30 April each year thereafter. The CMC encourages states to submit their Article 7 transparency reports by the deadline and provide complete information, including definitive statements.¹³⁹

Initial reports

According to the UN website as of 28 July 2014, a total of 65 States Parties have submitted an initial transparency report as required by Article 7 of the convention, representing three-quarters (77%) of States Parties for which the obligation applied at that time.¹⁴⁰ This compliance rate is largely unchanged from previous years.¹⁴¹

Eighteen States Parties are late in submitting their initial Article 7 transparency reports, as listed in the table below. Of these states, nine had submission deadlines in 2011, three were due in 2012, three were due in 2013, and one was due in 2014.

¹³³ Australia, Convention on Cluster Munitions Article 7 Report, Form C, 6 September 2013, bit.ly/MonitorCMM14Banf133.

¹³⁴ Australia, Convention on Cluster Munitions Article 7 Report, Form B, 11 April 2014, bit.ly/MonitorCMM14Banf134.

¹³⁵ UK, Convention on Cluster Munitions Article 7 Report, Form C, 30 April 2013, bit.ly/MonitorCMM14Banf135.

¹³⁶ Statement of the UK, Convention on Cluster Munitions Intersessional Meetings Geneva, 7 April 2014, www.clusterconvention.org/files/2014/04/UK.pdf.

¹³⁷ UK, Convention on Cluster Munitions Article 7 Report, Form C, 30 April 2014, bit.ly/MonitorCMM14Banf137b; and Convention on Cluster Munitions Article 7 Report, Form C, 30 April 2013, bit.ly/MonitorCMM14Banf135.

¹³⁸ Afghanistan, Austria, BiH, Botswana, Bulgaria, Côte d’Ivoire, Ecuador, Hungary, Iraq, Japan, FYR Macedonia, Montenegro, Mozambique, Norway, Peru, Portugal, and Slovenia.

¹³⁹ A small number of states are not providing definitive statements throughout their reports. 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. In addition, only a small number of states used voluntary Form J to report on actions to promote universalization and to discourage use of cluster munitions by states not party, cooperation and assistance, or to report on other important matters such as positions on interpretive issues. Austria, Belgium, DRC, France, Guatemala, Ireland, Japan, Lao PDR, Lebanon, New Zealand, Norway, Spain, and Zambia have utilized Form J in their initial Article 7 transparency reports.

¹⁴⁰ Afghanistan, Albania, Andorra, Antigua and Barbuda, Australia, Austria, Belgium, BiH, Botswana, Bulgaria, Burkina Faso, Burundi, Chile, Costa Rica, Côte d’Ivoire, Croatia, Czech Republic, Denmark, Ecuador, France, Germany, Ghana, Grenada, Guatemala, Holy See, Hungary, Iraq, Ireland, Italy, Japan, Lao PDR, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, FYR Macedonia, Malawi, Malta, Mauritania, Mexico, Monaco, Moldova, Montenegro, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Peru, Portugal, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Seychelles, Sierra Leone, Slovenia, Spain, Swaziland, Sweden, Switzerland, UK, Uruguay, and Zambia.

¹⁴¹ The compliance rate is a slight improvement on the 70% compliance rate reported one year ago by *Cluster Munition Monitor 2013*, but similar to the “three-quarters” compliance rate recorded by *Cluster Munition Monitor 2012* and *Cluster Munition Monitor 2013*.

One State Party has a pending deadline for its original reporting obligation: Saint Kitts and Nevis on 28 August 2014.

Annual updated reports

After submitting their initial Article 7 report, States Parties are required to provide an updated report by 30 April of each year covering the previous calendar year. States Parties with no changes since their previous report can complete a simple cover page indicating no change, while others can provide updated information using only the cover page and relevant forms.

As of 28 July 2014, 10 States Parties that have provided initial reports had not delivered an annual update since the initial report: Antigua and Barbuda, Burundi, Hungary, Lesotho, Malawi, Malta, Saint Vincent and the Grenadines, Samoa, Seychelles, and Sierra Leone.

As of 28 July 2014, 21 States Parties that have provided initial reports had not provided the most recent annual update due by 30 April 2014.¹⁴²

Voluntary reports

States not party to the convention may submit voluntary reports as an interim step toward ratification or accession, or at least as an indication of support for the convention. Three signatories and one other area have provided voluntary initial Article 7 transparency reports: Canada (in 2011, 2012, and 2013), DRC (in 2011, 2012 and 2014), Palau (in 2011), and Western Sahara (in 2014).

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.”¹⁴³ The CMC urges all States Parties to enact comprehensive national legislation to enforce the convention’s provisions and provide binding, enduring, and unequivocal rules.

As of 31 July 2014, 22 States Parties are known to have enacted specific legislative measures to implement the convention, while 26 States Parties have indicated that their existing national laws are sufficient to implement the convention. Another 19 States Parties are planning or are in the process of drafting, reviewing, or adopting specific legislative measures to implement the convention. The status of national implementation measures was unknown or unclear in another 13 States Parties, most of which have not submitted an initial transparency report as required by the convention.¹⁴⁴

National implementation legislation by States Parties

National implementation laws

The 22 States Parties that have enacted legislation to implement the convention are listed in the table below. Most enacted legislation prior to ratifying, often by combining the legislative process for approval of implementation and ratification.

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), while four adopted legislation in 2009, four in 2010, three in 2011, five in 2012, one in 2013, and none in 2014.

State Parties with overdue initial Article 7 reports (as of 28 July 2014)

Bolivia	30 March 2014
Cameroon	30 June 2013
Cape Verde	28 October 2011
Chad	28 February 2014
Comoros	30 June 2011
Cook Islands	30 July 2012
Dominican Republic	28 November 2012
El Salvador	28 December 2011
Fiji	30 April 2011
Guinea-Bissau	28 October 2011
Honduras	28 February 2013
Mali	30 May 2011
Nauru	28 January 2014
Niger	28 January 2011
Panama	28 October 2011
Togo	29 May 2013
Trinidad and Tobago	28 August 2012
Tunisia	28 August 2011

States Parties that have enacted national legislation

State Party	Year enacted
Australia	2012
Austria	2008
Belgium	2006
Cook Islands	2011
Czech Republic	2011
Ecuador	2010
France	2010
Germany	2009
Guatemala	2012
Hungary	2012
Ireland	2008
Italy	2011
Japan	2009
Liechtenstein	2013
Luxembourg	2009
New Zealand	2009
Norway	2008
Samoa	2012
Spain	2010
Sweden	2012
Switzerland	2012
UK	2010

¹⁴² Albania, Antigua and Barbuda, Burkina Faso, Burundi, Chile, Ecuador, Grenada, Guatemala, Holy See, Hungary, Lesotho, Malawi, Malta, Mozambique, Nicaragua, Republic of Moldova, Saint Vincent and the Grenadines, Samoa, Seychelles, Sierra Leone, and Uruguay.

¹⁴³ 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.”

¹⁴⁴ Bolivia, Cameroon, Cape Verde, Comoros, Dominican Republic, El Salvador, Fiji, Honduras, Monaco, Nauru, Panama, Saint Kitts and Nevis, and Trinidad and Tobago.

No countries started the process of implementing legislation during the reporting period. In November 2013, Spain's Congress of Deputies approved additional legislative measures to its 2010 penal code amendment, which were awaiting Senate approval as of June 2014.¹⁴⁵

Existing law deemed sufficient

At least 26 States Parties have indicated that they view their existing laws as sufficient to implement the convention: Albania, Andorra, BiH, Bulgaria, Chile, Costa Rica, Denmark, Guinea-Bissau, Holy See, Iraq, Lithuania, FYR Macedonia, Malta, Mauritania, Mexico, Moldova, Montenegro, Netherlands, Nicaragua, Peru, Portugal, San Marino, Senegal, Slovenia, Tunisia, and Uruguay.

Seven States Parties were added to this list in the reporting period:

- A **BiH** official said in September 2013 that “all the necessary legislation is in place.”¹⁴⁶ Previously, officials indicated that BiH was considering national legislation to enforce the ban convention.
- **Chile** cited its ratification legislation under national implementation measures in its Article 7 report.¹⁴⁷
- **Costa Rica** declared that “according to Article 7 of the Political Constitution of the Republic of Costa Rica, the Convention on Cluster Munitions constitutes supreme law and is made applicable through Law 8921 promulgated 16 December 2010.”¹⁴⁸
- **Iraq** cited its 2012 ratification law in its initial Article 7 report provided in June 2014.¹⁴⁹
- **Mauritania** cited its ratification legislation, Law 2011-050, in its Article 7 report.¹⁵⁰ In April 2014, a government official said that international treaties ratified by Mauritania are automatically incorporated into the domestic law so there is no need for new or amended legislation specific to cluster munitions.¹⁵¹
- **Peru** cited its ratification law under national implementation measures in its Article 7 report.¹⁵²
- **Senegal** reported in April 2014 that “it is not necessary to put in place legislation or regulation because Senegal is not a country affected by cluster munitions.”¹⁵³ Senegal cited its ratification legislation in its Article 7 report.¹⁵⁴

Legislation under consideration

At least 19 other States Parties have said that they are planning or are in the process of drafting, reviewing, or adopting specific legislative measures to implement the convention: Afghanistan, Botswana, Burkina Faso, Burundi, Côte d'Ivoire, Croatia, Ghana, Grenada, Lao PDR, Lebanon, Lesotho, Malawi, Mali, Niger, Sierra Leone, Saint Vincent and the Grenadines, Swaziland, Togo, and Zambia.

National implementation legislation by signatories

Signatories including Canada, Chad, Colombia, Iceland, Republic of the Congo, DRC, South Africa, and Uganda are among those that have expressed their intent to enact implementation legislation.

During the reporting period, Canada's implementation legislation (the “Act to Implement the Convention on Cluster Munitions”) was reintroduced to the House of Commons as Bill C-6 on 25 October 2013, approved on 19 June 2014, and was awaiting Senate approval as of 31 July 2014.¹⁵⁵ The draft implementation legislation has been strongly criticized by the CMC, Mines Action Canada (MAC), and others, particularly the section dealing with “interoperability” or relations between States Parties and states that have not joined the convention, including during joint military operations.

¹⁴⁵ In November 2013, Spain's Congress of Deputies adopted an amendment to the country's 1998 implementing legislation for the Mine Ban Treaty (Law 33/1998) to add the provisions of the Convention on Cluster Munitions.

¹⁴⁶ Statement by Ivica Dronjic, Minister Counsellor, Permanent Mission of BiH to the UN in Geneva, Convention on Cluster Munitions Third Meeting of States Parties, Lusaka, 12 September 2013. BiH has declared its ratification law under national implementation measures for the Convention on Cluster Munitions. Convention on Cluster Munitions Article 7 Report, Form A, 20 August 2011. The subsequent Article 7 report indicates no change to the national implementation measures declared in 2011.

¹⁴⁷ Chile, Convention on Cluster Munitions Article 7 Report, Form A, September 2012, bit.ly/MonitorCMM14Banf147.

¹⁴⁸ Costa Rica, Convention on Cluster Munitions Article 7 Report, Form A, 13 June 2014, bit.ly/MonitorCMM14Banf148.

¹⁴⁹ Iraq, Convention on Cluster Munitions Article 7 Report, Form A, 27 June 2014, bit.ly/MonitorCMM14Banf149.

¹⁵⁰ Mauritania, Convention on Cluster Munitions Article 7 report, Form A, 18 March 2013, bit.ly/MonitorCMM14Banf150.

¹⁵¹ CMC meetings with Lt.-Col. Alioune Ould Mohamed El Hacen, National Coordinator, National Humanitarian Demining Programme for Development (PNDHD), Ministry of Interior and Decentralisation, Geneva, 8 and 15 April 2014.

¹⁵² Resolución Legislativa que aprueba la Convención sobre Municiones en Racimo (Legislative Resolution approving the Convention on Cluster Munitions), No. 29843, 15 March 2012, bit.ly/MonitorCMM14Banf152a. On 25 April 2012, Decree 021-2012 approving ratification was signed and published in the official journal *El Peruano* the next day. Decree No. 021-2012-RE, 26 April 2012, bit.ly/MonitorCMM14Banf152b. “Ref. 464960,” *El Peruano*, 26 April 2012; and Convention on Cluster Munitions Article 7 Report, Form A, 1 August 2013, bit.ly/MonitorCMM14Banf152b.

¹⁵³ Senegal, Convention on Cluster Munitions Article 7 Report, Form A, 2 April 2014, bit.ly/MonitorCMM14Banf153.

¹⁵⁴ Senegal's National Assembly unanimously approved Law No. 14/2010 to ratify the convention on 23 June 2010. Senegal, Convention on Cluster Munitions Article 7 Report, Form A, 3 October 2012, bit.ly/MonitorCMM14f154.

¹⁵⁵ House of Commons of Canada, “Bill C-6: An Act to Implement the Convention on Cluster Munitions,” bit.ly/MonitorCMM14Banf24.

Interpretive Issues

During the Oslo Process and the final negotiations in Dublin where the Convention on Cluster Munitions 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 matters, including through Article 7 transparency reports, statements at meetings, parliamentary debates, 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. Yet, as of 31 July 2014, 33 of the 84 States Parties to the Convention on Cluster Munitions still had not declared their views on even one of these interpretive issues.¹⁵⁶

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, attempted to influence its allies, partners, and other states on the content of the Convention on Cluster Munitions, especially with respect to interoperability.¹⁵⁷ 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.

Interoperability and the prohibition on assistance

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 38 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.¹⁵⁸

States Parties Australia, 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.

The CMC has described Australia’s Criminal Code Amendment (Cluster Munitions Prohibition) Act 2012 as “extremely problematic” because it allows Australian military personnel to assist with cluster munition attacks by states not party—a provision that runs counter to the convention’s prohibition on assistance—and contravenes Article 9 requiring penal sanctions for activities prohibited by the convention. In a statement issued upon Australia’s ratification in October 2012, the Minister for Foreign Affairs stated, “With this legislation, it is now an offence to use...and also to encourage others to engage

¹⁵⁶ States Parties that have not publicly expressed a view on any of these interpretive issues include: Afghanistan, Albania, Andorra, Antigua and Barbuda, Bolivia, Botswana, Cape Verde, Cook Islands, Costa Rica, Côte d’Ivoire, Dominican Republic, El Salvador, Fiji, Guinea-Bissau, Honduras, Iraq, Lesotho, Lithuania, Mauritania, Moldova, Monaco, Mozambique, Nauru, Panama, Peru, Saint Vincent and the Grenadines, San Marino, Seychelles, Sierra Leone, Swaziland, Trinidad and Tobago, Tunisia, and Uruguay.

¹⁵⁷ 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. *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, bit.ly/MonitorCMM14Banf157a.

¹⁵⁸ At least 35 States Parties and signatories have previously stated their agreement with this view: Austria, Belgium, BiH, Bulgaria, Burundi, Cameroon, Chile, Colombia, Croatia, Czech Republic, DRC, Ecuador, France, Germany, Ghana, Guatemala, Holy See, Hungary, Iceland, Ireland, Lao PDR, Lebanon, Madagascar, Malawi, Mali, Mexico, Montenegro, New Zealand, Nicaragua, Norway, Portugal, Senegal, Slovenia, Sweden, and Switzerland. See CMC, *Cluster Munition Monitor 2012* (Geneva: ICBL-CMC, August 2012), pp. 34–35; 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 HRW and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 25–26.

with these dangerous weapons... The Convention and the Act will also apply to Australian Defence Force (ADF) personnel during military operations and ADF personnel serving alongside the defence forces of States not party to the Convention.”¹⁵⁹

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.¹⁶⁰

Signatory Canada is in the process of considering draft implementation legislation that contains extensive provisions on interoperability. 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.¹⁶¹ The original text of Section 11(1)(c) would have also allowed Canadians themselves to use, acquire, possess, or transfer cluster munitions if they are temporarily assigned to the armed forces of a state not party, but during a committee hearing on 10 December 2013, the word “using” was deleted from that clause of the bill at the proposal of the Parliamentary Secretary to the Minister of Foreign Affairs.¹⁶²

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 the convention 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 Parties and signatories have declared that transit and foreign stockpiling are prohibited by the convention.¹⁶³

States Parties that have indicated support for the opposite view, that transit and foreign stockpiling are not prohibited by the convention, include Australia, Japan, the Netherlands, Portugal, Sweden, and the UK.

In addition, signatory Canada’s draft legislation does not explicitly address transit or foreign stockpiling of cluster munitions but could be read to implicitly allow these activities.¹⁶⁴ In May 2013, the Parliamentary Secretary to the Minister of Foreign Affairs stated that “The Canadian Forces would also prohibit, as a matter of policy, the transportation of any cluster munitions aboard Canadian assets.”¹⁶⁵

US stockpiling and transit

States Parties Norway and the UK have confirmed that the US has removed its stockpiled cluster munitions from their respective territories. The UK announced in 2010 that there were now “no foreign stockpiles of cluster munitions in the UK or on any UK territory.”¹⁶⁶ According to a Norwegian Ministry of Foreign Affairs official, the US removed its stockpiled cluster munitions from Norway in 2010.¹⁶⁷

¹⁵⁹ Department of Foreign Affairs and Trade and Department of Defence press release, “Australia ratifies global treaty to ban cluster munitions,” 17 October 2012, bit.ly/MonitorCMM14Banf159.

¹⁶⁰ “Oslo convention on cluster munitions will not prevent U.S.-Japan military operations,” US Department of State cable 08TOKYO1748 dated 25 June 2008, released by Wikileaks on 16 June 2011, bit.ly/MonitorCMM14Banf160.

¹⁶¹ Senate of Canada, “Bill S-10: An Act to Implement the Convention on Cluster Munitions,” bit.ly/MonitorCMM14Banf161.

¹⁶² Statement by David Anderson, Foreign Affairs Committee, 10 December 2013, bit.ly/MonitorCMM14Banf162.

¹⁶³ A total of 32 States Parties and signatories have previously said transit and foreign stockpiling are prohibited: Austria, Belgium, BiH, Bulgaria, Burkina Faso, Burundi, Cameroon, Colombia, Comoros, Croatia, Czech Republic, DRC, Ecuador, France, Germany, Ghana, Guatemala, Holy See, Ireland, Lao PDR, Luxembourg, FYR Macedonia, Madagascar, Malawi, Malta, Mexico, New Zealand, Norway, 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.

¹⁶⁴ In Canada’s bill, 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. Section 11(2) of the proposed legislation would allow Canadian forces to transport the cluster munitions of a state not party during joint military operations. 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 to the Convention, as it prohibits all forms of possession.” Email from John MacBride, Senior Defence Advisor, Non-Proliferation and Disarmament Division, Foreign Affairs and International Trade Canada, 9 July 2012.

¹⁶⁵ House of Commons official report (Hansard), Volume 146, Number 258, 29 May 2013, bit.ly/MonitorCMM14Banf165.

¹⁶⁶ 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. Statement by Jeremy Browne, Minister of State, Foreign and Commonwealth Office, House of Commons Debate, Hansard, (London: HMSO, 1 November 2011), Column 589W, bit.ly/MonitorCMM14Banf166.

¹⁶⁷ 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.” Email from Ingunn Vatne, Senior Advisor, Department for Human Rights, Democracy and Humanitarian Assistance, Royal Norwegian Ministry of Foreign Affairs, 1 August 2012. According to a US cable dated 17 December 2008, 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, bit.ly/MonitorCMM14Banf167.

The US Department of State cables released by Wikileaks show that the US has stockpiled and may continue to be storing cluster munitions in five other States Parties to the Convention on Cluster Munitions (Afghanistan, Germany, Italy, Japan, and Spain), as well as in 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**.”¹⁶⁸ 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.
- According to a December 2008 cable, **Germany** has engaged with the US on the matter of cluster munitions that may be stockpiled by the US in Germany.¹⁶⁹ Germany has not yet publicly expressed 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.”¹⁷⁰ Spain reported in 2011 that it is in the process of informing the 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.¹⁷¹
- A December 2008 cable states that **Japan** “recognizes U.S. forces in Japan are not under Japan’s control and hence the GOJ [government of Japan] cannot compel them to take action or to penalize them.”¹⁷² 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.”¹⁷³
- According to a May 2007 cable, the US may store clusters munitions in **Kuwait**.¹⁷⁴

Disinvestment

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

A total of nine States Parties have enacted legislation that explicitly prohibits investment in cluster munitions, as shown in the following table.¹⁷⁵

Belgium was first to enact disinvestment legislation in 2007, followed by Ireland in 2008, Luxembourg and New Zealand in 2009, Italy in 2011, Samoa in 2012, and Liechtenstein, the Netherlands, and Switzerland in 2013.

In addition, at least 26 States Parties and signatories to the convention have provided their view that investment in cluster munitions production is a form of assistance that is prohibited by the convention: Australia, BiH, Cameroon, Canada, Colombia, Republic of the Congo, Croatia, Czech Republic, DRC, France, Ghana, Guatemala, the Holy See, Hungary, Lao PDR, Lebanon, Madagascar, Malawi, Malta, Mexico, Niger, Rwanda, Senegal, Slovenia, the UK, and Zambia.

Disinvestment laws on cluster munitions

State Party	Year enacted
Belgium	2007
Ireland	2008
Italy	2011
Liechtenstein	2013
Luxembourg	2009
Netherlands	2013
New Zealand	2009
Samoa	2012
Switzerland	2013

¹⁶⁸ “Demarche to Afghanistan on cluster munitions,” US Department of State cable 08STATE134777 dated 29 December 2008, released by Wikileaks on 2 December 2010, bit.ly/MonitorCMM14Banf168.

¹⁶⁹ A US cable dated 2 December 2008 citing a discussion between US officials and Gregor Köbel, then-Director of the Conventional Arms Control Division of the German Federal Foreign Office, states “Köbel 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, bit.ly/MonitorCMM14Banf169. 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, bit.ly/MonitorCMM14Banf169a.

¹⁷⁰ 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, bit.ly/MonitorCMM14Banf170.

¹⁷¹ Spain, Convention on Cluster Munitions Article 7 Report, Forms A and J, 27 January 2011.

¹⁷² “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, bit.ly/MonitorCMM14Banf172.

¹⁷³ “Cluster munitions: Israeli’s operational defensive capabilities crisis,” US Department of State cable dated 18 April 2008, released by Wikileaks on 1 September 2011, bit.ly/MonitorCMM14Banf173.

¹⁷⁴ 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, bit.ly/MonitorCMM14Banf174.

¹⁷⁵ Italy’s 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.

There were a few developments concerning disinvestment in the second half of 2013 and first half of 2014:

- **Denmark** announced at the Fourth Meeting of States Parties in September 2013 that the government “is currently investigating the possibilities nationally for further engaging private investors in pursuing the objectives of the [Convention on Cluster Munitions].” It also informed States Parties of the former Minister of Business and Growth’s request to the Council on Social Responsibility to provide “recommendations on requirements and possibilities to effectively strengthen efforts for responsible investment in relation to the Convention on Cluster Munitions.”¹⁷⁶ Despite several years of campaigning by Danish NGOs that have also worked to stop Danish financial institutions from investing in companies that produce cluster munitions, the government appears to have reverted to supporting the non-binding recommendations approach contained in its 2010 “Guide on Responsible Investment.”¹⁷⁷
- **Ghana** informed States Parties in September 2013 that it “considers investments in the production of cluster munitions a form of assistance that is banned by the Convention.”
- **Luxembourg** in September 2013 called on other States Parties to follow its example as a country that has gone further than the provisions of the convention to prohibit financing of cluster munitions production in its national legislation.¹⁷⁸
- **Liechtenstein** promoted its domestic legislation prohibiting, both directly and indirectly, the financing of cluster munitions production at the UNGA First Committee on Disarmament and International Security in October 2013.¹⁷⁹

A few states have expressed the contrary view that the convention does not prohibit investment in cluster munition production, including Germany, Japan, and Sweden.

Government pension funds in Australia, Ireland, New Zealand, Norway, Luxembourg, Sweden, and other states 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, Luxembourg, 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 investment in cluster munition producers and to provide clear guidance to financial institutions and investors on the issue of investment in cluster munition producers.¹⁸⁰ The CMC’s Stop Explosive Investments campaign initiative, launched in 2009, continued its efforts in the reporting period.¹⁸¹

In 2013 and 2014, CMC co-founder and member PAX (formerly IKV Pax Christi) released two significant reports on disinvestment: a report on examples of positive practice stemming from legal prohibitions on investments in cluster munitions in April 2014 and an update of a report on the status of global investment in cluster munition production in December 2013.¹⁸² The 2013 updated report identifies a number of financial institutions in eight States Parties to the Convention on Cluster Munitions (Denmark, Germany, Italy, Japan, the Netherlands, Sweden, Switzerland, and the UK) which have guidelines on investment in cluster munitions production not previously listed in the 2012 edition produced in cooperation with FairFin (formerly Netwerk Vlaanderen).¹⁸³

¹⁷⁶ Statement of Denmark, Convention on Cluster Munitions Fourth Meeting of States Parties, Lusaka, 10 September 2013. The Council’s report, published in March 2014, did not however recommend to the government a mandatory prohibition on investment in cluster munitions producers, despite strong opposition from the Council’s NGO members. Elias C. Lundström, “Nej til forbud mod klyngebomber” (“No to ban on cluster munitions”), *Jyllands-Posten*, 13 March 2014, bit.ly/MonitorCMM14Banf176.

¹⁷⁷ Email from Rune Saugmann, Chairman of Denmark Against Landmines, 24 July 2014.

¹⁷⁸ Statement of Luxembourg, Convention on Cluster Munitions Fourth Meeting of States Parties, Lusaka, 10 September 2013.

¹⁷⁹ Statement by Stefan BARRIGA, Minister, Deputy Permanent Representative of the Principality of Liechtenstein to the UN in New York, UNGA First Committee on Disarmament and International Security, New York, 68th session, 11 October 2013.

¹⁸⁰ The CMC launched the Stop Explosive Investments initiative in 2009. See, www.stopexplosiveinvestments.org.

¹⁸¹ In 2013, FairFin and PAX (formerly IKV Pax Christi) ended their cooperation in producing the report entitled “Worldwide Investments in Cluster Munitions: a Shared Responsibility.” PAX published the 2013 edition, dated December 2013, which is built on the previous editions published in conjunction with FairFin.

¹⁸² PAX, “Banning Investments in Cluster Munitions Producers; National Legislation,” April 2014, bit.ly/MonitorCMM14Banf182; IKV Pax Christi, “December 2013 Update: Worldwide investments in Cluster Munitions: a shared responsibility,” December 2013, bit.ly/MonitorCMM14Banf182b; and CMC, “Over US\$24 Billion Invested in Cluster Bomb Producers Worldwide: Financial Institutions and Governments Urged to Stop Explosive Investments,” 12 December 2013, www.stopclustermunitions.org/news/?id=4561.

¹⁸³ IKV Pax Christi and FairFin, “Worldwide Investments in Cluster Munitions: a shared responsibility,” June 2012, bit.ly/MonitorCMM14Banf183.

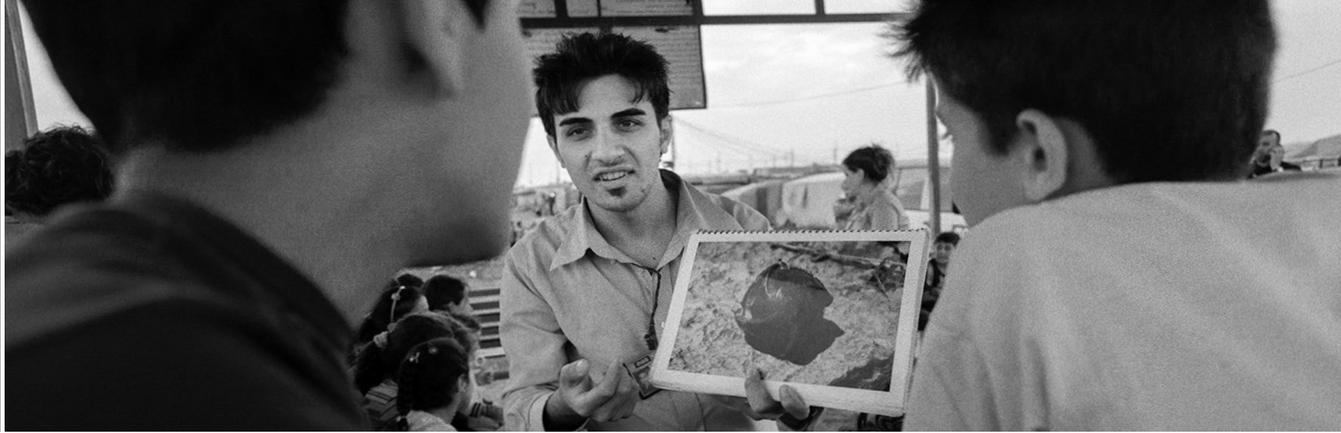
Timeline of cluster munition use¹⁸⁴

Date	Location	Known details of use
2014	Ukraine	In eastern Ukraine in early July, remnants of a 300mm 9M55K cluster munition rocket and a 9N235 fragmentation submunition were identified from photographs reportedly taken at Kramatorsk, while remnants of at least eight 220mm 9M27K-series cluster munition rockets and at least three 9N210 or 9N235 submunitions were identified in Slavyansk.
2014	South Sudan	In Jonglei State, the UN found the remnants of at least eight RBK-250-275 cluster bombs and AO-1SCh submunitions by a road 16 kilometers south of Bor in the week of 7 February, in an area not known to be contaminated by remnants before that time.
2013	Myanmar	Kachin Independence Army (KIA) in northern Kachin state has claimed that the Myanmar army used cluster munitions against KIA forces in an attack near the town of Laiza 26 January. Photographs show remnants of an M1A1 cluster adapter and 20-pound fragmentation bombs.
2012–2014	Syria	At least 249 cluster munitions were used in 10 of Syria 14 governorates in the period from mid-2012 to July 2014. Seven types of cluster munitions—including air-dropped bombs, dispensers fixed to aircraft, and ground-launched rockets—have been used and at least nine types of explosive submunitions.
2012	Sudan	In Southern Kordofan state, bordering South Sudan, there were two allegations of cluster munition use by the armed forces of Sudan involving a Chinese Type-81 DPICM in Troji on 29 February and a Soviet-made RBK-500 cluster bomb and AO-2.5RT explosive submunitions in Ongolo on 15 April.
2011	Libya	Libyan government forces used MAT-120 mortar-fired cluster munitions, RBK-250 cluster bombs with PTAB-2.5M submunitions, and 122mm cargo rockets with an unidentified type of DPICM. Intact submunitions were found in an arms depot hit by NATO air strikes.
2011	Cambodia	Thai forces fired artillery-delivered cluster munitions with M42/M46 and M85 type DPICM submunitions into Cambodia during border clashes near Preah Vihear temple.
2009	Yemen	In southern Abyan governorate, the US used at least one TLAM-D cruise missile with BLU-97 submunitions to attack a "training camp" on 17 December. The northern Sada'a governorate bordering Saudi Arabia is contaminated by cluster munitions used in late 2009 during fighting by the government of Yemen, armed Houthi rebels, and Saudi Arabia. The user responsible is not clear, but remnants include US-made CBU-52 cluster bombs and BLU-97, BLU-61 and M42/M46 submunitions as well as Soviet-made RBK-250-275 AO-1SCh cluster bombs.
2008	Georgia	Russian and Georgian forces used cluster munitions during the August 2008 conflict. Submunitions found by deminers include the air-dropped AO-2.5RTM and rocket-delivered 9N210, and rocket-delivered M85.
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.
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.
Unknown	Uganda	RBK-250-275 bombs and AO-1SCh submunitions have been found in the northern district of Gulu.
2001–2002	Afghanistan	The US dropped 1,228 cluster bombs containing 248,056 submunitions.
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.
1998–2003	DRC	Deminers have found BL755 bombs, BLU-63 cluster munitions, and PM-1 submunitions.
1998–1999	Albania	Yugoslav forces used rocket-delivered cluster munitions in disputed border areas, and NATO forces conducted six aerial cluster munition strikes.
1998	Ethiopia, Eritrea	Ethiopia attacked Asmara airport and dropped BL755 bombs in Gash-Barka province in Eritrea. Eritrea used cluster munitions in two separate strikes in Mekele, including at a school.

¹⁸⁴ For more detailed information, please see the relevant *Cluster Munition Monitor* country profile online at: www.the-monitor.org.

Date	Location	Known details of use
1998	Afghanistan/Sudan	In August, US ships and submarines fired 66 TLAM-D Block 3 cruise missiles, each containing 166 BLU-97 submunitions, at a factory in Khartoum, Sudan, and at non-state armed group (NSAG) training camps in Afghanistan.
1997	Sierra Leone	Sierra Leone has said that Nigerian peacekeepers in the Economic Community of West African States Monitoring Group (ECOMOG) used BLG-66 Beluga bombs on the eastern town of Kenema. ECOMOG Force Commander General Victor Malu denied these reports.
1996–1999	Sudan	Sudanese government forces used air-dropped cluster munitions in southern Sudan, including Chilean-made PM-1 submunitions.
1995	Croatia	An NSAG used Orkan M-87 multiple rocket launchers in an attack on the city of Zagreb on 2–3 May. Additionally, the Croatian government claimed that Serb forces used BL755 bombs in Sisak, Kutina, and along the Kupa River.
1994–1996	Chechnya	Russian forces used cluster munitions against NSAGs.
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.
1992–1995	BiH	Yugoslav forces and NSAGs used cluster munitions during war. NATO aircraft dropped two CBU-87 bombs.
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.
1992–1994	Angola	Deminers have found dud Soviet-made PTAB and AO-2.5 RT submunitions in various locations.
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.
1991	Saudi Arabia	Saudi Arabian and US forces used artillery-delivered and air-dropped cluster munitions against Iraqi forces during the Battle of Khafji.
1988	Iran	US Navy aircraft attacked Iranian Revolutionary Guard speedboats and an Iranian Navy ship using Mk-20 Rockeye bombs during Operation Praying Mantis.
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.
1986	Libya	US Navy aircraft attacked Libyan ships using Mk-20 Rockeye cluster bombs in the Gulf of Sidra on 25 March. On 14–15 April, US Navy aircraft dropped 60 Rockeye bombs on Benina Airfield.
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.
1983	Lebanon	US Navy aircraft dropped 12 CBU-59 and 28 Mk-20 Rockeye bombs against Syrian air defense units near Beirut in Lebanon.
1983	Grenada	US Navy aircraft dropped 21 Mk-20 Rockeye bombs during close air support operations.
1982	Falkland Islands/Malvinas	UK forces dropped 107 BL755 cluster bombs containing a total of 15,729 submunitions.
1982	Lebanon	Israel used cluster munitions against Syrian forces and NSAGs in 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.
1978	Lebanon	Israel used cluster munitions in southern Lebanon.
1977–1978	Somalia	Contamination discovered in 2013 in Somali border region. Submunitions found include PTAB-2.5M and AO-1Sch, but the party that used the weapons is unknown.
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.
1973	Syria	Israel used air-dropped cluster munitions against NSAG training camps near Damascus.

Date	Location	Known details of use
1970s	Zambia	Remnants of cluster munitions, including unexploded submunitions from air-dropped bombs, have been found at Chikumbi and Shang'ombo.
1965–1975	Cambodia, Lao PDR, Vietnam	According to a Handicap International (HI) review of US bombing data, approximately 80,000 cluster munitions, containing 26 million submunitions, were dropped on Cambodia in 1969–1973; over 414,000 cluster bombs, containing at least 260 million submunitions, were dropped on Lao PDR in 1965–1973; and over 296,000 cluster munitions, containing nearly 97 million submunitions, were dropped in Vietnam in 1965–1975.
1939–1945	Italy, Libya, Malta, Palau, Solomon Islands, USSR, the UK, possibly other locations	Munitions similar in function to modern cluster munitions were used by belligerent parties during World War II in Europe, North Africa, and the Pacific.



Contamination and Clearance

Summary

A total of 23 states and 3 other areas were believed to be contaminated by cluster munition remnants as of 1 July 2014. Eleven of these states are party to the Convention on Cluster Munitions,¹ two have signed but not yet ratified,² while another 10 have neither signed nor acceded.³ Six states—Bosnia and Herzegovina (BiH), Cambodia, Iraq, Lao PDR, Lebanon, and Vietnam—as well as one other area, Nagorno-Karabakh, are considered heavily affected by cluster munition remnants, each with estimated contamination covering 10km² or more of land.

The Monitor has calculated that in 2013 more than 54,000 unexploded submunitions were destroyed during clearance of almost 31km² of land contaminated by cluster munition remnants in 12 states and three other areas. This data, however, is known to be incomplete due to the fact that reporting by states and demining operators on clearance of cluster munition remnants is partial and inconsistent in content, format, and quality, including among States Parties who are legally obligated to report on clearance activities.

Eight contaminated States Parties and signatories conducted clearance of unexploded submunitions in 2013: Afghanistan, BiH, Croatia, Iraq, Lao PDR, Lebanon, Mauritania, and Norway. Cluster munition remnants were also cleared in non-signatories Cambodia, Serbia, Vietnam, and Yemen, as well as three other areas, Kosovo, Nagorno-Karabakh, and Western Sahara.⁴

▲
Educators work with children in the Domiz camp for Syrian refugees to help ensure their safety in Iraq and when they return home.

Global Contamination

Cluster munition remnants are defined in the convention as covering four types of hazards: unexploded submunitions, unexploded bomblets, failed cluster munitions, and abandoned cluster munitions.⁵ Unexploded submunitions and bomblets pose the greatest threat to civilians, primarily as a result of their sensitive fuzing but also because of their appearance in terms of shape, color, and metal content, which often attracts tampering, playful attention, or collection.

As detailed in the table below, a total of 23 states and 3 other areas are believed to have cluster munition remnants, including unexploded submunitions, on their territory as of 1 July 2014.⁶ Eleven of the states contaminated by cluster munition remnants are party to the Convention on Cluster Munitions and are legally obligated to complete clearance within 10 years, while another two have signed but not yet ratified.

At the Fourth Meeting of States Parties in Zambia in September 2013, Mauritania stated that it had completed clearance of cluster munition remnants in areas under its jurisdiction or control, and that it was taking the necessary administrative steps to make a formal declaration of completion.⁷ At the April 2014 Working Group on Clearance and Risk Reduction in Geneva, Norway similarly stated that it had completed clearance of cluster munition remnants, noting that it would make a formal declaration of completion at the Fifth Meeting of States Parties in Costa Rica.

¹ Afghanistan, Bosnia and Herzegovina, Chad, Chile, Croatia, Germany, Iraq, Lao PDR, Lebanon, Montenegro, and Mozambique.

² Democratic Republic of the Congo (DRC) and Somalia.

³ Azerbaijan, Cambodia, Libya, Serbia, South Sudan, Sudan, Syria, Ukraine, Vietnam, and Yemen.

⁴ As of 1 July 2014, States Parties Chad, Chile, Germany, and Montenegro had not reported any clearance of unexploded submunitions in 2013, nor had signatories DRC and Somalia.

⁵ 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 an 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, Art. 2(4), (5), (6), (7), and (15).

⁶ Afghanistan, Azerbaijan, Bosnia and Herzegovina, Cambodia, Chad, Chile, Croatia, Democratic Republic of the Congo, Germany, Iraq, Lao PDR, Lebanon, Libya, Montenegro, Mozambique, Serbia, Somalia, South Sudan, Sudan, Syria, Ukraine, Vietnam, and Yemen; and other areas Kosovo, Nagorno-Karabakh, and Western Sahara.

⁷ Statement of Mauritania, Fourth Meeting of States Parties, Lusaka, 12 September 2013, bit.ly/MonitorCMM14MAf7.

States and other areas contaminated by cluster munition remnants

Africa (Sub-Saharan)	Americas	Asia-Pacific	Europe, Caucasus, and Central Asia	Middle East and North Africa
Chad	Chile	Afghanistan	Azerbaijan	Iraq
<u>Democratic Republic of the Congo (DRC)</u>		Cambodia	Bosnia and Herzegovina	Lebanon
Mozambique		Lao PDR	Croatia	Libya
<u>Somalia</u>		Vietnam	Germany	Syria
South Sudan			Montenegro	Yemen
Sudan			Serbia	<i>Western Sahara</i>
			Ukraine	
			<i>Kosovo</i>	
			<i>Nagorno-Karabakh</i>	
6 states	1 state	4 states	7 states and 2 areas	5 states and 1 area

Note: States Parties to the Convention on Cluster Munitions are indicated in **bold**; convention signatories are underlined; other areas are in italics.

Contamination is also still suspected, but not confirmed, in another 15 states, including: Angola, Colombia, Eritrea, Ethiopia, Georgia (South Ossetia), Iran, Israel, Jordan, Kuwait, Palau, Russia (Chechnya), Saudi Arabia, and Tajikistan.⁸ Both Argentina and the United Kingdom (UK) claim sovereignty over the Falkland Islands/Malvinas, which may still contain areas with unexploded submunitions.

Extent of contamination

The extent of contamination across affected states varies significantly. Six states and one other area have the greatest contamination from cluster munition remnants (more than 10km²), particularly unexploded submunitions: BiH, Cambodia, Iraq, Lao PDR, Lebanon, and Vietnam, as well as Nagorno-Karabakh.

States Parties

Eleven States Parties are contaminated by cluster munition remnants, with the heaviest contamination in Lao PDR and Lebanon:

- **Afghanistan** is contaminated by cluster munition remnants primarily from Soviet use of air-dropped and rocket-delivered submunitions, and from United States (US) aircraft dispersing 1,228 cluster munitions containing an estimated 248,056 submunitions between October 2001 and early 2002. As of early 2014, the Mine Action Programme for Afghanistan database identified 19 areas containing cluster munition remnants covering almost 7.3km² and affecting 3,859 people.⁹ Contamination appears to be more widespread but is unrecorded as operator reporting forms do not disaggregate unexploded submunitions from other unexploded ordnance (UXO).
- **BiH** is contaminated with cluster munition remnants, primarily as a result of Yugoslav aircraft dropping BL-755 cluster bombs in the early stages of the 1992–95 conflict related to the break-up of the Socialist Federal Republic of Yugoslavia. NATO forces also used them in Republika Srpska. The first phase of a general survey completed by Norwegian People's Aid (NPA) in 2011 identified 140 areas hit by air strikes and artillery with an estimated total of 3,774 submunitions, and additional contamination around a former ammunition factory at Pretis that was hit by a NATO air strike. It identified 669 suspect hazardous areas (SHAs) covering a total of 12.18km², of which 3.23km² was believed to be high risk. Some 5km² is contaminated by artillery-delivered submunitions: 3.9km² by BL-755 and 3.1km² by KB-1 submunition remnants. Release by NPA of more than 2km² of SHAs and confirmed hazardous areas (CHAs) in 2013 is believed to have reduced remaining suspected and confirmed contamination to just over 10km² as of end 2013.
- **Chad** is contaminated by cluster munition remnants resulting from conflicts in the 1980s in which France and Libya used cluster munitions. In December 2008, Chad stated it had "vast swathes of territory" contaminated with "mines and UXO (munitions and submunitions)" but since then no significant amounts of submunitions have been found. Mines Advisory Group (MAG) found unexploded Soviet PTAB-1.5 submunitions close to Faya Largeau during a 2010–11 re-survey of mine and explosive remnants of war (ERW) contamination. In September 2012, Chad stated that the extent to which its territory is contaminated by cluster munition remnants is not precisely known, but it was evident the weapons had been used in the Fada region and there

⁸ While cluster munition remnants have certainly been present in the past, no specific areas are currently known or suspected to contain such remnants. However, a lack of information on the extent of survey and clearance makes it premature to determine that these states have completed clearance of all cluster munition remnants.

⁹ Email from Abdel Qudos Ziaee, Operations, Research and Development Manager, Mine Action Coordination Centre of Afghanistan (MACCA), 11 February 2014.

is a strong likelihood that they were used in other parts of the north. Chad said that the Tibesti region in the northwest was being surveyed to determine the extent of the contamination.¹⁰

- **Chile** has identified four areas contaminated with cluster munition remnants located within three military training bases in three regions. The almost 97km² of SHA represents the total size of the training area where cluster munitions were used.¹¹ The precise extent of cluster munition-contaminated area will be determined during technical survey and clearance.
- **Croatia** has areas contaminated mainly by KB-1 type cluster munition remnants left over from the conflict in the 1990s following the dissolution of the Socialist Federal Republic of Yugoslavia. By the end of 2013, these covered an area of almost 3.5km² across five counties, but most contamination (86%) is located in three counties: Zadar, Splitsko-dalmatinska, and Ličko-senjska.
- **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. Non-technical survey confirmed that single ShOAB-0.5 cluster munitions are suspected to contaminate an area of approximately 11 km². Technical survey of the area is scheduled to begin in 2015.¹²
- **Iraq**'s cluster munition contamination is believed to be large but the extent is not known with any degree of accuracy. In Iraqi Kurdistan, MAG has found cluster munition remnants from strikes launched by coalition forces around Dohuk in 1991. Heavy contamination exists in central and southern Iraq as a result of extensive use of cluster munitions by allied troops 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 suspected cluster munition contamination along the Tigris and Euphrates river valleys. Submunitions made up a significant portion of the items cleared by Basra-based Danish Demining Group (DDG) and by commercial companies working on clearance of southern oilfields.
- **Lao PDR** is the world's most heavily cluster munition-contaminated state as a result of the US dropping more than 270 million submunitions on the country between 1964 and 1973. There is no agreed estimate of the true extent of contamination from unexploded submunitions, but close to 70,000 cluster munition strikes have been identified. Lao PDR has continued to claim that cluster munitions contaminate approximately 8,470km². Such an estimate, however, is based on bomb targeting data that bears little relation to actual contamination on the ground. After two decades of UXO/mine action, Lao PDR has not yet conducted sufficient survey to produce a credible estimate of the total area contaminated in the country.
- **Lebanon** is affected by cluster munition contamination that originates primarily from Israeli use during the July–August 2006 conflict, but parts of the country remain affected from cluster munitions used in the 1980s. Of approximately 57.8km² of contaminated area that has reportedly affected Lebanon, an estimated 17km² remains to be released in Bekaa, Mount Lebanon, and South Lebanon.¹³
- **Montenegro** informed States Parties in April 2012 that it was contaminated by cluster munition remnants left over from conflict in the 1990s. A report by NPA in May 2013 in cooperation with the Regional Centre for Underwater Demining (RCUD) of Montenegro, based on non-technical survey conducted by NPA between December 2012 and April 2013, identified 87 SHAs and CHAs covering a total area of 1.7km² affecting five communities in three municipalities. The most affected area was Golubovci municipality, particularly around its airport, accounting for 1.38km² of the total, followed by Tuzi and Rožaje municipalities. Submunitions may also be present in two other areas of Plav municipality, Bogajice, and Murino, which could not be immediately investigated because of high levels of snow.
- **Mozambique** stated in September 2013 that it believed any remaining threat from cluster munition remnants was limited.¹⁴ NPA has identified cluster munition remnants in Chifunde and Cahora Bassa districts. It cleared one unexploded submunition in Chifunde. The estimated size of contamination in Cahora Bassa is some 0.26km² although non-technical survey is needed to determine the extent of contamination with greater precision.¹⁵

Signatories

Two signatories are believed to be contaminated with cluster munition remnants: DRC and Somalia.

- **DRC** reported in April 2014 at the Working Group on Clearance and Risk Reduction in Geneva that among more than 403 areas surveyed across the country, five were found to contain cluster munition remnants. The total area was 17,590m² (0.02km²), most of which is located in the province of Équateur in the northwest.
- **Somalia**'s level of cluster munition remnants contamination is unknown. Dozens of dud PTAB-2.5M and some AO-1SCh explosive submunitions have been found within a 30km radius of the Somali border town of Dolow. Contamination is believed to have occurred during the 1977–78 Ogaden War.

¹⁰ Statement of Chad, Third Meeting of States Parties, Oslo, 13 September 2012.

¹¹ Chile, Convention on Cluster Munitions Article 7 Report, Form G, September 2012, bit.ly/MonitorCMM14Banf150.

¹² Email from Silke Bellmann, Desk Officer, Federal Foreign Office, 4 August 2014.

¹³ Convention on Cluster Munitions Article 7 Report (for the year 2013), Form F, 15 April 2014, bit.ly/MonitorCMM14MAf13a; and statement of Lebanon, Fourth Meeting of States Parties, Lusaka, 12 September 2013, bit.ly/MonitorCMM14MAf13b.

¹⁴ Statement of Mozambique, Fourth Meeting of States Parties, Lusaka, 12 September 2013, bit.ly/MonitorCMM14MAf14.

¹⁵ Email from Mário Nunes, Programme Manager, Humanitarian Disarmament – Mozambique, NPA, 7 August 2014.

Non-signatories

Several of the 10 contaminated states that have not joined the convention have active 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 several million cluster munition remnants as a result of US aircraft dropping approximately 26 million submunitions in Cambodia during the Vietnam War. In February 2011, Thailand's use of cluster munitions in Cambodia's northern province, Preah Vihear, resulted in additional submunition contamination over an area of approximately 1.5km². The Baseline Survey (BLS) of 24 districts identified 990 cluster munition-contaminated areas covering an area of 492km², but the area of suspected contamination was certain to rise as the survey continued in other districts not included in the BLS.¹⁶ NPA, pursuing a cluster munition remnants survey in northern Rattanakiri province in 2013, identified 53 new SHAs covering 45km² but expected technical survey would shrink the area by up to 90%.¹⁷
- **Libya** was added to the list of contaminated states following use of cluster munitions by government forces in April 2011. Operators identified three types of cluster munitions, including Russian and Spanish¹⁸ devices, but no comprehensive survey has been possible and the precise extent of contamination from cluster munition remnants is not known.
- **Serbia's** cluster munition contamination results from NATO air strikes in 1999, which Serbia said struck 16 municipalities.¹⁹ By the end of 2013 Serbia said cluster munitions affected the the city of Niš and the municipalities of Brus, Bujanovac, Crveni krst, Gadžin Han, Knić, Sjenica, Stara Pazova, and Užice. This included CHAs covering 592,824m² (0.59km²) and SHAs totaling 5.64km².²⁰
- In **South Sudan**, since 2006, 750 sites containing cluster munition remnants have been identified across all 10 states, including new contamination as a result of the ongoing conflict in the country since December 2013.²¹ On 7 February 2014, the UN Mine Action Service (UNMAS) UXO survey teams discovered new remnants from RBK-250-275 cluster bombs and unexploded AO-ISCh submunitions on the Juba-Bor road, south of Bor in Jonglei state.²² As of May 2014, UNMAS reported that 95 known dangerous areas containing cluster munition remnants remained in all 10 states. Central, Eastern, and Western Equatoria states are the most heavily contaminated.²³
- **Sudan** is believed to have at least nine areas contaminated with unexploded submunitions, while, based on latest available information, another 81 have been released. The Mine Action Center has not reported on cluster munition contamination since 2011. The government of Sudan has denied using cluster munitions.
- **Syria** is contaminated with cluster munition remnants due to the ongoing armed conflict. The full extent of contamination is unknown, but a number of locations in Syria have been identified as areas where cluster munitions have been used in at least 10 of Syria's 14 governorates (see *Ban Policy chapter*). Additional locations reportedly hit by government attacks in 2014 include the towns of Keferzita in Hama governorate²⁴ and Yabrud in rural Damascus.²⁵
- **Vietnam** is one of the most cluster munition-contaminated countries in the world as a result of an estimated 413,130 tons of submunitions used by the US in 1965–73. Cluster munitions were used in 55 provinces and cities, including Haiphong, Hanoi, Ho Chi Minh City, Hue, and Vinh, but no accurate assessment exists of the extent of cluster munition contamination. Substantial amounts of cluster munitions were abandoned by the US military, notably at or around old US air bases.
- In **Yemen**, the Yemen Executive Mine Action Center (YEMAC) has reported identifying 43 areas amounting to 22km² contaminated by cluster munition remnants in Sada'a governorate in 2012 and 2013 and said it has cleared 3.7km² of it. But it also believes there are cluster munition remnant-affected areas in northwestern Hajjah governorate, which it has so far been unable to survey due to insecurity.²⁶ YEMAC has confirmed the presence, but not the origin, of cluster munitions remnants in four districts on the border between Sada'a governorate and Saudi Arabia, consisting mainly of types BLU-97, dual-purpose improved conventional munitions (DPICM), and BLU-61. Amnesty International reported the presence of unexploded BLU-97 submunitions in June 2010, which it alleged originated from a US cruise missile attack on 17 December 2009 on

¹⁶ Revised BLS data presented in statement of Cambodia to the Mine Ban Treaty Standing Committee on Mine Clearance, Geneva, 10 April 2014.

¹⁷ Email from Jan Erik Stoa, Program Manager, NPA, 25 March 2014.

¹⁸ The transfer of these weapons by Spain took place in 2006 before Spain instituted a moratorium on the export of cluster munitions and prior to its adherence to the Convention on Cluster Munitions.

¹⁹ Statement of Serbia, Mine Ban Treaty Standing Committee on Mine Clearance, Geneva, 21 June 2011; and interview with Petar Mihajlović and Sladana Košutić, Serbian Mine Action Centre (SMAC), Belgrade, 25 March 2011.

²⁰ Email from Sladana Košutić, SMAC, 22 April 2014.

²¹ Email from Robert Thompson, Chief of Operations, UNMAS South Sudan, 12 May 2014.

²² UNMAS, "Reported use of Cluster Munitions South Sudan February 2014," 12 February 2014. See also UN Mission in South Sudan (UNMISS), "Conflict in South Sudan: A Human Rights Report," 8 May 2014, p. 26, bit.ly/MonitorCMM14MAf22.

²³ Email from Robert Thompson, UNMAS, 12 May 2014.

²⁴ "Syria: New Deadly Cluster Munition Attacks," Human Rights Watch, 19 February 2014, bit.ly/MonitorCMM14MAf24a.

²⁵ "Government Forces Use Cluster Munitions in bombing Yabrud," Syrian Network for Human Rights, 13 March 2014, bit.ly/MonitorCMM14MAf25.

²⁶ Information provided to Cluster Munition Monitor by email from YEMAC, 19 March 2014.

the community of al-Ma'jalah in the Abyan area in south Yemen. The northern Sada'a governorate near the border with Saudi Arabia is also contaminated by cluster munitions used in late 2009 during conflict between the government of Yemen and armed Houthi rebels.

Other areas

- **Kosovo** is affected by remnants of cluster munitions used by the Federal Republic of Yugoslavia armed forces in 1998–99 and by a NATO campaign in 1999, during which aircraft dropped 1,392 bombs containing 295,700 submunitions. Following demining operations between June 1999 and December 2001, the UN reported that problems associated with mines, cluster munitions, and other UXO in Kosovo had been “virtually eliminated.” Subsequent investigation, however, revealed that considerable contamination remained. HALO Trust and Kosovo Mine Action Center’s (KMAC) resurvey of Kosovo in 2013 confirmed 51 areas containing cluster munition remnants covering a total of 7.63km², not including three CHAs that were undergoing clearance in 2013 until work was suspended at the end of the demining season.²⁷
- **Nagorno-Karabakh** has significant cluster munition contamination, particularly in the Askeran, Martuni, and Martakert regions, where more than 75% of the remaining cluster munition remnants are located. Large quantities of cluster munitions were dropped from the air during the Nagorno-Karabakh conflict in 1988–94. As of end 2013, HALO Trust estimated the remaining area in need of battle area clearance at 86km².
- **Western Sahara** was expected to be cleared of known cluster munition remnants outside the buffer zone with the Moroccan berm (sand wall) by the end of 2012. However, the discovery of previously unknown contaminated areas meant this target date was not met. As of July 2014 there were 33 known cluster munition strike zones east of the berm requiring clearance, three of which were discovered in June 2014. Action on Armed Violence (AOAV) conducted clearance of almost 1km² in 2013, destroying 1,033 unexploded submunitions in the process. Given lack of funding, no new target date for clearance is available.²⁸

Clearance of Cluster Munition Remnants

Reporting by states and operators on clearance of cluster munition remnants is incomplete and inconsistent in content, format, and quality, including among States Parties. Based on available reporting and information gathered directly from programs, in 2013 more than 54,000 unexploded submunitions were destroyed during clearance operations of almost 31km² of land contaminated with cluster munition remnants in 12 states and 3 other areas, as detailed in the table below. The bulk of the clearance in 2013 was reported in Lao PDR. To seek to represent actual clearance of cluster munition remnants in that country and not merely of UXO, an estimate has been made of land cleared that contained cluster munition remnants.

Clearance of cluster munition remnants in 2013

State/area	Area Cleared (km ²)	Submunitions destroyed
Afghanistan	N/R	230
BiH	1.19	214
Cambodia	N/R	3,751
Croatia	1.15	164
Iraq	N/R	50*
Lao PDR	20.00 (est.)	40,287
Lebanon	2.47	4,470
Mauritania	2.44	1,246
Norway	N/R	2
Serbia	2.42	353
Vietnam	N/R	1,925*
Yemen	N/R	440
<i>Kosovo</i>	0.30 (est.)	287
<i>Nagorno-Karabakh</i>	N/R	329
<i>Western Sahara</i>	0.97	1,033
Totals	30.94	54,781

N/R = Not reported; * Only very partial data

Note: States Parties are indicated in **bold**; other areas are in italics.

²⁷ Email from Ahmet Sallova, KMAC, 20 February 2014.

²⁸ Email from Gordan Novak, Senior Technical Advisor, AOAV, 25 July 2014.

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 becoming party to the convention. 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 in the table 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.

Norway, as President of the Third Meeting of States Parties to the Convention on Cluster Munitions, submitted a paper entitled “Compliance with Article 4” to the Fourth Meeting of States Parties. The paper’s stated aim was to explain the key obligations that states must fulfill in order to be able to make a declaration of compliance. Ireland and Lao PDR, as Co-Coordination of the Working Group on Clearance and Risk Reduction Education, submitted to the same meeting a paper entitled “Effective steps for the clearance of cluster munition remnants.” States Parties “warmly welcomed” both documents.²⁹

Article 4 clearance deadlines for States Parties

State Party	Clearance deadline
Afghanistan	1 March 2022
BiH	1 March 2021
Chad	1 September 2023
Chile	1 June 2021
Croatia	1 August 2020
Germany	1 August 2020
Iraq	1 November 2023
Lao PDR	1 August 2020
Lebanon	1 May 2021
Montenegro	1 August 2020
Mozambique	1 September 2021

Land release

A set of guiding principles for land release of cluster munition-contaminated areas published by the Cluster Munition Coalition in June 2011, calls for affected states to put sufficient resources into properly identifying cluster munition-affected areas before carrying out clearance. It recommends states conduct a desk assessment (of ground conditions, weapons delivery systems, battlefield data, etc.) followed by non-technical survey to collect field evidence of contamination and, where required, technical survey to define a cluster strike footprint. It notes clearing cluster munitions should not be approached in the same way as clearing landmines and suggests states apply principles detailed in the International Mine Action Standards (IMAS), Battle Area Clearance standards (09.11) for land contaminated exclusively with cluster munition remnants.

To promote more efficient release of land, amendments to IMAS were adopted in April 2013 to the General Assessment standards (formerly 08.10) and set out to simplify and clarify standards on Land Release (now 07.11), Non-Technical Survey (now 08.10), and Technical Survey (now 08.20). They seek to make clear distinctions between SHAs and CHAs and provide more guidance on use of evidence to avoid inflating estimates of contamination where evidence does not justify it. They also seek to clarify basic principles of technical survey, the distinctions between area reduction and clearance, and the requirement to apply “all reasonable effort” in use of evidence to plan and interpret the results of technical survey.

Meanwhile, in a bid to increase productivity, international operators have focused increasingly on evidence-based battle area clearance for tackling cluster munitions and on developing survey methodology better tailored to the particular challenges of this type of contamination. A cluster munition remnants survey approach developed by NPA in Lao PDR, and endorsed or adapted by a number of other operators, including in Vietnam, begins with desk assessment and non-technical survey in order to define start points for technical survey. Clearance only takes place once a CHA is established and reported to the national regulatory authority. Sub-surface clearance is conducted as necessary according to the evidence, and a mixture of surface and sub-surface clearance may be considered sufficient clearance for an entire area to be released. A “fadeout” principle determines the distance to which clearance continues after finding what is perceived as the last target item in a footprint.

²⁹ Final Document, Fourth Meeting of States Parties, CCM/MSP/2013/6, 23 September 2014, p. 4.



Casualties and Victim Assistance

Since 1999, the Monitor has tracked casualties from landmine and explosive remnants of war (ERW) as well as the provision of victim assistance to the victims of these weapons, including victims of cluster munitions. In 2010, the Monitor initiated a specific focus on victim assistance in those States Parties to the Convention on Cluster Munitions that have cluster munition victims.

Documentation of casualties from cluster munition strikes, as well as from cluster munition remnants,¹ remains inadequate but has been improving since when the convention process began. Beginning in 2013 and continuing into 2014, this was demonstrated in States Parties and also in Syria, where casualty data collection groups have disaggregated cluster munition casualties, resulting in far improved reporting on the devastating consequences of strikes than ever available before: 1,584 casualties were identified due to strikes and unexploded submunitions in 2012 and 2013 in Syria, with hundreds more being recorded into 2014. This improved reporting also highlights the incredible lack of reporting of cluster munition casualties from past conflicts, such as those in Southeast Asia and the Middle East, for which few casualties during cluster munition strikes were reported or no records were made available.

Globally, there are no comprehensive, reliable statistics and both civilian and military casualties are under-reported. The Monitor has managed to identify a total of 19,419 cluster munition casualties in 31 countries and three other areas beginning in the mid-1960s through the end of 2013. However, a better indicator of the number of cluster munition casualties is derived from various state estimates that collectively place the total at more than 55,000 casualties globally.

The convention is a landmark humanitarian disarmament agreement that is the first international treaty to make the provision of assistance to victims of a given weapon a formal requirement for all States Parties.² It codified the international understanding of victim assistance and its provisions have influenced the victim assistance commitments in the Convention on Conventional Weapons (CCW), particularly Protocol V and its Plan of Action on Victim Assistance, and strengthened practices related to the Mine Ban Treaty. The Convention on Cluster Munitions continues to set the highest standard in obligations for provision of assistance and reporting practices on victim assistance.

In practice, victim assistance addresses the overlapping and interconnected needs of persons with disabilities, including survivors³ of cluster munitions, landmines, and other weapons and ERW, as well as people in their communities with similar requirements for assistance. In addition, some victim assistance efforts reach family members and other people in the communities of those people who have been killed or suffered trauma, loss, or other harm due to cluster munitions.

The rationale behind the Convention on Cluster Munitions is found in its preamble, which affirms that States Parties are “Determined to put an end for all time to the suffering and casualties caused by cluster munitions.” While all States Parties in a position to do so have a legal obligation to provide resources and otherwise support the full implementation of the convention’s victim assistance provisions, the convention places overall responsibility for the provision of victim assistance on the States Parties with cluster munition victims in areas under their jurisdiction or control.

▲ *Representatives of survivor networks from around the world hone their skills as victim assistance advocates, including by monitoring the Convention on Cluster Munitions, during a workshop in Mozambique.*

¹ Cluster munition remnants include abandoned cluster munitions, unexploded submunitions and unexploded bomblets, as well as failed cluster munitions. Unexploded submunitions are “explosive submunitions” that have been dispersed or released from a cluster munition, but failed to explode as intended. Unexploded bomblets are similar to unexploded submunitions but refer to “explosive bomblets” which have been dispersed or released from an affixed aircraft dispenser and failed to explode as intended. Abandoned cluster munitions are unused explosive submunitions or whole 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, Art. 2(5), (6), (7), and (15).

² See Article 5 of the Convention on Cluster Munitions.

³ Cluster munition 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. 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.

Afghanistan, Iraq, Lao PDR, and Lebanon are the States Parties with the most significant numbers of cluster munition victims in need of assistance and support. Together, they account for the majority of known cluster munition casualties. Non-signatories Cambodia and Vietnam—both of which have already reported their victim assistance efforts to the convention's States Parties⁴—complete the list of the countries “considered to have the largest number of cluster munition victims, with the challenge of the responsibility to address the needs of several thousands of survivors.”⁵ Given the data becoming available, it is likely that Syria should be considered among the group of non-signatory states with the largest numbers of survivors and needs.

In order to make a difference in affected communities, there must be a clear understanding of the rights and needs of victims, and victim assistance responses must be coordinated, timely, and measurable. With a year to go before the Vientiane Action Plan is reviewed in 2015, States Parties have reported significantly more efforts to improve assistance to cluster munition victims than were reported before entry into force, while striving to overcome challenges during the period. However, the challenges have continued to include armed conflict combined with the related displacement of populations and, in many states, inadequate funding and resources for the international organizations, national and international NGOs, and disabled persons organizations (DPOs) that deliver most direct assistance and services to cluster munition victims.

Cluster Munition Casualties

Cluster munition casualties in 2013



Special issue of concern from 2013 findings: massive increase in casualties recorded

The highest annual number of cluster munition casualties recorded by a single country for 2013 was in **Syria**, as had been the case in 2012. However, in 2013 more information on the extent of the casualties caused by cluster munitions became available for both years. This was also the highest number of annual casualties recorded by any country since the Monitor began differentiating between cluster munitions casualties and other ERW casualties in 2010.

For 2013, the Monitor received reports of at least 1,001 cluster munition casualties in Syria; at least 151 people were recorded as killed and some 850 people were injured. Among those people who died, 142 were killed by cluster munition air strikes and shelling (direct use of cluster munitions) and another nine fatalities were recorded from incidents involving unexploded submunitions. Ninety-seven percent of those killed in 2012 and 2013 were civilians.⁶ Detailed data on fatalities was collected and disaggregated according to the weapons involved by the Violation Documentation Center in Syria (VDC) and the Syrian Network for Human Rights (SNHR).⁷

The SNHR also documented the number of people injured by cluster munitions, many of whom were wounded by unexploded submunitions that are scattered widely throughout many areas of the country.⁸ Collection of data was ongoing and efforts to gather details on casualties were hampered by the intensity of the continuing conflict. The SNHR reported that the number of casualties was believed to be far higher than presented in the available statistics.⁹ Data collected by the SNHR was periodically updated.

⁴ Despite not having yet signed or acceded to the convention, both Cambodia and Vietnam have recognized the need for victim assistance for cluster munition victims and have provided information to Convention on Cluster Munition States Parties on their efforts in this regard. Both have reported on their implementation efforts in accordance with the convention's specific requirements of planning, coordination, and the integration of victim assistance into rights-based frameworks, such as the Convention on the Rights of Persons with Disabilities. Statement of Cambodia, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 12 September 2012, bit.ly/MonitorCMM14VAfn4; and statement of Vietnam, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 14 September 2012, bit.ly/MonitorCMM14VAfn4b. Vietnam stated that it is “among the countries most affected by cluster munitions and other explosive remnants of war.” It said “Viet Nam has signed the Convention on the Rights of Persons with Disabilities and adopted a Law on Persons with Disabilities, which provides an important legal framework for the care for and assistance to victims of ERW.” Vietnam identified the Ministry of Labour, War Invalids and Social Affairs as the focal point for victim assistance and is developing a Victim Assistance Action Plan and Standard Guidelines on Victim Assistance.

⁵ “Draft Oslo Progress Report,” CCM/MSP/2012/WP.1, undated, pp. 7 and 9, bit.ly/MonitorCMM14VAf5; and “Lusaka Progress Report,” Lusaka, (corrected) 13 September 2013, p. 9, bit.ly/MonitorCMM14VAf5b.

⁶ In 2013, two recorded fatalities were among members of non-state armed groups. In 2012 there were five non-state armed group members recorded as killed.

⁷ Email from Amir Kazkaz, Database Management Division, VDC, 14 April 2014 and casualty data from the VDC database, www.vdc-sy.info; and casualty data by email from Fadel Abdul Ghani, Director, SNHR, 28 April 2014.

⁸ According to the SNHR “most of the injured were wounded by the cluster bombs when they passed near it, touched it...some of them were injured while trying to disarm it.” Email from Fadel Abdul Ghani, Director, SNHR, 25 July 2014.

⁹ “Despite the great difficulty in even getting an approximate number of people injured by the use of cluster munitions by the government forces, the estimates of the team of SNHR refer to more than 1470 people injured.” SNHR, “Victims of Cluster Munitions in Syria,” 2 February 2014, p 6; and SNHR, “Three Year Harvest,” sn4hr.org/blog/2014/03/31/three-years-harvest. Casualty data by email from Fadel Abdul Ghani, Director, SNHR, 28 April 2014.

In 2012, according to data from VDC and SNHR, 113 people were reported as killed (including four due to unexploded submunitions) and some 470 people injured by cluster munitions.¹⁰ In 2013, the only casualties recorded globally during cluster munition strikes occurred in Syria.¹¹

Despite efforts to improve data collection methods, casualties from cluster munitions remained chronically underreported and were often not distinguished in data from casualties of other types of unexploded ordnance. Despite the challenges of accessing information, in 2013 unexploded submunition casualties were reported in at least nine countries and one other area: Cambodia (three), Croatia (three), Iraq (eight), Lao PDR (six), Lebanon (one), South Sudan (six), Sudan (five), Syria (nine), Vietnam (four), and the other area Western Sahara (one).

In countries where incidents resulting in unexploded submunition casualties were disaggregated, and the circumstances were known, a continuing pattern of harm to civilians—particularly children and young adults trying to make a living—is apparent. Cluster munition remnants also continued to create a deadly threat to mine and ERW clearance personnel who endeavor to clear hazardous areas. The following examples of reports of casualties in 2013 illustrate the types of incidents that occurred:

- In **Lao PDR**, six young boys (ages 5, 6, 10, 13, and two aged 12) were out looking for bamboo shoots in the woods near their home when they picked up and began to play with a cluster submunition. The submunition exploded, killing one boy and injuring the others with shrapnel. Two of the wounded boys had serious injuries to their stomachs.¹²
- In **Lebanon**, an 18-year-old shepherd working on a farm in Hallat village in the south was killed when he stepped on a cluster submunition.¹³
- In **Croatia**, one member of a demining battalion was killed and two other clearance personnel in the battalion were injured in an accident when a BL-755 submunition detonated as they searched and cleared the area surrounding a military munitions storage facility in Pađene, near Knin. This was the site of an unplanned explosion in September 2011 that scattered cluster submunitions.¹⁴
- A 12-year-old boy was playing with his friends in Arjamia in the liberated territories of POLISARIO-controlled¹⁵ **Western Sahara** when he picked up a small ball from the ground. It turned out to be an unexploded cluster submunition which detonated in his hand and blew the boy's fingers off.¹⁶

Details of unexploded submunition casualties in Syria were still emerging at the time of publication. Data sources include links to images and videos of torn, punctured, and bloody human remains of several of the people killed both in strikes and from unexploded submunitions.¹⁷

Global casualties

Casualties from cluster munition remnants and strikes have occurred in at least 31 states and three other areas where cluster munitions have been used.¹⁸ Of the 31 states where cluster munition casualties occurred, 12 are States Parties to the Convention on Cluster Munitions and four have signed but not yet ratified the convention. There may have been casualties, as yet unconfirmed, in several more states.¹⁹

¹⁰ Email from Amir Kazkaz, Database Management Division, VDC, 14 April 2014 and casualty data from the VDC database, www.vdc-sy.info; and casualty data by email from Fadel Abdul Ghani, Director, SNHR, 28 April 2014. The two data sets were analysed by the Monitor and duplicate casualty data removed to create a unique data set.

¹¹ There may have been casualties due to use of a type of cluster munition in Myanmar, but no details were available. There were also reports of cluster munition casualties in Ukraine in 2014, but these remained unverified, or the type of munition causing the casualties had been questioned. See for example Armament Research Services, "Ukrainian Air Force strike Lugansk with S-8KOM rockets," 3 June 2014, bit.ly/MonitorCMM14VAf11d; and "8 killed in admin HQ blast as fighter jets deployed to Lugansk, Ukraine," *RT*, 2 June 2014 (edited 3 June 2014), bit.ly/MonitorCMM14VAf11e.

¹² "A Lao boy killed, five injured by unexploded ordnance," *Vientiane Times*, 29 August 2013, bit.ly/MonitorCMM14VAf12a; and see also Legacies of War, "Casualties & Survivors," bit.ly/MonitorCMM14VAf12b.

¹³ "18-year-old Lebanese killed by Israeli cluster bomb," *Daily Star*, 10 August 2013, bit.ly/MonitorCMM14VAf13a.

¹⁴ Croatia, Convention on Cluster Munitions Article 7 Report (for Calendar Year 2013), Form J, bit.ly/MonitorCMM14VAf14.

¹⁵ Frente Popular de Liberación de Saguia el Hamra y Río de Oro (Popular Front for the Liberation of Saguia el-Hamra and Río de Oro).

¹⁶ Association of Saharawi Victims of Mines (Asociación Saharaui de Víctimas de Minas, ASAVIM), 11 March 2013, www.facebook.com/ASAVIM?ref=stream; and email from Jonas Tappolet, Information Management Officer, UN Mission for the Referendum in Western Sahara (MINURSO), 4 June 2014.

¹⁷ See casualty data from the VDC database, www.vdc-sy.info.

¹⁸ This relates to cluster munition casualties recorded around the world beginning with US military intervention in South East Asia (1964). Of the 31 states, there is no definite data on numbers of casualties in Chad, Libya, and Mozambique. For the other 28 states, confirmed number of casualties and/or estimated numbers of casualties are available online in the Monitor country profiles. "Use" in some cases includes cluster munitions which have been scattered or abandoned. In Guinea-Bissau, cluster munition casualties were reported among 11 casualties caused by explosive ordnance during a munitions storage explosion. Handicap International (HI), *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007). Annex 2, p. 145, bit.ly/MonitorCMM14HI2007. Five of the casualties recorded in Croatia were also caused by submunitions that had been scattered as a result of munition storage explosions.

¹⁹ It is possible that cluster munition casualties have occurred but gone unrecorded in other countries where cluster munitions were used, abandoned, or stored in the past—such as Azerbaijan, Iran, Mauritania, Saudi Arabia, Somalia, and Zambia—or more recently where details are still unclear—such as Myanmar and Ukraine.

States and other areas with cluster munition casualties (as of end 2013)

States Parties (entry into force date)	Other states and areas
Afghanistan (1 March 2012)	Cambodia
Albania (1 August 2010)	Eritrea
Bosnia and Herzegovina (1 March 2011)	Ethiopia
Chad (1 September 2013)	Georgia
Croatia (1 August 2010)	Israel
Guinea-Bissau (1 May 2011)	Kuwait
Iraq (1 November 2013)	Libya
Lao PDR (1 August 2010)	Russia
Lebanon (1 May 2011)	Serbia
Montenegro (1 August 2010)	South Sudan
Mozambique (1 September 2011)	Sudan
Sierra Leone (1 August 2010)	Syria
Signatories	Tajikistan
Angola	Vietnam
Colombia	Yemen
Democratic Republic of Congo (DRC)	<i>Kosovo</i>
Uganda	<i>Nagorno-Karabakh</i>
	<i>Western Sahara</i>

Note: Convention on Cluster Munitions States Parties are indicated in **bold**; other areas in *italics*.

Cluster munition victims



“Cluster munition victims” are defined under Article 5 of the Convention on Cluster Munitions 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. This definition includes 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. Although little is known about the actual number of families and communities affected by cluster munitions, available information indicates that their needs are likely to be extensive.

Data collection of cluster munition victims mostly recorded only those people killed and injured (casualties). The available information on efforts to assist cluster munition victims focuses on the survivors.

There are no comprehensive, reliable statistics on cluster munition casualties—the people who were killed or injured by cluster munitions—and for decades there was inadequate reporting and massive under-reporting of both civilian and military casualties.²⁰ However, in 2013, for the first time, Iraq and Croatia did report cluster munition casualties in annual Article 7 transparency reporting. Western Sahara also disaggregated cluster munition casualties in their first voluntary Article 7 report. Yet Lao PDR and Lebanon reported all casualties of mines/ERW without differentiating or specifying how many cluster munition casualties were included in the casualty figures.

At least 19,419 cluster munition casualties have been reported globally through the end of 2013. But a better indicator of the number of cluster munition casualties is the estimated total of more than 55,000. Some global projections range as high as 85,000 casualties or more, but some of those country totals are based on extrapolations from limited samples and data may be inflated.²¹

The majority of reported cluster munition casualties (70%) have been recorded in States Parties and signatories, particularly Afghanistan (774), Iraq (3,019), Lao PDR (7,604), and Lebanon (713).

²⁰ In most countries, when identified, casualties from unexploded submunitions have been recorded as casualties from ERW without differentiating from other types of ERW.

²¹ See also HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), bit.ly/MonitorCMM14HI2007. “A conservative estimate indicates that there are at least 55,000 cluster submunitions casualties but this figure could be as high as 100,000 cluster submunitions casualties.”

The vast majority (15,652) of reported casualties were caused by cluster munition remnants—typically explosive submunitions which failed to detonate during strikes. Another 2,447 casualties were recorded from cluster munition strikes. For another 1,320 casualties documented in Syria in 2012 and 2013 it was not specified how many were due to strikes. Casualties at the time of use have been grossly under-reported; therefore the actual number of casualties, both known and estimated, is massively under-represented. Data on casualties due to cluster munition strikes is more difficult to collect systematically and is often not included in casualty reporting.

Civilians accounted for the majority (94%) of all cluster munition casualties recorded for all time from both cluster munition strikes and cluster munition remnants in the cases where the status was recorded.²² Humanitarian deminers (clearance personnel) accounted for slightly more than 3%, and security forces (military, police, and other security personnel) accounted for just under 3%. The original data used by the Monitor is based on global casualty data collected by Handicap International (HI) in 2006 and 2007. The addition of new data sources over time did not significantly change the percentage of civilian casualties.²³

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 and develop a national plan;
- Actively involve cluster munition victims in all processes that affect them;
- Ensure adequate, available, and accessible assistance;
- Provide assistance that is gender- and age-sensitive as well as non-discriminatory; and
- Report on progress.

According to the convention, States Parties with responsibility for cluster munition victims should identify the resources available as well as the needs for international cooperation and assistance for the above activities.

The Vientiane Action Plan 2010–2015 provides a guide for prioritizing implementation of victim assistance in all its key aspects.²⁴ States Parties in a position to provide such assistance should promptly respond to requests for support to victim assistance “to ensure that the pace and effectiveness of these activities increases in 2011 and beyond.” They should also “strive to ensure continuity, predictability and sustainability of resource commitments.”²⁵

Assessing needs

According to the Convention’s Article 5 requirements, 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.²⁶ Though no States Parties have fulfilled the action,²⁷ a number of States Parties saw progress in needs assessment in 2013:

- **Bosnia and Herzegovina (BiH)** continued to identify new cluster munition casualties; however, details were insufficient for planning or analysis.
- In **Iraq**, the identification of new cluster munition casualties through an ongoing survey and needs assessment was reported in Iraq’s Convention on Cluster Munitions Article 7 report for 2013.
- **Lao PDR** continued to gather data on survivors and their needs in its national Survivor Tracking System, which planned to track more than 15,000 mine/ERW and cluster munition survivors by the end of 2013. By April 2014, profiles of 9,000 survivors had been entered into the IMSMA database and data was to be made available to implementers when analysis was completed.
- **Lebanon** initiated a national victim survey and needs assessment survey in July 2013, targeting 690 people killed and injured as well as their families, covering medical, economic, social, psychological, and educational and training needs.
- In 2013, Norwegian People’s Aid (NPA), in cooperation with the Montenegrin Regional Centre for Underwater Demining, identified nine cluster munition casualties that occurred in 1999 in **Montenegro**. This was one more casualty than identified by NPA during a research study in 2006, but no other details were reported.

²² For 7,933 casualties, status (civilian, humanitarian demining, or security forces) was not recorded.

²³ HI found that 98% of casualties were civilian using an extrapolation based on known casualties. . . Of the number of known casualties the percentage of civilians was some 94%. See HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), bit.ly/MonitorCMM14HI2007.

²⁴ The Vientiane Action Plan includes 10 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.

²⁵ Vientiane Action Plan, Action #37 and Action #38.

²⁶ 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.

²⁷ With the possible exception of Albania, which had ongoing needs assessment survey in place prior to entry into force of the Convention on Cluster Munitions.

- In June 2013, a needs assessment of a representative sample of mine/ERW survivors was completed by HI and RAVIM, in partnership with the Ministry of Social Affairs, in the provinces of Inhambane and Sofala in **Mozambique**. The survey did not differentiate the assessed survivors by type of explosive device.

Coordination, plans, and strategies

States Parties with cluster munition casualties must designate a government victim assistance focal point. The focal point should be appointed within six months after becoming a State Party.²⁸ All States Parties with known cluster munition victims with the exception of Guinea-Bissau and Sierra Leone have designated one or more focal points for Convention on Cluster Munition victim assistance activities. The government's victim assistance focal point for BiH in 2013 was unclear,²⁹ although one had been designated in past years.

BiH reported having revised its victim assistance strategy in 2013. Lao PDR adopted a victim assistance plan in March 2014, which specifies cooperation with relevant ministries. However, the plan is only a guideline and it is not mandatory for ministries to include the needs of cluster munition victims in their limited budgets.³⁰ In 2013, Mozambique developed a national plan for victim assistance, as a component of the National Disability Plan 2012–2019, with the support of HI.³¹ Guinea-Bissau presented objectives of its national victim assistance plan in December 2013.³² A victim assistance and disability plan was yet to be developed in Afghanistan pending the completion of a relevant policy paper.

Providing adequate assistance: progress in 2013 and action required

Under the Vientiane Action Plan, each State Party with cluster munition victims should take immediate action to increase availability and accessibility of services, particularly in remote and rural areas where they are most often absent. States and other areas with cluster munition victims continue to face significant challenges in providing holistic and accessible care to affected individuals, families, and communities. Following are some of the key advances to improve the availability, accessibility, and sustainability of victim assistance in 2013, as well as actions required for further improvement.

Special issues of concern from 2013 findings: conflict and displacement



In States Parties Iraq and Lebanon, the availability of services was affected by the crisis in Syria, which caused millions of refugees to find shelter in those States Parties.

- In **Iraq**, healthcare centers and hospitals in Kurdistan were “overwhelmed” by the number of refugees in need entering from Syria during 2013.¹
- In **Lebanon**, “the influx of Syrian refugees to different Lebanese territories” including the contaminated areas resulted in an increase in mine/ERW incidents.”² A number of UN agencies, as well as national and international nongovernmental organizations (NGOs), have initiated programs and interventions that directly support the Ministry of Public Health “to try and relieve some of the burden on Lebanon’s health system.”³



In **Afghanistan**, obtaining appropriate and timely medical treatment in conflict-affected areas remained difficult for much of the population. Furthermore, attacks on medical personnel and facilities impeded services.⁴

¹ Cathy Otten, “Syrian refugees suffer as aid agencies in Iraq grapple with sudden influx,” *IRIN, Sulaymaniyah*, 21 August 2013, bit.ly/MonitorCMM14VAfb1.

² Lebanon, Convention on Cluster Munitions Article 7 report (for calendar year 2013), Form H, bit.ly/MonitorCMM14VAfb4.

³ World Health Organization, “Increasing health vulnerability with over 780 000 Syrian refugees in Lebanon,” 14 October 2013, bit.ly/MonitorCMM14VAfb2.

⁴ ICRC, “Annual Report 2013,” Geneva, 2014, p. 281, bit.ly/MonitorCMM14VAfb3.

Availability, accessibility, and sustainability of services and action points based on findings

With one year remaining to see the fulfillment of the Vientiane Action Plan promise of immediately available and accessible services for cluster munition victims, concrete steps have been taken by most States Parties. However, services remain a far cry from being adequately available, particularly for survivors in remote and rural areas. NGOs continue to provide the most direct and measurable assistance to persons with disabilities and war-injured persons, including survivors, while States Parties overall have not yet developed needed services or even replaced services and programs that were reduced or closed.

²⁸ The period after the convention’s entry into force for that State Party, as noted in the above table.

²⁹ BiH, Convention on Cluster Munitions Article 7 Report (for calendar year 2013) Form H, bit.ly/MonitorCMM14VAf29a.

³⁰ “Little help for UXO victims in Laos,” *IRIN*, 27 February 2014, bit.ly/MonitorCMM14VAf30a.

³¹ Statement of Mozambique, Mine Ban Treaty Third Review Conference, Maputo, 24 June 2014, bit.ly/MonitorCMM14VAf31a.

³² Statement of Guinea-Bissau, Mine Ban Treaty Thirteenth Meeting of States Parties, Geneva, 4 December 2013, bit.ly/MonitorCMM14VAf32.

Afghanistan

Although there was an overall decline in the extent of activities and services in 2013, the number of service providers remained primarily unchanged and no new rehabilitation centers were established and none closed. Organizations providing services and programs for survivors were unable to secure funding to sustain these programs due to a decrease in international financial support. Many organizations secured one-off support to implement projects that were similar to those that had operated in the past, but were, in some cases, more closely aligned with donor priorities than organizational plans. The precarious funding situation resulted in an overall decline in the number of survivors being assisted. This resulted in an overall decrease in the number of projects being implemented and some organizations were unable to complete their planned projects and overall mandates due to a decrease in international financial support.

Way forward:

- *Expand access to physical rehabilitation, particularly in provinces lacking services or where travelling to receive rehabilitation is difficult for survivors. Coordination among donors funding services for persons with disabilities and government and NGO actors is needed to preserve programs as changing priorities increasingly become a challenge for service providers.*

Albania

Donor support for the purchase of much needed rehabilitation equipment for the prosthetics department in the cluster munition affected-region helped avert a crisis in support that would have resulted in essential services not being available.

Way forward:

- *Ensure the sustainability of rehabilitation supplies, particularly because surveys of abandoned ordnance casualties throughout the country have increased the demand for the limited services available in the area where cluster munition victims live.*

Bosnia and Herzegovina

A decrease in all services provided by NGOs continued, mainly linked with the ongoing decline in international funding.

Way forward:

- *Do more to improve the quality and sustainability of services for survivors and other persons with disabilities, including by upgrading community-based rehabilitation centers.*

Chad

No significant reported changes in the accessibility, availability, or quality of victim assistance services. Rehabilitation was inadequately available and there was a persistent lack of physiotherapists, psychosocial support, vocational training, and economic reintegration opportunities for survivors and persons with disabilities.

Way forward:

- *Increase all services and programs needed by victims, including physical rehabilitation and employment. There is an acute need for improved facilities and professional capacity in the rehabilitation sector. Ensure sustainability with government investment and support to rehabilitation and emergency care.*

Croatia

Healthcare, rehabilitation, and employment were delivered through state services. A special facility for psychological rehabilitation continued to improve the availability of short-term support. However, provision for continuing psychosocial rehabilitation and reintegration remained weak during the reporting period.

Way forward:

- *Secure adequate resources for civil society victim assistance activities that fill gaps in government services, including peer support outreach and targeted psychological assistance, while working toward improving government provision of necessary services. Expand services to rural and remote areas and improve accessibility to the existing services in those areas.*

Guinea-Bissau

Over the last decade, there has been little progress overall in improving access and quality of assistance to survivors due to lack of funds and of government support.

Way forward:

- *Dedicate increased national and international funding to address the needs and promote the rights of mine/explosive remnants of war (ERW) survivors and other persons with disabilities.*

Iraq

The national healthcare budget increased and the Iraqi and Kurdistan Ministries of Health assumed greater responsibility for the management and financing of physical rehabilitation. However, the availability of all services needed by survivors remained limited and access to those services that were available was hindered even more than in recent years in some parts of the country as armed violence rose to the highest level in 10 years.

Way forward:

- *Improve access to physical rehabilitation services, particularly for people living in remote locations and areas with high levels of violence, and ensure equal access to services for both males and females.*

Lao PDR

Lao PDR reported that it still has “a long way to go to provide support to survivors and their families. Beyond meeting their immediate emergency medical needs, very few survivors receive adequate physical, psychological, or economic support.”³³ Survivors lacked access to quality medical care and professional health workers in physical therapy, occupational therapy, and psychological support were almost non-existent.

Way forward:

- *Improve accessibility to rehabilitation for survivors and other persons with disabilities in remote and rural areas. Integrate responsibility for the allocation of resources for services, referral, and outreach, including transport and accommodation into government budgets.*

Lebanon

Relatively active but poorly funded private organizations made most of the efforts to assist persons with disabilities. International assistance received in 2013 was less than anticipated despite resource mobilization efforts undertaken by the Lebanon Mine Action Center together with operators.

Way forward:

- *A sustainable funding strategy is needed for the physical rehabilitation sector, which relies on international funding and donations.*

Mozambique

A lack of both availability and access prevented most survivors from receiving needed rehabilitation services. Production of new prosthetic devices, which had halted due to a lack of resources, resumed in 2013, but long waitlists continued. Rehabilitation centers remained out of reach for survivors living in rural areas. No changes were registered in socioeconomic inclusion and psychological support.

Way forward:

- *Prioritize rehabilitation and economic inclusion assistance for the most vulnerable among the survivor population, based on degree of physical, psychological, and socioeconomic need. Respond to the specific needs of women victims, the largest demographic group of victims as the members of affected families and communities, who continue to cope with financial, social and emotional loss.*

There were no significant reported changes in the accessibility, availability, or quality of victim assistance services in **Montenegro** or **Sierra Leone**. The Monitor’s victim assistance thematic research for Convention on Cluster Munitions signatories and non-signatories on the provision of adequate assistance is ongoing and available online in country profiles.

Role of survivors

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

All States Parties with victim assistance coordination structures in place in 2013 involved survivors or their representative organizations in victim assistance or disability coordination mechanisms. However, overall closer consultation and more active engagement of survivors were needed.

In nine of the 12 States Parties with known cluster munition victims, survivors were involved in victim assistance activities, including in providing ongoing services such as prosthetics or delivering peer-to-peer support.³⁴

³³ Statement of Lao PDR, Convention on Cluster Munitions Intersessional Meeting, 9 April 2014.

³⁴ No survivor involvement in victim assistance activities was identified in Guinea-Bissau, Montenegro, or Sierra Leone.

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. As in the past reporting period, 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 2013. By contrast, many cluster munition victims have participated in international meetings as part of the Cluster Munition Coalition delegation.

Age- and gender-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.³⁵ Yet for most States Parties and signatories, little information was available about this aspect of assistance. Few activities were reported that were designed to increase services appropriate to the needs of women, men, girls, and boys. Some of the reported activities are described below.

According to the Convention on Cluster Munitions, States Parties should not discriminate against or among cluster munition victims, or between cluster munition victims and those who have suffered from other causes. Research shows that for most countries where discrimination was reported, it was due to preferential treatment for veterans or discrimination 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 were often given a privileged status above that of civilian war survivors and other persons with disabilities, particularly in regards to financial allowances and other state benefits. This continued to be a serious problem in BiH in particular. In Afghanistan, unequal benefits for veterans were included in revised disability legislation in 2013.

However, no discrimination in favor of cluster munition victims by, or in, States Parties with Article 5 obligations was identified in 2013.³⁶ Concerns about positive discrimination in the allocation of services to cluster munition victims nonetheless continued to be raised by States Parties and the question of how to manage a non-discriminatory approach was one of three questions on the agenda for victim assistance at the meeting of States Parties of the Convention in Lusaka in September 2013. These concerns seem to be in part because cluster munition victims and other mine/ERW survivors as a group are sometimes perceived as attracting more attention than other persons facing similar barriers, although this attention has not been seen to result in differences in the provision of services. Rather, research has indicated that it has contributed to making more resources available for people from other groups with similar needs.³⁷

Reporting on progress

Under Article 7 of the convention, States Parties are required to submit reports on the status and progress of implementation of all victim assistance obligations. All States Parties with cluster munition victims that submitted their Article 7 report for 2013 included information on victim assistance in Form H; most provided detailed information or new factual reporting, including updates of contact information for focal points. In 2013, signatory State DRC and other area Western Sahara submitted voluntary reports with information on victim assistance. Albania, Chad, Mozambique, and Sierra Leone did not submit Convention on Cluster Munitions Article 7 reports for 2013, and Guinea-Bissau had not yet submitted its initial reporting.

³⁵ 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, as survivors themselves or as those who survive the loss of family members, often the husband and head of household.

³⁶ Such discrimination by donors and implementers in the sphere of landmine/ERW victim assistance more broadly has been identified in the past by Handicap International, as reported in a series of documents published in 2014. See <http://bit.ly/MonitorCMM14VAf36a>.

³⁷ See individual country profiles; and the Monitor, "Frameworks for Victim Assistance: Monitor key findings and observations," December 2013, bit.ly/MonitorCMM14VAf37.



Convention on Cluster Munitions

DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A CONVENTION ON CLUSTER MUNITIONS

CCM/77

▲
A campaigner,
dressed as a
cluster bomb,
holds up a copy
of “Worldwide
Investments
in Cluster
Munitions:
a shared
responsibility”
report in the
financial district
in London.

DUBLIN 19-30 MAY 2008

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 2014



Cluster Munition Monitor 2014 provides a global overview of efforts to eliminate cluster munitions with an emphasis on calendar year 2013 and the first half of 2014. It covers global developments in ban policy, survey and clearance of cluster munition remnants, and casualties and victim assistance. 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 Landmine and Cluster Munition Monitor, the unprecedented civil society initiative providing research and monitoring for the Cluster Munition Coalition (CMC) and the International Campaign to Ban Landmines (ICBL).



Cover photo © REUTERS/Mahmoud Hassano, December 2012

A Free Syrian Army fighter carries the tail unit of an RBK-250 cluster bomb near Menagh military airport in Aleppo governorate. Since 2012, Cluster Munition Monitor has reported more than 1600 casualties from cluster munition strikes and unexploded remnants in the ongoing fighting.

Back cover photos © So Not/Cambodian Campaign to Ban Landmines and Cluster Munitions, February 2014

"We all need trees: But we do not need cluster munitions!" reads a banner during a tree-planting event at Pannasastra University in Siem Reap. Cambodia is contaminated by cluster munition remnants, but still has not acceded to the Convention on Cluster Munitions.

© Till Mayer/Handicap International, February 2014

Lao PDR ban advocate Phet Latxabout lost her leg due to a cluster munition during the Indochina war, but did not receive her first real prosthesis until 2010. She has traveled internationally and within her country to promote the Convention on Cluster Munitions.

www.the-monitor.org

Landmine and Cluster Munition Monitor is coordinated by the Monitoring and Research Committee, a standing committee of the Governance Board of the ICBL-CMC.

Research team leaders, ICBL-CMC staff, and expert representatives of the following organizations comprise the committee: Handicap International, Human Rights Watch, Mines Action Canada, and Norwegian People's Aid.



Norwegian People's Aid



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